

# APPENDIX 2

## Freedom of Information

This appendix has been prepared in accordance with section 8 of the *Freedom of Information Act 1982* (the Act). It provides information about the department's decision-making powers and any arrangements it has for members of the public to participate in the work of the department. It includes details about documents held by the department and how members of the public can obtain copies of them. Statistical details relating to freedom of information requests, actions and charges can be found in Table 43.

Information about the organisation of the department and its functions, which is required under section 8 of the Act, is covered in Chapter 2 of this report.

### Decision-making powers

The Minister has powers to make decisions in accordance with the annual Appropriations Acts for several programmes, in particular:

- ▶ the Indigenous Education Direct Assistance programme;
- ▶ science programmes, including the Cooperative Research Centres programme, the Major National Research Facilities programme, the *Innovation Access Programme – International Science and Technology*, and the science programme components of the National Innovation Awareness Strategy; and
- ▶ schools programmes, including Quality Outcomes, Quality Teacher programme, National School Drug Education Strategy, Civics and Citizenship, Schools

Online Curriculum Content Initiative, Grants and Awards, Careers, Transition and Partnerships–Jobs Pathway Programme, Enterprise Education and Structured Workplace Learning.

The Minister also has powers to make decisions in accordance with the *Indigenous Education (Targeted Assistance) Act 2000*, which makes provision for:

- ▶ grants of financial assistance under IESIP to education providers for recurrent expenditure, for ABSTUDY approved courses run by the provider, or for particular projects; and
- ▶ grants of financial assistance under IESIP to other persons or bodies for particular projects.

The Minister also has powers to make decisions in accordance with the *Higher Education Funding Act 1988*, which makes provision for:

- ▶ grants of financial assistance to higher education institutions and other bodies for higher education purposes;
- ▶ the determination of the Higher Education Operating Grants Index;
- ▶ the Higher Education Contribution Scheme annual course contribution amount, band amounts, and repayment thresholds;
- ▶ the maximum amount students can borrow for a unit of study under the Open Learning Deferred Payment Scheme, and the index figure used to calculate these amounts;

- ▶ guidelines for departmental officers and/or university administrators to make decisions and to administer the Higher Education Contribution Scheme, the Open Learning Deferred Payment Scheme, the Postgraduate Education Loan Scheme, the Bridging for Overseas Trained Professionals Loan Scheme, and fees policy;
- ▶ guidelines for departmental officers and/or university administrators to make decisions and to administer programmes under Part 2.2 of the *Higher Education Funding Act 1988*; and
- ▶ exemption of certain students from the requirement to pay their Higher Education Contribution Scheme contribution up-front each semester.

The Minister also has powers to make decisions in accordance with the *Education Services for Overseas Students Act 2000* and the *Education Services for Overseas Students Regulations 2001*, which make provision for the:

- ▶ registration of approved providers of courses to overseas students on the Commonwealth Register of Institutions and Courses for Overseas Students;
- ▶ suspension and cancellation of providers from the Commonwealth Register of Institutions and Courses for Overseas Students;
- ▶ imposition of conditions on a registered provider's registration for one or more courses in one or more states; and
- ▶ establishment of the Education Services for Overseas Students Assurance Fund and approved tuition assurance schemes.

The Minister also has powers to make decisions in accordance with the *States Grants (Primary and Secondary Education Assistance) Act 2000* which makes provision for:

- ▶ grants of financial assistance to or through state and territory governments for government and non-government schools and education providers;
- ▶ approval of non-government schools for funding and funding levels for non-government schools;
- ▶ participation by education authorities in the preparation of a national report on the outcomes of schooling and associated performance information; and
- ▶ request by the Minister for an authority to take certain specified administrative action if the authority does not achieve the performance measures and targets.

The Secretary has powers to make decisions in accordance with:

- ▶ the *Education Services for Overseas Students Act 2000* and the *Education Services for Overseas Students Regulations 2001*; and
- ▶ the *Higher Education Funding Act 1988* which makes provision for the remission of the whole or part of a debt incurred under those schemes.

The Minister or Secretary may delegate these decision-making powers to departmental officers.

The Commissioner of Taxation has powers to make decisions in accordance with the *Higher Education Funding Act 1988* which:

- ▶ makes provision for students not to be provided with a Tax File Number;
- ▶ makes provision for the repayment of moneys lent by the Commonwealth to students; and

- ▶ makes provision for the deferral of a compulsory repayment of a Higher Education Contribution Scheme debt.

