

SECTION D

LEGISLATION BASED REPORTING

D1 Public Interest Disclosure

D2 Freedom of Information

D3 Human Rights Act

D4 Territory Records Act

D5 Legal Services Directions

D6 Notices of Non Compliance

D7 Bushfire Risk Management

D8 Commissioner for the Environment

D1 Public interest disclosure

The Public Interest Disclosure Act 2012 (the Act) came into effect on 1 February 2013. It improves on the previous legislation (*the Public Interest Disclosure Act 1994*) by broadening and clarifying the types of wrongdoing that fall within the definition of disclosable conduct; establishes a clear reporting pathway for the receipt and handling of disclosures; and provides specific circumstances under which a disclosure can be made to a third party.

Disclosable conduct includes activity by an individual or an ACT Public Sector entity that:

- is illegal;
- misuses or wastes public money or resources;
- is misconduct;
- is maladministration;
- presents a danger to the health or safety of the public; or
- presents a danger to the environment.

The Commissioner for Public Administration has developed guidelines for the way in which the ACT Public Service and other public entities covered by the Act should handle public interest disclosures (PIDs). The guidelines were notified on 6 June 2013 and are divided into two parts:

Part One is relevant to all readers. It looks at who and what is covered and provides general information about making a disclosure and the PID framework established by the Act.

Part Two is about the coordination and handling of disclosures and PIDs. It was written with an internal focus and aims to assist those with responsibility for managing disclosures and PIDs.

Under the Act, these guidelines serve as a foundation for all ACT public sector entities which must develop their own internal procedures relating to the handling of PIDs. The Directorate's procedures are available on our website at http://www.det.act.gov.au/about_us/public_interest_disclosures.

Summary of disclosures

No disclosures were received in the 2013-14 reporting period.

For further information contact:
Director
Governance and Assurance
(02) 6205 9329

Weetangera Primary School - Sea of Hands

Weetangera Primary School students contributed to the 'Sea of Hands' display at the Australian Institute of Aboriginal and Torres Strait Islander Studies in Acton as part of the sixth anniversary of the Apology to the Stolen Generations. Aboriginal and Torres Strait Islander students and their friends planted plastic hands in the colours of the Aboriginal and Torres Strait Islander flag to symbolise support for rights, respect and reconciliation.

The Weetangera Primary School Aboriginal and Torres Strait Islander students (known as the Yirri Dancers) and some ex-Yirri Dancers from Belconnen High School participated. The Sea of Hands, created by the not-for-profit organisation, ANTaR, has become a symbol of the People's Movement for Reconciliation.



D2 Freedom of information

The object of the ACT *Freedom of Information Act 1989* (the FOI Act) is to extend as far as possible, the right of the Australian community (in particular the citizens of the ACT), to access information in the possession of the ACT Government.

This right is limited only by exceptions and exemptions necessary for the protection of essential public interests. This includes the private and business affairs of persons in respect of whom information is collected and held by agencies, including the Directorate.

The Directorate is required to prepare statements under sections 7, 8 and 79 of the FOI Act. The Section 7 Statement is about the publication of information concerning functions and documents of the Directorate.

The Section 8 Statement refers to documents in the possession of the Directorate that are available for inspection and purchase and is available on the Directorate's website.

The Section 79(2) statement is about the number of applications (initial requests) to access documents handled during the reporting year.

Section 7 Statement

In accordance with the requirements of Section 7 of the FOI Act, the following statement is correct as at 30 June 2014.

Organisational functions

The organisational overview of the Directorate is described in Section B1 of this report.

Public participation in decision-making

Arrangements for public participation in decision-making include:

- calling for public submissions;
- holding public meetings and forums with opportunities for public discussion;
- establishing committees for consultation on specific issues;
- circulating draft documents, including policies, for public comment;
- community representation on public school boards;
- engaging with the ACT Council of Parents and Citizens Associations; and
- receiving feedback through the Minister's Office.

Categories of documents

The Directorate holds several categories of documents including those:

- available on request and without charge;
- that are part of a public register;
- available for a fee; and
- available under the FOI Act, subject to the exemption provisions of the FOI Act.

