



**ACT**

Government

Education and Training

File Ref: 2013/18562

Dear [REDACTED]

I refer to your request, received by the Education and Training Directorate on 5 September 2013, under the ACT *Freedom of Information Act 1989* (the Act).

### Your request

I understand you are seeking access to:

*Summary reports of all critical incidents at ACT schools between 1 January 2011 and 1 July 2013.*

### My decision

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

I understand you have been contacted by the Directorate regarding the delay in responding to your request. Thank you for agreeing to an extension of time.

I note that you are seeking access to documents relating to ACT schools. The Education and Training Directorate does not hold any information relevant to your request relating to non-government schools.

A schedule setting out the documents relevant to your request 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 partially release some documents with deletions under section 41 of the Act and others with deletions 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 exempted from release under this section of the Act relates to reports to which the confidentiality provisions of the *Children and Young People Act 2008* apply.

Section 41 – 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 been applied to summaries where, although persons are not identified by name, the circumstances of the report and the naming of the school may reasonably be expected to lead to the identification of the persons concerned.

**Your rights of review**

My decision not to grant you access in full to these documents is subject to review under section 59 of the FOI Act. You may also seek a review if, in your opinion, you do not believe that all documents relevant to your request 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 in response to your request may be released on the internet.

Under this policy personal information or information relating to business affairs will not be made available online. The policy, with details about what information may be published on the internet, is available at:

[http://www.cmd.act.gov.au/data/assets/pdf\\_file/0016/250333/FOI\\_Web\\_Release\\_Policy - Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Yours sincerely

  
Joanne Garrisson  
Executive Director  
Organisational Integrity

31 October 2013

## ***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/- Information, Communications and Governance 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.