



**ACT**  
Government

Education and Training

File Ref: 2014/12689

[REDACTED]

Dear [REDACTED]

I refer to your request under the ACT *Freedom of Information Act 1989* (the Act), received by the Directorate on 26 November 2014, in which you are seeking access to information relating to reports of critical incidents in ACT government schools in 2014.

#### **Your request**

You have requested that rather than providing redacted copies of each critical incident report, you wish to instead be provided with the following details:

- how many critical incident reports were received in 2014
- the type of incident of each report (the third data field on a Notification of a Critical Incident form), and
- where possible, the further details of each report (the fourth data field on the form).

The Directorate apologises for the delay in providing a response to your request. I understand you were advised of the delay.

#### **My decision**

I am an officer authorised under section 22 of the Act to make a decision in relation to your request.

A document containing the information you have requested is at [Attachment A](#).

You will note that I have decided to partially release the document with some information redacted under sections 38 and 41 of the Act.

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

Section 38 – Documents to which secrecy provisions of enactments apply

Section 38 states:

*A document is an exempt document if there is in force an enactment applying specifically to information of a kind contained in the document and prohibiting persons referred to in the enactment from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualifications.*

The information in Critical Incident Report 1 exempted from release under this section of the Act relates to a mandatory report to which the protected information provisions of the *Children and Young People Act 2008* apply.

The incident did not occur at a school or at a school related activity.

Section 41 – Documents affecting personal privacy

Section 41 of the Act relates to documents affecting personal privacy. Section 41(1) states:

*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).*

Section 41 has also been applied to Critical Incident Reports 6 and 7. Although the persons are not identified by name, the nature of the incidents may reasonably be expected to lead to the identification of persons concerned.

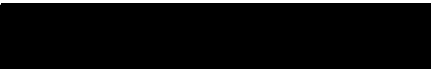
These incidents did not occur at a school or at a school related activity.

**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 information relevant to your request in the possession of the Directorate has been located.

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

Yours sincerely

  
Joanne Garrisson  
Director  
Governance and Assurance

9 January 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](mailto: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](http://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.

## CRITICAL INCIDENTS 2014

Critical Incident Report Number	Type of Incident (Data field 3)	Further details (Data field 4)
1	Other	Confidential [REDACTED]
2	Accident or injury	
3	Internal fire/smoke explosion electrical fault	
4	Other	Student difficulty in water
5	Lockdown, evacuation or temporary closure	
6	[REDACTED]	
7	[REDACTED]	
8	Internal fire/smoke explosion electrical fault	
9	Serious medical, physical or psychological injury	
10	Violence or serious physical assault	
11	Violence or serious physical assault	

**Note:** Critical Incidents 1, 6 and 7 did not occur at a school or at a school related activity.