Documents available on request and without charge

Documents within this category include publications produced by the Directorate on various aspects of its activities. These publications are often distributed from public schools throughout the ACT and are usually available on the Directorate's website <http://www.det.act.gov.au>. Other documents within this category include discussion papers; information pamphlets; census data and annual reports.

Documents of other kinds may be available under the FOI Act. Such documents may include:

- general records, including internal and interdirector documents such as minutes of meetings, agendas, background papers, and policies;
- statements, correspondence and administrative records;
- personnel records;
- student records;
- records held on computer or paper in connection with Directorate functions;
- financial records;
- details of contracts; and
- operational policies.

Facilities for access

People seeking information are encouraged to first contact the Directorate before using the more formal freedom of information (FOI) process. The Directorate contact for FOI is:

The FOI Coordinator
Governance and Assurance Branch
ACT Education and Training Directorate
GPO Box 158
CANBERRA ACT 2601

The physical location of the FOI Coordinator is:
 220 Northbourne Avenue
 BRADDON ACT 2612
 Telephone: (02) 6207 6846
 Fax: (02) 6205 9453

A regular bus service is available from most locations in the ACT to within walking distance of this location. Advice on bus services and times is available from <http://www.action.act.gov.au> or by calling 13 17 10.

Short-term parking is available at the main entrance, with reserved parking for people with disability.

Section 8 Statement

Section 8 of the FOI Act requires the Director-General of the Directorate to make available a list of documents Directorate staff use when making decisions. Examples include policies and publications. A full list is available on the Directorate's website.

Section 79(2) Statement

In accordance with section 79(2) of the FOI Act, the Directorate provides the following information regarding FOI requests received during the reporting year.

Access decisions in relation to FOI requests are categorised as full release, partial release, entirely exempt, technical refusal (no documents located), still being processed, transferred and withdrawn.

Requests for access

Six requests were carried over from 2012-13. In 2013-14, the Directorate received a total of 36 new requests for access to documents. This compared with 28 requests in 2012-13.

Table D2.1: Freedom of information requests, 2013-14

Requests	Number
New requests	36
Requests carried over from previous year	6
Total	42

Source: Education and Training Directorate

Table D2.2 outlines the access decisions made for these requests.

Table D2.2: Freedom of information decisions, 2013-14

Decisions	Number
Full release	2
Partial release	27
Technical refusal (no documents)	2
Entire exemption	0
Transferred	0
Withdrawn	1
Incomplete at 30 June 2014	9
Requests handled outside the Act	1
Total	42

Source: Education and Training Directorate

Internal review and ACT Civil and Administrative Tribunal applications

Three applications for a review of a decision under section 59 of the FOI Act were received in 2013-14. Two applications resulted in additional information being provided to the applicant and one application resulted in the initial decision being affirmed.

One application made to the ACT Civil and Administrative Tribunal for a review of a decision in 2012-13 was finalised. The proceeding was dismissed with the consent of both parties.

Fees and charges

The Directorate did not collect any fees in relation to the processing of requests in 2013-14.

Amendment of personal records

The Directorate did not receive any requests under section 48 of the FOI Act for the amendment of personal records in 2013-14.

Requests for documents held by the ACT Children's Policy and Regulation Unit

Requests for access to documents held by the ACT Children's Policy and Regulation Unit (CPRU), which administers the legislation covering licensed childcare services, are made under the Commonwealth *Freedom of Information Act 1982* as modified by the *Education and Care Services National Regulations 2011*.

The Directorate did not receive any requests in 2013-14 for access to CPRU documents.

For further information contact:
 Director
 Governance and Assurance
 (02) 6205 9329

D3 Human Rights Act 2004

The *Human Rights Act 2004* commenced operation on 1 July 2004. Since then, public officials have been required to interpret agency-related legislation consistently with human rights unless Territory law clearly authorises otherwise.

Amendments to this Act came into force on 1 January 2009 and provided individuals with the right of action where human rights have been breached by a government agency.

The *Human Rights Amendment Act 2012* introduced a right to education commencing on 1 January 2013.

