

SAP



Education & Communities

Public Schools NSW

Mr Anthony D'Adam  
Public Service Association of NSW  
160 Clarence Street  
SYDNEY NSW 2000



Our reference: GIPA-15-090  
Your reference: ADA:vem

Dear Mr D'Adam

**NOTICE OF DECISION**

I refer to your access application under the *Government Information (Public Access) Act 2009* ('GIPA Act') received by the Department of Education and Communities ('the Department') on 7 April 2015.

The Department holds information relevant to some of the items listed in your access application.

I have today decided to provide you with access in full to the information held under section 58(1)(a) of the GIPA Act.

If you are aggrieved by my decision, you may seek review under Part 5 of the GIPA Act. Please refer to the enclosed leaflet: 'Your review rights under the GIPA Act'.

If you have any queries about this notice or require further information on your rights of review, please contact Michelle Chau Hua, Senior Information Access Officer, by telephone on 9561 8625 or via email: [iaunit@det.nsw.edu.au](mailto:iaunit@det.nsw.edu.au).

Yours sincerely

Gregory Prior  
**Deputy Secretary, School Operations and Performance**  
/ June 2015

Encl: Reasons for decision;  
CD containing released records; and  
'Your review rights under the GIPA Act'



## REASONS FOR DECISION

### Your access application

Your application sought access to the following information:

*"All documents in relation to the operation of the program or programs under which Community Liaison Officers or like positions are employed in public schools (primary and high schools). All documents in relation to the above including:*

- *Position descriptions*
- *Classification grading & evaluation reports for positions*
- *Communications to schools in relation to the program*
- *Ministerial or other departmental briefings*
- *Project plans*
- *Project evaluation documents*

*Documents that detail:*

- *The scope of the program*
- *The funding of the program*
- *The duration of the program*
- *The location of community liaison officers or like positions".*

You clarified your request in a number of conversations with Ms Chau Hua in April and May 2015. You want access to information about current programs, and in particular, the general Community Liaison Officers (CLOs) employed in NSW public schools that may support schools with a large number of students from low socio economic backgrounds, culturally and linguistically diverse backgrounds.

On 14 April 2015 you agreed to extend the due date for the decision to 19 May 2015 and on 18 May 2015 in your absence, your colleague Valerie Morales agreed to a further extension to 2 June 2015. I appreciate your consideration in granting an extension of time to decide this application.

### Search for records and relevant information

Under section 53 of the GIPA Act the Department must undertake reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received, using the most efficient means reasonably available to the Department.

A total of 39 pages of records identified as relevant to your access application have been received from the following areas of the Department:

1. Learning and Engagement Directorate – information about Aboriginal Community Liaison Officer positions - pages 1 to 8
2. School Operations and Performance – information about the new model of support to schools – pages 9 to 33
3. People & Services Directorate – guidelines for the employment of temporary public service staff in schools – pages 34 to 36

4. School Operations and Performance – position descriptions of previous “community information officer” positions - pages 37 to 39

I consider that reasonable searches have been undertaken in response to your application in compliance with section 53 of the GIPA Act. Based on the information available to me, I am satisfied that all records that exist relevant to your request have been identified and provided to me for consideration.

**Decision**

I am authorised by the principal officer of the Department, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided that the Department holds information relevant to some of the items listed in your access application.

I have today decided to provide you with access in full to the information held by the Department under section 58(1)(a) of the GIPA Act.

In making this decision I have applied the public interest test under sections 12 to 15 of the GIPA Act. I found that there are no overriding public interest considerations against disclosure; therefore I have decided to provide you with access in full the information held.

**Aboriginal Community Liaison Officers**

Aboriginal Community Liaison Officers (ACLOs) are not program based positions held in schools. They do not receive any further program funds other than their salary. In respect of ACLO positions, the Department holds information relevant to:

- Position description
- Classification grading
- Scope of the position (position description)
- Funding of the position (the salary costing)
- Location of the ACLO positions

Based on the information available to me, I am satisfied that this is the only information held relevant to your request relating to the ACLO positions.

**Community Information Officers**

Prior to January 2014, ‘community information officers’ were employed within government NSW schools. These were position based roles and not ‘program based’ roles. I have decided to provide you with the position descriptions for these previous positions. This is information that is in addition to your request, as provided for under s76 of the GIPA Act.

