



ACT
Government

Education and Training

File Ref: 2015/06892



Dear [REDACTED]

I refer to your request under the ACT *Freedom of Information Act 1989* (the FOI Act) received by the Directorate on 30 June 2015.

Your request

You are seeking access, on behalf of the [REDACTED], to a copy of all documents, papers, minutes of meetings and supporting materials relating to the "Procedures for Healthcare Access at School (HAAS) Pilot in ACT Public Schools" for the period 2011 to the present day.

My decision

I am authorised under section 22 of the FOI Act to make a decision in respect of your request.

A schedule setting out the relevant documents located and my decisions in relation to their release is at Attachment A, and the released documents are at Attachment B.

You will note from the schedule that I have decided to provide access in full to a number of documents. I have also decided to partially release a number of documents under section 36 (internal working documents) section 40 (certain operation of agencies) and section 41 (documents affecting personal privacy). A further number have been exempted in their entirety under section 36 (internal working documents) of the FOI Act. Information in one document that is outside the scope of your request has also been redacted.

Details of the exemption provisions, together with my reasons for applying them, are set out below.

Section 36 – Internal working Documents

Section 36 states:

- (1) Subject to this section, a document is an exempt document if its disclosure under this Act—*
 - (a) would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
 - (b) would be contrary to the public interest.*

A number of documents have been exempted in full under this section of the FOI Act as they are draft documents which relate to the deliberative processes of the Directorate. As many have not been finalised and they do not reflect a final position on the HAAS pilot program, I consider it is not in the public interest to release these documents. Where final documents are in the possession of the Directorate, I have decided to release those documents to you.

I have decided to redact some information in document 14 under this section as the information is indicative in nature and reflects the advice and deliberations of staff in relation to predicted costs.

Section 40 – Certain operations of agencies

Section 40 states:

- (1) Subject to subsection (2), a document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*
 - (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency*
 - (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency; or*
 - (c) have a substantial adverse effect on the management or assessment of personnel by the Territory or an agency; or*

- (d) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency; or*
 - (e) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency; or*
 - (f) have a substantial adverse effect on the management or assessment of personnel by the Territory or an agency; or*
 - (g) have a substantial adverse effect on the proper and efficient conduct on the operations of an agency; or*
 - (h) have a substantial adverse effect on the conduct by or on behalf of the Territory or an agency of industrial relations.*
- (2) This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

I have decided to exempt one paragraph under section 40 (1)(e) of the FOI Act which relates to provision for staff undertaking the HAAS role. As this information does not reflect the Directorate's final decision on this matter, I consider release of this information could have a substantial adverse affect on the Directorate of industrial relations, and believe it is not in the public interest to release this information.

Section 41 – Documents affecting personal privacy

Section 41 states:

- (1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*

The material deleted from a number of documents under this section of the FOI Act contains personal health information of students that may enable them to be identified, and information such as names and email addresses of parents. I believe it would be unreasonable to release this information.

Document 27 is an email with notes on a HAAS meeting on 18 December 2014, which attributes comments and personal opinions to individuals attending the meeting. I have decided to redact the names of those individuals under section 41, but release the content of the discussion.

Information outside the scope of your request

I have also decided to redact information in one document because it is outside the scope of your request. The information withheld from release is an email on an administrative matter unrelated to your request.

Your rights for review

My decision not to release all the information relevant to your request is subject to review under section 59 of the Act. It is also appealable if, in your opinion, you do not believe that all the documents relevant to your request in the possession of the Directorate have been located.

An information sheet outlining the review and appeal process provided for in the Act is attached to this letter.

Online publication

Please be aware that under the ACT Government's Online FOI Publication policy, information released to you under this Freedom of Information request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the internet, is available at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Yours sincerely



Leanne Wright
Director
Learning and Teaching

16 October 2015

Freedom of Information Act 1989

Review and Appeal Processes

Internal review

You may request a review of a decision made under the *Freedom of Information Act 1989* (ACT). Requests for review must be made in writing to the Education and Training Directorate. Requests can be sent by fax (02 6205 9453) or by mail to:

The Director-General
C/- Governance and Assurance Branch
ACT Education and Training Directorate
PO Box 158
CANBERRA CITY ACT 2601

You have **28 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

ACT Civil and Administrative Tribunal

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The Tribunal can be contacted by fax (02 6205 4855), email (tribunal@act.gov.au) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

An appeal must be filed in the Tribunal within 28 days after the internal review decision is made although you may seek an extension of time in certain circumstances.

An application for a review may be made by writing to the Tribunal, or by completing the *Application for Review of a Decision* form (available on the Tribunal's website at www.acat.act.gov.au). There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

ACT Ombudsman

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.