Respect, Equity and Diversity

In term one of 2014, forty-seven new Respect, Equity and Diversity Contact Offices (REDCOs) were appointed in the Directorate, most of whom attended contact officer training held in March conducted by CIT Solutions. This brought the total number of REDCOs within schools and branches to 95. REDCOs promote respect, equity and diversity in the workplace and offer support, guidance and information to staff. REDCOs also participated in ongoing quarterly network meetings where development opportunities were provided to advance their skills and knowledge in the role and to collaboratively contribute to positive work cultures.

The Directorate's Respect, Equity and Diversity Consultative Committee (REDCC) meets quarterly to provide strategic advice on respect, equity and diversity issues as well as to share current and emerging issues, ideas and examples of good practice.

A number of initiatives were implemented to support human rights education for staff.

- Respectful Workplaces training: ongoing delivery of training for employees was a key part of the Directorate's commitment to workplace health and safety and implementation of the ACT Public Service RED Framework.
- Employee Complaints and Disputes Resolution Toolkit: the toolkit, which was published on the Directorate's website in 2012, has been used extensively to assist in resolving workplace issues.
- Peer Conflict Management Coaching: this coaching continued to support employees to reach early resolution of conflict and disputes.

Inquiries during the current reporting period

Six inquiries were received from the ACT Human Rights Commission, one of which remains under consideration. Of the remaining five matters, two were resolved to the Commission's satisfaction, two were closed by the Commission on the basis that conciliation was unlikely to succeed and one was finalised by the Commission with recommendations, which the Directorate accepted.

Education and training

The Directorate does not keep data centrally on staff attending training sessions involving human rights principles. Directorate staff are able to access information on the ACT Human Rights Commission website at <http://www.hrc.act.gov.au/>.

Directorate policies and procedures refer to the *Human Rights Act 2004* where this is relevant. These include:

- *Countering bullying, harassment and violence in ACT Public Schools;*
- *Complaints Policy;*
- *Countering Sexual Harassment in ACT Public Schools;* and
- *Suspension, exclusion or transfer of students in ACT Public Schools.*

Policies are available at http://www.det.act.gov.au/publications_and_policies/policy_a-z.

Liaison on human rights issues

The Directorate consulted with the ACT Human Rights Commission, where relevant, in the preparation of cabinet submissions, including government submissions to the Legislative Assembly and in the development of new and amended legislation.

The Directorate did not prepare any Cabinet documentation for new legislation in the reporting period.

The ACT Human Rights Commission was an important external stakeholder and was consulted where policies and procedures that may have human rights implications were being reviewed or developed.

For further information contact:

Director
Governance and Assurance
(02) 6205 9329

You R U Day - promoting respect for diversity

Promoting and providing training opportunities for respect, equity and diversity in public schools was a priority for the Directorate in the 2014 Action Plan. A number of public schools developed activities to promote respect for diversity during the reporting period. You R U Day was one such event to raise awareness about individuality among high school students in the South/Weston Schools Network.

The event was organised by the Student Representative Councils (SRCs) of Alfred Deakin, Melrose and Mount Stromlo High Schools and Telopea Park School. A total of 400 students, 100 from each school, participated in the event held at Telopea Park School Oval on Friday, 20 September 2013.

As part of fun-filled learning activities, students had an opportunity to share their ideas on promoting acceptance of individual differences. Students wrote positive messages on the affirmation wall, displayed their artwork, and took part in cross-school races and events. There was a barbecue lunch for students to

enjoy with their peers. The event was a huge success, leading to the development of a documentary to enhance understanding of individuality among primary school students. In recognition of their work, the SRCs won the Young Canberran of the Year 2013 - Group Award.



D4 Territory records

The Directorate continued its commitment to delivering good governance and compliant records management practices in accordance with the *Territory Records Act 2002* and related standards.

Internal audit of records management in schools

In November 2013, an internal audit of records management in schools began; this included the testing of 115 student records across 10 schools during the course of the internal audit. The final report is expected to be completed in the 2014-15 reporting period.