## **New model of support to schools**

In 2014 as part of the Department's new model of support to schools, funds that had funded the equity positions such as the community information officers have been incorporated into equity loadings that are allocated to schools through the Resource Allocation Model (RAM). The RAM is a simpler, fairer and more transparent way of distributing government funding and allocates funds to schools based on the needs of students and schools.

Schools make decisions about the type and level of support needed to meet the needs of their students and their communities with the funding they are provided under the RAM. All NSW public schools, in consultation with their school communities, are required to develop a comprehensive school plan connected to student outcome and the school budget. Schools are also required to publish an Annual School Report

I have provided the feedback reports that are relevant to your request and which explain the current arrangements for the funding of equity support in schools.

I have also provided information provided by the People & Services Directorate which contains information about the employment of temporary public service staff in schools.

## **Form of access**

As the material to be released exceeds 20 pages the released information is provided to you on the enclosed compact disc, in accordance with the Department's access policy.

## **Processing charges**

The \$30 application fee you paid counts as a payment towards the first hour of processing. The total time taken to process your application was approximately 12 hours; however in accordance with section 127 of the GIPA Act, I have today decided to waive any applicable processing charges in this instance.

## **Disclosure log**

You were previously notified of your rights to object to information concerning your personal, business, commercial, professional, financial, or research information being included on the Department's disclosure log. You have not raised any objections.

I have decided the information released to you may be of interest to other members of the public. Accordingly a description of the information will be included on the Department's disclosure log, on a date no earlier than ten days after this notice is provided to you. The log will also indicate any information being made available to the public and how it can be accessed. The disclosure log can be found on the website: <https://www.det.nsw.edu.au/about-us/information-access/information-guide/disclosure-log>

## **Review Rights**

If you are aggrieved by this decision, you have three avenues of review: internal review by a senior officer of the Department, external review by the Information Commissioner or external review by the NSW Civil and Administrative Tribunal. Please see enclosed leaflet, "Your review rights under the GIPA Act" for more details.

You should note that the time for seeking an internal review is 20 working days, or 40 working days for external review, after the date you were notified of this decision. Further information about your rights under the GIPA Act is available by contacting the Information and Privacy Commission on free call 1800 472 679 or at their website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

## Your review rights under the *Government Information (Public Access) Act 2009*

You have a right to request a review of a decision regarding the release of information if you disagree with any of the following agency decisions as set out under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that an application is not a valid access application;
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer;
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made);
- d) a decision to provide access or to refuse to provide access to information in response to an access application;
- e) a decision that government information is not held by the agency;
- f) a decision that information applied for is already available to the applicant;
- g) a decision to refuse to confirm or deny that information is held by the agency;
- h) a decision to defer the provision of access to information in response to an access application;
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant);
- j) a decision to impose a processing charge or to require an advance deposit;
- k) a decision to refuse a reduction in a processing charge;
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment; and
- m) a decision to include information in a disclosure log despite an objection by the access applicant (or a decision that the access applicant was not entitled to object).

You generally have three options to have a decision reviewed:

### 1. Internal review

You have 20 working days after the notice of a decision has been posted to you to ask for an internal review.

If a Minister or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see below).

The review must be carried out by an officer no less senior than the person who made the original

decision. The review decision must be made as if it was a fresh application.

There is a \$40 fee for an internal review application *except* if the decision is 'deemed refusal' because the agency did not process your application in time. In this case, you cannot be charged any review fee.

The agency must acknowledge your application within five working days of receiving it. The agency must decide the internal review within 15 working days (this can be extended by 10 days if the agency has to consult with a third party or by agreement with you).

### 2. External review by the NSW Information and Privacy Commission

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner. ([www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au))

If you are the person applying for access to information, you do not have to have an internal review of the decision before asking the Information Commissioner to review it.

If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner.

You have 40 working days from being notified of the decision to ask for a review by the Information Commissioner.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

Note: You cannot ask the Information Commissioner to review a decision that has already been reviewed by the Administrative Decisions Tribunal (ADT).

### 3. External review by the ADT

If you disagree with any of the decisions listed above, you can ask for a review by the ADT (<http://www.adt.lawlink.nsw.gov.au/>). You do not have to have the decision reviewed internally, or by the Information Commissioner before applying for review by the ADT.

You have up to 40 working days from being notified of the decision to apply to the ADT for review. However, if you have applied for review by the Information Commissioner, you have 20 working days from being notified of the Information Commission's review outcome to apply to the ADT.