The Minister approves policy guidelines to help achieve the Australian Government's training reforms. The guidelines include decision-making powers to provide support for systems, organisations and individuals to help to achieve these reforms. Authorised officers are able to make and review decisions concerning eligibility in relation to these programmes. Departmental officers make decisions, under authorisation from the Minister, on expenditure of programme funds under some international programmes. They also make decisions under:

- ▶ the *Education Services for Overseas Students Act 2000* concerning registration of providers whose courses have been accredited and approved by the relevant state or territory education authority; and
- ▶ the *Education Services for Overseas Students Regulations 2001* concerning assurance scheme arrangements.

The Minister authorises officers to make and review decisions concerning eligibility in relation to ABSTUDY and the Assistance for Isolated Children Scheme in accordance with approved guidelines. Some of these decision-making powers are conferred by the *Student Assistance Act 1973*. These decision-making powers relate to the recovery of debts and the gathering and release of information concerning the correct rate of payment.

## Arrangements for outside participation

The department is committed to providing quality client service, as well as being receptive to clients' needs. We operate within an 'Open for Business' philosophy and our arrangements are underpinned by our 'Open for Business' Service Charter.

The department is in regular contact, and consults widely, with clients and stakeholders in each of its major areas of portfolio responsibility.


## Science

Major consultation processes were carried out during 2002–03:

- ▶ The framework within which the national research priorities were to be set and implemented was based on an extensive public consultation process during 2002. The final selection by the Commonwealth of the national research priorities was based on ideas put forward in written public submissions.
- ▶ An extensive consultation process with the social sciences and humanities research communities was conducted during 2003 as part of the Government's commitment to enhance the national research priorities from these perspectives.
- ▶ The Australian science and technology community was consulted on the priorities for the *Innovation Access Programme – International Science and Technology*.

In addition, there are established committees with specific advisory functions:

- ▶ The Cooperative Research Centres (CRCs) Committee and its two expert



panels provide advice to the Minister on the allocation of funding for CRCs. The committee is appointed by the Minister to make recommendations on the selection of new CRCs by assessing all applications and recommending successful applications together with any terms or conditions that should be applied. The department consults with the committee, with CRCs and with the Cooperative Research Centres Association, on matters affecting the programme. The committee also takes an active role in the performance evaluation of individual CRCs during their period of operation; provides advice on the operation of the programme; and appoints expert panels to assist in reviewing CRCs and assessing applications.

- ▶ The Grants Selection Committee provides advice to the Minister on the allocation of grant funds to National Science Week projects. Members of the committee are appointed annually by the Minister. The committee assesses all applications and recommends selected applications for funding, together with advice on recommended funding amounts.
- ▶ The Science Prizes Committee provides advice to the Minister concerning recommended recipients of the annual award of the Prime Minister's Prize for Science, the Malcolm McIntosh Prize for Physical Scientist of the Year and the Science Minister's Prize for Life Scientist of the Year.
- ▶ The Science Teaching Prizes Committee provides advice to the Minister concerning the recommended recipients of the Prime Minister's Prizes for Excellence in Science Teaching in Primary and Secondary Schools.

- ▶ The Competitive Grants Assessment Panel provides advice to the Minister on the eligibility and merits of applications under the *Innovation Access Programme – International Science and Technology*.

## Schools

Agreements made under the *States Grants (Primary and Secondary Education Assistance) Act 2000* with state and territory government and non-government education authorities, require the Commonwealth to issue an updated version of the *Commonwealth Programmes for Schools Quadrennial Administrative Guidelines 2001–2004* by the end of January in each programme year. The guidelines set out objectives, administrative requirements and funding allocations for all Commonwealth programmes for schools for 2001 to 2004.

In line with the requirements of the agreements, the draft guidelines and a summary of amendments are provided to all key stakeholders for their comment. The agreements require that the Commonwealth provide the stakeholders with an opportunity to make representations on any proposed amendments and to ensure that, as far as possible, mutual agreement is reached on such representations.

The department works in collaboration with state and territory government and non-government education authorities on policy development and programme matters through the Ministerial Council on Education, Employment, Training and Youth Affairs in support of the *National Goals for Schooling in the 21st Century*.

