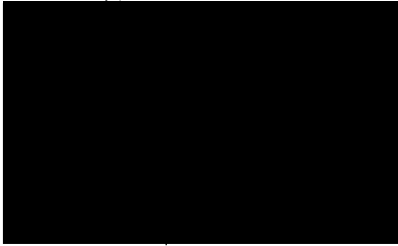




ACT
Government

Education and Training

File Ref: 2014/02499



Dear 

I refer to your request under the ACT *Freedom of Information Act 1989* (the Act), received by the Directorate on 28 February 2014.

Your request

Your request advises you are seeking access to the following documents:

- Primary and high school incident reports from 2013 that relate to instances of student-on-student sexual abuse during 2013, and
- Number of cases of student-on-student sexual abuse during 2013 that resulted in an incident report.

My decision

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

Two documents relevant to your request have been located. I wish to point out that the information contained in these *Notification of a Critical Incident* forms concern allegations of sexual abuse. These allegations have not necessarily been substantiated.

I have decided to partially release these documents with deletions made 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 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.

Information in the attached documents has been deleted under this section of the FOI Act as it contains protected information to which the secrecy provisions of the *Children and Young People Act 2008* apply.

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).

The material deleted under this section includes the names of students and some members of staff, and the personal mobile telephone numbers or direct landline telephone numbers of school staff.

Section 41 has also been applied in reports where although the persons are not identified by name, the circumstances of the incident and the naming of the school may reasonably be expected to lead to the identification of persons concerned.

As advised previously you should 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:

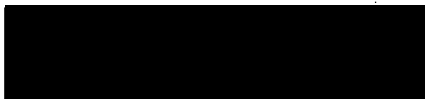
[http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy - Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Your rights for review

My decision not to release all the documents 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 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.

Yours sincerely



Joanne Garrisson
Executive Director
Governance and Assurance

31 March 2014

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.