

Department of Education Services

Information Statement

Made under sections 96 and 97 of the *Freedom of Information Act 1992* (WA)

Contents

The department	2
<i>Services</i>	2
<i>Strategic goals</i>	2
<i>Mission, vision and guiding values</i>	3
<i>Directorates</i>	3
<i>Strategic priorities</i>	3
<i>Statutory or Ministerial forums</i>	4
Legislation administered	6
Public participation	6
Departmental documents	7
Freedom of Information	7
<i>Requesting access to documents</i>	8
<i>Notices of decision</i>	8
<i>Forms of access</i>	8
<i>Fees and charges</i>	8
<i>Personal information</i>	9
<i>Amendment of personal information</i>	10
<i>Internal review</i>	10
<i>External complaint</i>	11
FOI Coordinator contact details	11
<i>Postal address</i>	11
<i>Telephone</i>	11
<i>Fax</i>	11
<i>Email</i>	11
Version information	11

The department

The Department of Education Services was established as a department of the Public Service in July 1996 under section 35 of the *Public Sector Management Act 1994 (WA)*. The department was created through the amalgamation of several agencies and areas of responsibility including higher education, non-government education and international education. The department is responsible to the Minister for Education and the Minister for Training and Workforce Development.

Services

The department provides a number of services across the areas of:

- school education
- teacher registration
- vocational education and training
- higher education
- international education.

Information about the department's services can be obtained from the department's Strategic Plan 2013-2017. The department's services include:

- regulation (registration and accreditation) to ensure compliance with state legislation and enhance public confidence in the quality and integrity of education and training
- review of Independent Public Schools
- funding to the non-government school and university sectors and for various scholarship schemes
- policy, research, planning and legislative advice to support the Ministers, government and other bodies through the provision of expert advice to position the education and training systems to meet the needs of the state
- executive support to a number of statutory or Ministerial forums.

In delivering these services the department maintains a strong focus on workforce and organisational capability.

Strategic goals

The strategic goals of the department are:

Education and training regulation

Support quality improvement in education and training through proportionate and risk based regulation that minimises red tape.

Independent Public School review

Contribute to quality improvement in the performance of Independent Public Schools through independent review.

Teacher registration

Contribute to the quality and integrity of the teaching profession through teacher registration and initial teacher education programme accreditation.

Funding

Facilitate choice and improve access to education through the allocation of grants and subsidies to non-government schools and others.

Strategic policy and legislative services

Position the education and training system to meet the needs of the state by providing strategic policy advice, research, planning and legislative services.

Organisational capacity

Strengthen organisational capacity through developing our people and building effective and efficient business systems.

Mission, vision and guiding values

The department's mission is to raise the quality of education and training in Western Australia through the continuous pursuit of best practice in regulatory, review, funding and advisory services. Our vision is to be a trusted leader in strengthening the quality of education and training for all Western Australians.

The department values excellence, and support for people, both our staff and our stakeholders, in the pursuit of the highest possible standards of service delivery.

The department does this by:

- being proactive in promoting improvement in the field of education and training wherever it is needed
- being responsive to the needs of our stakeholders
- being honest, open and accountable in everything we do.

Directorates

The department comprises four operational directorates, each responsible to the Chief Executive Officer. These are:

- Education, Training and Regulation
- Higher Education and Legislative Review
- Teacher Registration
- Corporate Governance and Strategic Resources.

Strategic priorities

The department's strategic priorities are:

Higher Education and Legislative Review

- Amendment of the universities' Acts and the *School Education Act 1999* (WA)
- Implementation of the state strategy for higher education, subject to Cabinet approval
- Amendment of VET legislation

Education and Training Regulation and Review

- Strategic industry audit of vocational education and training in schools.
- Implementation of strengthened standards in training regulation.
- Improved child protection in nongovernment schools through increased information sharing with protective service authorities Independent Public School reviews

Teacher Registration

- Implementation of the *Teacher Registration Act 2012* (WA)

- System and process implementation and structural change to ensure that teacher registration activities are within budget
- Quality assurance of teacher registration business systems and processes.

Corporate Governance

- Review of the non-government school funding model
- Implementation of effective business and information management systems
- Relocation of business areas to a single site
- Implementation of the state strategy for international education, subject to Cabinet approval.

Statutory or Ministerial forums

The department supports the following statutory or Ministerial forums.

Aboriginal Education and Training Council

The Western Australian Aboriginal Education and Training Council (AETC) is an independent body that was established in 1995 in response to Recommendation 139 of the Report of the Western Australian Task Force on Aboriginal Social Justice.

In 2005 the AETC was restructured to ensure that the primary source of advice to government on emerging issues in Aboriginal education and training is the grassroots participation of Aboriginal community members representing each of 10 regions across WA. In addition to reports from the regions' community representatives alerting the Council to key educational and training issues for Aboriginal people in regional Western Australia, the AETC commissions its own strategic educational research and projects.

A fulltime Chairperson coordinates the activities of the Council. The State's education and training providers are represented on the Council in an ex-officio capacity serving as a core reference group to provide expertise on education and training matters.

Rural and Remote Education Advisory Council

The Rural and Remote Education Advisory Council (RREAC), initially established in 1997, was re-constituted by the Minister for Education in early 2010 and given new Terms of Reference and directions by the Minister for Education focussing the Council's attention on three Government priorities. The Terms of Reference concern the provision of strategic advice on education and training issues and developments in rural and remote areas of the State.

