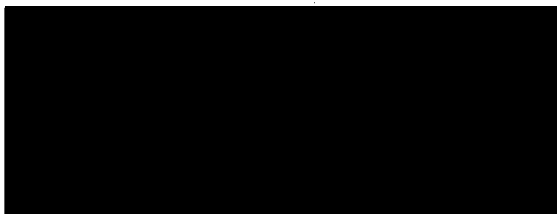




ACT
Government

Education and Training

File Ref: 2014/12940



Dear 

I refer to your request under the ACT *Freedom of Information Act 1989* (the FOI Act), received by the Directorate on 9 December 2014.

Your request

You are seeking access to a copy of each application, together with all supporting materials, documents and papers, made for funding as part of the ACT National School Chaplaincy Program 2015 to 2018 as at 16:51 on Monday 8 December 2014. Your letter advises that the supporting materials and documents should include the following:

- the documented results of parents and school surveys, for example a summary of the results and comments
- the documented evidence of consultation with, and support from, the school community, including students, staff, parents and the governing body about the demand for, and role of, a chaplain
- meeting notes from meetings of the representative parent body or school equivalent which document all discussions and decisions
- letters of support from school parent bodies
- information on the processes used to record details of any consultation including duration and frequency
- evidence of public discussions and resources such as newsletters, and
- evidence of confirmation of school community discussions and the resultant evidence of support for the program.

You advised the Directorate on 4 March 2015 that you are not seeking access to applications from non-government schools.

Consultations with affected third parties

Sections 27 and 27A of the FOI Act provide for consultation with third parties to allow them to comment on the possible release of their documents under the FOI Act. The Directorate has consulted with a number of third parties where their documents were included in the applications. While the Directorate is not bound by any views expressed by the affected third parties, they must be given careful consideration.

My decision

I am authorised under section 22 of the Act to make a decision in respect of your request. I understand that you have been contacted by the Directorate regarding the delay in responding to your request. The Directorate apologises for the delay.

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 to some documents in full. I have also decided to withhold information from release in other documents under sections 41 and 43 of the Act, and to delete information in a number of documents where it does not relate to an application for funding as part of the ACT National School Chaplaincy Program 2015 to 2018.

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

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).*

The information exempted under this section of the Act includes personal information such as telephone numbers and email addresses, hand written letters of support, and any information that could identify students or their families.

I have also decided to exempt information that would identify school staff who provided statements in support of the chaplaincy program. I consider that information contained in the statements reflects personal opinions and that providing these statements does not relate to the usual duties and responsibilities of school staff.

I note that a number of schools conducted surveys in relation to the chaplaincy program, and in responding to the surveys, staff were able to express their views without being identified. I therefore believe that where a school sought feedback on the chaplaincy program by inviting staff to provide written statements, rather than

conducting a survey, it would be unreasonable to release the identities of staff who provided a written statement.

Section 41 has also been applied to information in some documents where, although the persons concerned are not identified by name, the circumstances outlined in the document may reasonably be expected to lead to the identification of persons concerned.

Section 43 – Documents relating to business affairs

Section 43 states:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- (a) *trade secrets; or*
 - (b) *any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
 - (c) *information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
 - (i) *the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
 - (ii) *the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

I believe the disclosure of some information contained in a number of documents would be an unreasonable disclosure of information relating to the organisations concerned or individuals associated with those organisations. This includes information contained in the Chaplaincy Service Annual Operational Plan where it relates to the professional development and leave arrangements of a school chaplain, and these arrangements are agreed between the chaplain and the employer.

Information that does not relate to an application for funding as part of the ACT National School Chaplaincy Program 2015 to 2018

You are seeking access to a copy of each application, together with all supporting materials, documents and papers. A number of schools provided complete copies of documents such as minutes of school board meetings and P&C association meetings in support of their applications. While these supporting documents fall within the scope of your request, much of the information contained in some of these documents relates to other matters discussed at meetings and I consider the information is not relevant to your request.

In addition, a number of schools provided copies of their school newsletters where they contained information about the National School Chaplaincy Program. I have decided to release in full newsletters that are publicly available on a school website and to redact information that does not relate to the National School Chaplaincy Program in newsletters that are available only to the school community and not to the general public.

Your rights of review

My decision not to release all the documents to you in full is subject to review under section 59 of the Act. It is also appealable if, in your opinion, you do not believe that all 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 application 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 online 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



Jane Cuzner
Director
Governance and Assurance

12 March 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.