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### REQUEST FOR DOCUMENTS

I refer to your request received by the Education Directorate (the Directorate) on 8 July 2021 which sought access to information under the *Freedom of Information Act 2016* (the Act). Your request is for information about:

- *Playgrounds owned by the department*
- *Playgrounds open to the community owned by the department*
- *Playgrounds that are not open to the community (i.e. behind fences) owned by the department*
- *Any further information related to school playgrounds in the ACT e.g. related policies, such as, if community members can play on them, etc.*

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### Decision on access

A decision is due to you in accordance with section 40 of the Act by 5 August 2021.

In accordance with sections 35(1)(d), 43(1)(d) 45(a) and 45(b) of the Act, I am refusing to deal with your application because the information sought is already available to you as follows:

- Information about playgrounds and whether they are open to community use is held by ACT public schools. Therefore, it is available from places the Directorate operates, free of charge. The information you are seeking is not held centrally.

To assist you in successfully contacting the individual schools, I invite you to consider defining what you mean by 'playgrounds' so that it achieves your goal. For example, do you wish to include playing fields, sports ovals or basketball, netball, or tennis courts? In addition, a proforma check sheet itemizing your interests, such as, fencing arrangements, may assist school responses.

- The applicable policy is the Community Use of School Facilities Policy which is available at [https://www.education.act.gov.au/publications\\_and\\_policies/School-and-Corporate-Policies/facilities-and-assets/communityout-of-hours-use/community-use-of-school-facilities-policy](https://www.education.act.gov.au/publications_and_policies/School-and-Corporate-Policies/facilities-and-assets/communityout-of-hours-use/community-use-of-school-facilities-policy)

### **Material considered**

In reaching my access decision, I have taken into account sections 35, 43 and 45 of the Act, and the scope of your request.

### **Charges**

Processing charges are not applicable for this request because the information requested is publicly available.

### **Online publishing – disclosure log**

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request and my decision will be published in the Directorate’s disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published in the Directorate’s disclosure log.

You may view the Directorate’s disclosure log at [https://www.education.act.gov.au/about\\_us/freedom\\_of\\_information/disclosure-log](https://www.education.act.gov.au/about_us/freedom_of_information/disclosure-log).

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the Directorate’s disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) review**

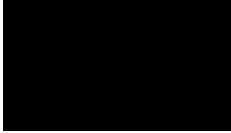
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact the Directorate's FOI team on 02 6205 0720 or email [EducationFOI@act.gov.au](mailto:EducationFOI@act.gov.au).

Yours sincerely



Paula Murray  
Information Officer

5 August 2020