Records management program and procedures

The Directorate's Records Management Program review was a focus this year. The revised document was drafted in line with the Territory Records Office Model Records Management Program and was divided into five sections: Introduction; Policy; Procedures; Business systems; and Appendices. The drafting process was in its final stages of development at the end of the reporting period, with the policy complete, the business systems identified and the procedures that were reviewed and/or developed being finalised. The new program will be much easier to read and provide better records management support to staff. Until the endorsement of the new program, the current program is available to all staff via the Directorate's Intranet and is further supported by regular records management training.

Storage arrangements

The Directorate had a contract with the offsite storage provider Grace Records Management. This arrangement supported the Directorate in meeting its legislative requirements regarding compliant records storage standards as defined in the *Territory Records Standard - Number 7: Physical Storage of Records*. Work is underway to vary the contract to allow for a further extension so that the Directorate is covered until an anticipated whole of government tender takes place.

Records management training

The Directorate continued to offer two comprehensive records management training workshops per month. Workshops were attended by 71 staff during the reporting period. Other initiatives that were explored were compulsory training for new employees; records management to be included in employees' duty statements; the inclusion of records management in the biannual School Compliance Report; and improved records references available for staff on the Intranet.

Records management practices

Best practice records management remained a focus for the Directorate. The number of records registered rises steadily each year, with the 2013-14 financial year resulting in almost 45,000 records created. The final figure for 2012-13 was 85,155. The 2012-13 figure was high due to the impact of the Student Records Archiving Project, which was completed at the end of the 2012-13 financial year. The Student Records Archiving Project commenced to reduce the quantity of unregistered records held on-site at schools; this project was highly successful with 41,846 records registered as files and archived.

Work continued to identify and preserve records relating to people of Aboriginal and Torres Strait Islander descent so that people can establish links with their heritage. Specific inclusion in the records management policy and procedures as well as training workshops was made to ensure greater awareness of the Directorate's need to preserve and manage these records. Records identified as being able to establish links with Aboriginal and Torres Strait Islander heritage were classed under a separate Records Disposal Schedule that came into effect from 25 March 2011 - *Territory Records (Records Disposal Schedule – For preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage) Approval 2011 (No 1)*.

Public access

Since July 2008, the Access to Records provisions of the *Territory Records Act 2002* provided public access to records older than 20 years. Directorate records that are older than 20 years were identified and assessed. Requests were lodged with ArchivesACT through their website and records viewed in joint-funded facilities, within the Woden Library. The Directorate received 10 public access requests in 2013-14.

Records disposal

As part of the Territory Records Office's 2013-14 Records Disposal Schedule Review Program, the Directorate worked closely with the Territory Records Office and the appropriate stakeholders within the Directorate to agree upon and implement changes to the Student Administration, Student Services and Training and Vocational Education disposal schedules. In November 2013 work began on the development of a new records disposal schedule dealing specifically with the management of students. This new disposal schedule, once fully developed, will take the place of four existing schedules. These changes are expected to be implemented in the 2014-15 reporting period.

Table D4.1: Records disposal schedules used by the Directorate

Name	Effective	Number
Territory Records (Records Disposal Schedule – Territory Administrative Records Disposal Schedules – Community Relations Records) Approval 2011 (No 1)	8 March 2011	NI2011-84
Territory Records (Records Disposal Schedule – Compensation Records) Approval 2012 (No1)	11 April 2012	NI2012-183
Territory Records (Records Disposal Schedule – Children, Youth and Family Support Records) Approval 2007 (No 1)	9 October 2007	NI2007-317
Territory Records (Records Disposal Schedule – Education Strategy Records) Approval 2013 (No 1)	30 August 2013	NI2013-375
Territory Records (Records Disposal Schedule - Equipment and Stores Records) Approval 2012 (No 1)	13 April 2012	NI2012-186
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Establishment Records) Approval 2009 (No 1)	11 September 2009	NI2009-437
Territory Records (Records Disposal Schedule – External Education Relations (Non Government) Records) Approval 2013 (No 1)	30 August 2013	NI2013-374
Territory Records (Records Disposal Schedule - Financial Management Records) Approval 2011 (No 1)	2 September 2011	NI2011-482
Territory Records (Records Disposal Schedule - Fleet Management Records) Approval 2012 (No 1)	13 April 2012	NI2012-187
Territory Records (Records Disposal Schedule - For preserving records containing information that may allow people to establish links with their Aboriginal and Torres Strait Islander heritage) Approval 2011 (No 1)	25 March 2011	NI2011-162
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Government Relations Records) Approval 2011 (No 1)	8 March 2011	NI2011-88
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Industrial Relations Records) Approval 2011 (No 1)	8 March 2011	NI2011-90
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Information Management Records) Approval 2011 (No 1)	8 March 2011	NI2011-92
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Legal Services Records) Approval 2009 (No 1)	11 September 2009	NI2009-443
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Occupational Health and Safety (OH&S)Records) Approval 2009 (No 1)	11 September 2009	NI2009-444
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Personnel Records) Approval 2011 (No 1)	8 March 2011	NI2011-97