A Review of Teaching and Teacher Education was undertaken during 2002–03. The review was conducted by a committee with membership drawn from school, higher education and industry sectors, and with

assistance from a broad-based Reference Group. A comprehensive consultation process underpinned the review, with two separate public submission processes.

### **Vocational education and training**

Australia's national vocational education and training system operates as a national industry-led system, developed in partnership with the Commonwealth and state and territory governments. Regular consultation with stakeholders on vocational education and training issues is undertaken through groups which include:

- ▶ state and territory governments;
- ▶ the Australian National Training Authority;
- ▶ the Australian National Training Authority Ministerial Council; and
- ▶ industry organisations such as the National Industry Training Advisory Bodies and Group Training Companies.

A review of New Apprenticeships Incentives was undertaken during 2002 to simplify the incentives arrangements and ensure that they remain well targeted. The review included extensive consultation with key stakeholders.

### **International**

The department consults with the education and training export industry and with relevant state and territory authorities on matters pertaining to overseas students.

The department initiated a new high level cross-sectoral interdepartmental committee, which developed a Memorandum of Understanding between relevant departments and agencies, specifying respective roles and responsibilities in overseas markets to ensure consistent and complementary arrangements in service provision to the industry.

The department also enhanced formal dialogue with the Department of Immigration and Multicultural and Indigenous Affairs and the Affiliation of International Education Peak Bodies forum. A key achievement in November 2002 was the opening of a dialogue with the states and territories through the new International Education Network.

### **Higher education**

The department consults on the allocation of higher education resources through:

- ▶ annual discussions between the department and higher education institutions on developments in their educational profiles. Issues discussed include performance in achieving planned enrolment levels, developments in Commonwealth policy, quality assurance, equity and plans for the forthcoming triennium including bids for resources; and
- ▶ joint planning committee meetings, which are held several times a year to consider higher education funding priorities. The Joint Planning Committee on Higher Education comprises representatives of the department and state and territory governments.

The Australian Universities Teaching Committee provides advice to the Minister on emerging issues in teaching and learning in universities. The committee is appointed by the Minister to provide advice about strategies to deal with these issues. It also manages the selection process for the Australian Awards for University Teaching.

The Awards Selection Committee provides advice to the Minister on the allocation of the individual and institutional awards for university teaching, and the Prime Minister's

Award. Members of the committee are appointed annually by the Minister. The committee assesses all applications and recommends award winners to the Minister.

In 2002, the department managed the Commonwealth's Higher Education Review. The review was overseen by a Reference Group appointed by the Minister. The review received public submissions and conducted public consultation forums throughout Australia. The Minister published an overview paper and 6 issues papers to facilitate the consultation process (see <http://www.backingaustraliasfuture.gov.au/review.htm>).

In 2002, the Minister received advice from an expert panel appointed by the Minister on an application for university status from the Australian Maritime College.

### Research, analysis and evaluation

The department consults with a wide range of stakeholders in relation to its research, analysis and evaluation work, such as university researchers on research issues and projects, and programme stakeholders on evaluations and reviews.

It also has regular contact with clients and stakeholders, including government and non-government education and training providers and special interest groups. The department consults with the state and territory education authorities on policy and programme matters, and contributes to policy development in the Ministerial Council on Education, Employment, Training and Youth Affairs.

The Science and Innovation Mapping project is taking stock of Australian science, technology and innovation by developing a comprehensive overview of resources, players, linkages and performance. A Reference Group, chaired by the Chief

Scientist and including representatives from stakeholder groups, is advising on the study's scope and methodology and guiding the development of the report.

## Categories of documents produced by the department

1. Documents that are open to public access (as part of a public register or otherwise) in accordance with an enactment other than the *Freedom of Information Act 1982*, where that access is subject to a fee or other charge:

- ▶ *The Commonwealth Register of Institutions and Courses for Overseas Students*, maintained in accordance with the *Education Services for Overseas Students Act 2000*, is available from the International Policy Branch of the department. It is available either as a computer disk or as a printed report. A fee is charged for this service. Course and provider information extracted from the register can also be accessed on the Internet, free of charge.

2. Documents that are available for purchase by the public (this category includes statistical material and some research reports sold by the department):

- ▶ In-print *National Office of Overseas Skills Recognition Country Education Profiles*, and *The Skills Recognition Directory for Professional Occupations in ASEAN and Australia* (the latter is also accessible on the Internet free of charge). A full list of National Office of Overseas Skills Recognition (AEI-NOOSR) research papers can be found at <http://www.dest.gov.au/noost/publications.htm>.

