



Our Ref: DECD17/50769
Your Ref: 06017/2610/17

Freedom of Information
Information Release Unit
Customer Services and Business Support

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Hon Robert Brokenshire MLC
Australian Conservatives
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Mr Brokenshire

RE Freedom of Information - Determination

I refer to your Freedom of Information (FOI) application received by the Department for Education and Child Development (DECD) on 26 October 2017, requesting access to:

1. *The number of drug related incidents, with reference to a student's suspensions, exclusion or expulsion during October 2016 to date of application (table format as provided in previous applications is acceptable)*
2. *Copies of all "Notifiable Incident Report" forms and attachments for the period September and October 2017 related to Types of Incidents categorised as:*
 - a. *Drugs; and*
 - b. *sexual abuse*

Note: (name of student or staff member may be redacted for privacy)

I also refer to email correspondence with your office on 30 October 2017 in which it was agreed to amend the scope of part 1 of the request to:

The number of drug related incidents from October 2016 to date of application.

Searches have been conducted for information in relation to your request. For part 1, the number of drug related incidents from 1 October 2016 to 26 October 2017 is 327. This data was extracted from DECD's incident reporting database.

For part 2, 55 documents have been located that have been identified as matching the scope of your application, consisting of 43 incident reports and 12 attachments. I have considered the documents with reference to the *Freedom of Information Act, 1991* ("the Act") and have determined to release all incident reports in part. The 12 attachments have been determined as exempt in full.

In accordance with your request, names of students and staff have been redacted. The remaining redacted material is exempt from release in accordance with clause 6(3a) of the Act, which states:

6—Documents affecting personal affairs

(3a) *A document is an exempt document if it contains matter—*

- (a) *consisting of information concerning a person who is presently under the age of 18 years or suffering from mental illness, impairment or infirmity or concerning such a person's family or circumstances, or information of any kind furnished by a person who was under that age or suffering from mental illness, impairment or infirmity when the information was furnished; and*
- (b) *the disclosure of which would be unreasonable having regard to the need to protect that person's welfare.*

All material which may identify a child, where the circumstances are of a personal nature to a child, have been redacted.

No costs have been levied for processing of your application as they are within the threshold prescribed by the Fees and Charges Regulations allowed for Members of Parliament.

If you are dissatisfied with this determination you have a legal right of review as outlined in the attached document.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application and a copy of your notice of determination will be published in the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

Should you require further information or clarification on this matter, please contact me at decd.foi@sa.gov.au or on telephone 8226 3231.

Yours sincerely



Chrissie Argitis
ACCREDITED FREEDOM OF INFORMATION OFFICER

27 November 2017

YOUR RIGHTS TO REVIEW

1. INTERNAL REVIEW

Under S.29 and S.38 of the Freedom of Information Act (SA) 1991, if you are dissatisfied or "aggrieved" with certain decisions or "determinations" of an agency (regarding access to documents or amendment of records) you can apply to the agency concerned for an internal review of its determination.

To apply for an internal review of a determination you must write a letter addressed to the Principal Officer or lodge an internal review application form with the same agency which made the original determination. The application must be accompanied by the appropriate fee (if applicable). The application should be lodged within 30 days of the original determination.

There is no right to an internal review of a determination made by a Minister or Principal Officer of an agency.

2. INVESTIGATION BY THE OMBUDSMAN/POLICE COMPLAINTS AUTHORITY

If, after an internal review has been completed, you are still dissatisfied with the agency's determination you can request an external review of the determination by the Ombudsman. The Ombudsman is empowered to investigate the conduct of any person or body in relation to a determination made by an agency under this Act.

You may also request an external review by the Ombudsman if you have no right to an internal review.

The application for review by the Ombudsman should be lodged within 30 days of the date of a determination.

Requests to the Ombudsman must be in writing. An application form is not required. Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman.

3. REVIEW BY SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA or the Police Ombudsman.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review.

Any costs will be determined by SACAT, where applicable.

For more information contact:

South Australian Civil and Administrative Tribunal (SACAT)
Telephone: 1800 723 767
Email: sacat@sacat.sa.gov.au