Table D4.1: Records disposal schedules used by the Directorate (continued)

Name	Effective	Number
Territory Records (Records Disposal Schedule - Property Management Records) Approval 2013 (No 1)	30 August 2013	NI2013-371
Territory Records (Records Disposal Schedule - Publication Records) Approval 2013 (No 1)	30 August 2013	NI2013-370
Territory Records (Records Disposal Schedule - Schools Management Records) Approval 2013 (No 1)	30 August 2013	NI2013-373
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Strategic Management Records) Approval 2009 (No 1)	11 September 2009	NI2009-453
Territory Records (Records Disposal Schedule – Student Administration Records) Approval 2013 (No 1)	3 September 2013	NI2013-380
Territory Records (Records Disposal Schedule – Student Services Records) Approval 2013 (No 1)	30 August 2013	NI2013-372
Territory Records (Records Disposal Schedule - Territory Administrative Records Disposal Schedules - Technology and Telecommunications Records) Approval 2009 (No 1)	11 September 2009	NI2009-454
Territory Records (Records Disposal Schedule - Transfer of Custody and Ownership Personal Security Files) Approval 2011 (No 1)	25 March 2011	NI2011-169

Source: ACT Legislation Register.

For further information contact:
 Chief Information Officer
 Organisational Integrity
 (02) 6205 6749

D5 Legal Services Directions

The Directorate complied with the Legal Services Directions (the Directions). The Directions apply to the conduct of civil claims, litigation, arbitration and other alternative dispute resolution processes involving ACT Government agencies. The Directions require agencies to act honestly and fairly in handling claims and litigation brought by or against them.

The Directorate ensured compliance with the Directions by obtaining the legal advice and services of the ACT Government Solicitor for identification of potential non-compliance matters. No breaches of the Directions were identified in the reporting period.

For further information contact:
Director
Governance and Assurance
(02) 6205 9329

Global Classroom Global Identity Conference

Eight students and two teachers of University of Canberra Senior Secondary College Lake Ginninderra travelled to Paris, France and Diepholz, Germany to participate in the Global Classroom Global Identity Conference. Global Classroom aims to create an innovative network of schools. Each year, a different educational research topic is selected for the annual conference. Students spent three days at an ice-breaker camp at a Youth Hostel in Alfsee in Lower Saxony so as to feel more comfortable working in new teams.

There were tasks to be prepared in advance of the trip including a movie, a timeline of national history, a play representing national stereotypes and an Australian song and dance. Students made a movie about the College and completed a research task focussed largely on the timeline of history as it has contributed to national identity for Australia. They also presented a play about German stereotypes, Waltzing Matilda and Kylie Minogue's The Locomotion as the dance item.



D6 Notices of non-compliance

Section 200 of the *Dangerous Substance ACT 2004* requires agencies to provide a statement on the number of notices of non-compliance serviced and the matter to which each notice related.

The Directorate did not receive any notices during the reporting period.

For further information contact:

Director
People and Performance
(02) 6205 9202

Schools reducing energy consumption

In 2013, Chapman Primary School reduced its energy consumption by 19 percent compared with the 2011 level, saving 74 tonnes of greenhouse gas emissions.

Reductions were achieved by engaging students to change the behaviour of the school community and making physical changes, such as removing fluorescent tubes from over-lit areas. Students also ensured the school turned off unnecessary appliances such as freezers, interactive white boards, computers and water heaters over the school holidays.



