



ACT
Government

Education and Training

File Ref: 2013/17404

[REDACTED]

Dear [REDACTED]

I refer to your request under the ACT *Freedom of Information Act 1989* (the Act), received by the Directorate on 30 July 2013. The Directorate wrote to you seeking clarification of your request. Thank you for your email of 12 August 2013 which clarified the scope of your request.

Your request

Your request advises you are seeking access to copies of documents held by the ACT Education and Training Directorate in relation to data and documents on critical incidents at government colleges, primary and secondary schools across the ACT dated within the first quarter of 2003 to 2013, including documents relating to specific incidents or issues involving police or medical officers.

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.

No documents relevant to your request have been located for the years 2003 to 2006 and a number of critical incident reports for 2007 and 2008 that fall within the scope of your request could not be located.

A schedule setting out the documents located and my decision in relation to their release is at Attachment A, and the released documents are at Attachment B.

I have decided to partially release some documents or to exempt documents in full under sections 38 and 41 of the Act, and to delete information that is outside the scope of your request in four documents.

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 a number of documents has been exempted from release under this section of the 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 exempted from release 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.

Information outside the scope of the request

Information in four documents has been deleted because it does not fall within the scope of your request. Some information in one critical incident report (Document 64) has been deleted because it relates to another incident that occurred at the school and which was not related to the critical incident.

Data that does not relate to incidents that occurred within the first quarter of a year has been deleted in Documents 73, 74 and 75. Additional information, such as information about the Directorate's code of conduct for respectful interaction in schools, *Our School: a Safe and Happy Place for Everyone* has also been deleted in Documents 74 and 75.

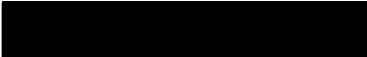
Your rights for review

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



Joannè Garrisson
Executive Director
Organisational Integrity

16 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) or by mail to:

ACT Civil and Administrative Tribunal
DX5691
GPO Box 370
CANBERRA CITY ACT 2601

You have 28 days from the date of the internal review decision to appeal to the Tribunal.

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.