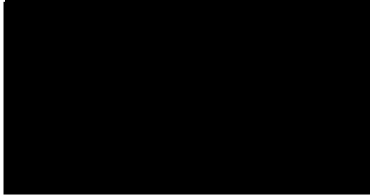




ACT
Government

Education and Training

File Ref: 2015/10906



Dear 

I refer to your request under the ACT *Freedom of Information Act 1989* (the FOI Act), received by the Directorate on 9 November 2015.

Your request

You are seeking access to:

- *Critical Incident Quarterly Reports* which include details of all critical incidents at ACT schools between 1 July 2013 and 1 July 2015, and the actions taken by the school and/or Directorate in response to the incidents, and
- completed *Notification of a Critical Incident* documents detailing the nature of critical incidents at ACT schools between 1 July 2013 and 1 July 2015, and the actions taken by the school and/or Directorate in response to the incidents.

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 FOI Act to make a decision in relation to your request.

I note that you are not seeking duplicate copies of documents or documents that have already been publicly released or media releases, media articles or media statements. The Directorate responded to an FOI request for access to completed *Notification of Critical Incidents* documents for 2014 earlier this year, and those documents were published online on 2 March 2015. I have considered these documents out of scope in line with 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 that I have decided to release two documents in full and to partially release other documents with 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.

Information in some documents is exempt from release under this section of the FOI Act because it relates to reports to which the protected information 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).

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

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.

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



Tracy Stewart
Director
Families and Students

7 January 2016

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.