Photo: Chapman Primary School 'Energy Agents' doing their rounds of rooms to make sure unnecessary electrical items are turned off.

D7 Bushfire risk management

Each year the Directorate works closely with the ACT Emergency Services Agency (ACT ESA) and the ACT Rural Fire Service (ACT RFS) to minimise the risk and impact bushfires may have on school communities and Directorate assets.

In early 2013, the Directorate took responsibility for the facility management of 33 childcare centre buildings owned by the ACT Government. These facilities were previously managed by the Community Services Directorate. In reviewing the 2013-14 Bushfire Strategy, the Directorate liaised with ACT ESA and the ACT RFS to determine if any changes had been made to fire danger zone boundaries and if any of the transferred facilities were located in elevated fire danger zones. The Directorate was advised that there were no changes to the current fire danger zone boundaries and that no childcare centre buildings managed by the Directorate were at increased bushfire risk.

Under an 'extreme' fire danger rating, the following five public schools will be closed temporarily:

- Birrigai Outdoor School (Paddy's River);
- Black Mountain School;
- Fraser Primary School and Fraser Preschool;
- Hall Preschool site of Gold Creek School; and
- Tharwa Preschool site of Charles Conder Primary School.

Under a 'catastrophic' fire danger rating, Bonython Primary and Preschool and Jervis Bay School will be temporarily closed along with the five schools identified above under an 'extreme' fire danger rating.

The 14 non-government schools to be closed temporarily under a 'catastrophic' fire danger rating are:

- Brindabella Christian College;
- Burgmann Anglican School (Valley and Forde campuses);
- Canberra Christian School;
- Canberra Girls' Grammar School;
- Canberra Grammar School;
- Canberra Montessori School;
- Covenant College;
- Daramalan College;
- Islamic School of Canberra;
- Marist College Canberra;
- Orana Steiner School;
- Radford College;
- St Edmund's College; and
- The Galilee School.

All ACT schools are required to be on high alert on days when extreme or catastrophic fire danger ratings are declared. If a bushfire occurs and poses a risk to schools, the ACT RFS or ACT Fire Brigade may direct schools to close immediately.

Public schools are reviewing Emergency Management Plans to ensure plans are consistent with the Directorate's Security and Emergency Management Governance Framework.

An annual bushfire preparation program was undertaken by the Directorate to ensure vegetation and other fire hazards were well managed.

The Tidbinbilla Nature Reserve Bushfire Operation Plan managed by the Territory and Municipal Services Directorate covers the operations of the Birrigai Outdoor School.

For further information contact:
Director
Infrastructure and Capital Works
(02) 6205 3173

D8 Commissioner for the Environment

Section 23 of the *Commissioner for Environment ACT 1993* requires the disclosure of:

- requests for staff to assist in the preparation of the State of the Environment Report;
 - assistance provided in the response to such a requests;
 - investigations carried out by the Commissioner of any activities performed by the Directorate; and
 - recommendations made by the Commissioner following an investigation of the Directorate's activities, and any actions taken in response to those recommendations.
- No reporting requirements under this section were applicable to the Directorate during the reporting period.

For further information contact:
Director
Infrastructure and Capital Works
(02) 6205 3173

Gifted and Talented Education – Melba Copeland's *Magellan Program* begins its journey

Ferdinand Magellan would be sitting with a smile on his face if he could see what had been achieved in his name with the Gifted and Talented Program at Melba Copland Secondary School. The *Magellan Program* involves high achieving students from the five partnering schools of Charnwood Dunlop, Fraser, Evatt, Mount Rogers and Miles Franklin Primary Schools participating in a challenging and action packed mathematics and science program.

Melba Copland Secondary School considered the most recent research and best practice models to guide this initiative.

The program was specifically tailored to meet the intellectual, social and emotional needs of students who can learn up to 12 times faster than others, whose higher order thinking needs to be challenged and extended and whose intellectual age can be many years higher than their actual age.

Each week the students were enthusiastically engaged in inquiry based learning, designing their own science experiments and solving detective work through mathematical stealth.



Magellan Program students participating in experiments and investigations