- ▶ *National Office of Overseas Skills Recognition Country Education Profiles* are also listed on the site <http://www.dest.gov.au/noosr/publications.htm>. However, only Australia (3rd edition, 2000) and Singapore (2nd edition 1996) are normally available online, free of charge. Out of print Country Education Profiles for other countries may be put online pending reprinting. Hard copies are available for purchase.

3. Documents that are usually made available to the public free of charge other than under the *Freedom of Information Act 1982*. This category includes the department's Annual Report and various types of reports, publications, pamphlets and brochures including:

- ▶ course and provider information extracted from the *Commonwealth Register of Institutions and Courses for Overseas Students*, which can be examined on the Internet free of charge;
- ▶ guidelines for the providers of education and training to overseas students;
- ▶ the *Higher Education Report for the 2003–2005 Triennium*;
- ▶ booklets, leaflets, posters and manuals on the Higher Education Contribution Scheme, Open Learning Deferred Payment Scheme, Postgraduate Education Loan Scheme, and Bridging for Overseas Trained Professionals Loan Scheme. All of these are available on <http://www.hecs.gov.au>;
- ▶ the Cooperative Research Centres Compendium;

- ▶ guidelines, selection criteria, application forms and other public information for the National Innovation Awareness Strategy grants for National Science Week, the Prime Minister's Science Prizes, the *Innovation Access Programme – International Science and Technology*, the Cooperative Research Centres programme and the Major National Research Facilities programme, can be obtained from the department's web site, or direct from the Science Group; and
- ▶ publications covering a wide range of policy-oriented studies in areas of interest to the Education, Science and Training portfolio. A full list of the department's publications can be found at [http://www.dest.gov.au/directory/pubs\\_general.htm](http://www.dest.gov.au/directory/pubs_general.htm).

## Access to documents

People who wish to access documents through the *Freedom of Information Act 1982* should make inquiries to:

FOI Coordinator  
 Litigation and External Review Section  
 (Loc Code 765)  
 Procurement, Assurance and Legal Group  
 Department of Education, Science  
 and Training  
 GPO Box 9880  
 Canberra ACT 2601

Applications for access to documents under the *Freedom of Information Act 1982* are made in writing. There is no mandatory application form. Applicants are encouraged to contact the Litigation and External Review Section with any questions. The application should be lodged with, or posted to, the above address. People applying for access should have an address to which notices may be sent and a telephone number

for use during business hours. An officer of the department will help to clarify the request if there is not enough information in the application. Applications are processed as quickly as possible.

If the department receives a request for any information it does not have, the request will be referred to another agency which is closely connected with the function involved and which is known to have the information.

### Access other than through the Freedom of Information Act 1982

People can gain access to their own student assistance records. Centrelink holds current records, but the department holds some non-current records. A written application is required for access to records held by the department. Any inquiries about requests that have been lodged with the department can be made to the FOI Coordinator.

**Table 43: Freedom of Information statistics**

	2001–2002	2002–2003
<b>Number of requests</b>		
Requests on hand at 1 July	7	4
Requests received during the year	20	27
Total requests for the year to 30 June	27	31
<b>Action taken on requests</b>		
Access granted in full	9	2
Access granted in part	5	16
Access refused	5	6
Transferred to another agency	0	1
Withdrawn by applicant	4	1
Outstanding at 30 June	4	5
<b>Internal review under Section 54 of the Act</b>		
Applications received	1	0
Applications withdrawn	0	0
Decisions affirmed	1	0
Decisions varied or not affirmed	0	0
<b>Applications to the Administrative Appeals Tribunal</b>		
Number lodged	1	1
Number withdrawn	0	1
Dismissed by the Administrative Appeals Tribunal	0	
Decisions affirmed	0	
Decisions varied	1	
Administrative Appeals Tribunal had no jurisdiction	0	
<b>Charges</b>		
Application fees collected	\$520	\$510
Amount of estimated charges notified (including charges waived under the Freedom of Information Act and charges for applications which were subsequently withdrawn)	\$1367	\$8785
<b>Amount of charges actually collected (separate from application fees)</b>	<b>\$162</b>	<b>\$783</b>