RREAC's membership comprises representatives from various consumer/community and funder/provider groups with a strong interest in rural and remote education in WA. Members use their experience, skills, attributes or qualifications to perform their advisory function. The funders/providers of educational services in WA are ex-officio members of RREAC.

Teacher Registration Board of Western Australia

The Teacher Registration Board of Western Australia (TRBWA) is established under the *Teacher Registration Act 2012 (WA)*, which repealed and replaced the *Western Australian College of Teaching Act 2004 (WA)*. Under transitional provisions of the *Teacher Registration Act 2012 (WA)* records of the former Western Australian College of Teaching were transferred to the control of the department.

The TRBWA's primary functions are:

- to register teachers in Western Australia who meet all legal requirements

- to administer the disciplinary and impairment review processes
- to accredit initial teacher education programmes which comply with accreditation standards.

Teachers aggrieved by decisions of the TRBWA have access to the State Administrative Tribunal.

In performing its functions the TRBWA Board is required to:

- maintain an up-to-date register of teachers
- develop and publish professional standards for teachers
- develop and publish accreditation standards
- make the best interests of children its paramount consideration in all decision-making.

The department provides the facilities, resources, staff and corporate services needed by the TRBWA to fulfil its functions.

The TRBWA has seven members who are appointed by the Minister for Education. One member must be a lawyer and at least three are to be currently registered teachers. The Minister also nominates the Chairperson and Deputy Chairperson.

Training Accreditation Council

The Training Accreditation Council (TAC) is established under the *Vocational Education and Training Act 1996* (WA). TAC is an independent statutory body that provides for the quality assurance and recognition processes for registered training organisations (RTOs) and the accreditation of courses in WA.

TAC is committed to being the national leader in the strategic management of the recognition and quality assurance of training, including associated policies, services and standards in the vocational education and training sector and to providing practical, efficient and responsive support for government, the State Training Board, industry training providers, and the community.

TAC operates within the National Skills Framework and is the WA Registering Body and Course Accrediting Body under the Australian Quality Training Framework (AQTF). In 2011, a range of changes arising out of various Australian Government initiatives has impacted on the regulation of VET in WA. Of major significance has been the establishment of the new national VET regulatory arrangements and the commencement of the Australian Skills Quality Authority (ASQA) effective 1 July 2011. TAC works collaboratively with ASQA to ensure the quality of training in WA is managed and regulated effectively.

TAC's functions, as detailed in the *Vocational Education and Training Act 1996* (WA), focus on quality assurance and recognition in respect to VET in WA. Under the Act, the functions of TAC are to register training providers and accredit courses. In discharging its functions, the Council may also inquire into training providers and courses; vary, suspend or cancel registration; vary, suspend or cancel accreditation; and/or cancel qualifications. Decisions made by TAC are appealable to the State Training Board under section 58G of the *Vocational Education and Training Act 1996* (WA).

TAC has seven members who are appointed by the Minister for Training and Workforce Development in accordance with the *Vocational Education and Training Act 1996* (WA). They are selected on the basis of their expertise, qualifications and experience relevant to the Council's functions.

Non-Government Schools Planning Advisory Committee

The Non-Government Schools Planning Advisory Committee (NGSPAC) was established in 1998 and provides advice to the Minister for Education on proposed new schools to be established and registered under the *School Education Act 1999* (WA).

NGSPAC considers issues associated with the long term planning of new non-government schools, for example the impact on the educational programs of existing government and non-government schools in the catchment area of the proposed school, and that the proposed school will meet certain demographic requirements. The Committee is provided with information from the Department of Planning and Infrastructure which relates to the planning of non-government schools.

NGSPAC has an independent Chair and representation from Government and peak education groups.

Western Australian Higher Education Council

The Western Australian Higher Education Council (WAHEC) was established in March 1990. WAHEC operates as the peak body for higher education in the State and is chaired by the Minister for Education. Membership of the Council is comprised of the Vice-Chancellors of the five Western Australian universities.

Legislation administered

The department is responsible for the following legislation in accordance with the allocation of legislation to portfolios (Government Gazette No. 126, 16 July 2012):

Curtin University of Technology Act 1966 (WA)

Edith Cowan University Act 1984 (WA)

Education Service Providers (Full Fee Overseas Students) Registration Act 1991 (WA)

Hale School Act 1876 (WA)

Higher Education Act 2004 (WA)

Murdoch University Act 1973 (WA)

Murdoch University Planning Board Act 1970 (WA)

School Education Act 1999 (WA) (Part 4 only, and other provisions as they apply to non-government schools)

Teacher Registration Act 2012 (WA)

University Building Act 1938 (WA)

University Buildings Act 1930 (WA)

University Buildings Act 1952 (WA)

University Colleges Act 1926 (WA)

University of Notre Dame Australia Act 1989 (WA)

University of Western Australia Act 1911 (WA)

Vocational Education and Training Act 1996 (WA) (Part 4, Division 1)

Public participation

The department welcomes views and comments from members of the public and bodies outside the Western Australian Government administration in the formulation of policy by the department and in the administration of departmental functions. General participation is possible in various ways:

- making oral and written representations to the Minister for Education, the Minister for Training and Workforce Development or the department
- putting submissions to working groups or reviews on policy matters undertaken by the department
- making representation through committees with external participation.

The statutory or Ministerial forums supported by the department have a range of non-government (public) representation as well as representation from various education peak bodies and industry support groups.

Departmental documents

The department's website at <http://www.des.wa.gov.au> carries a range of information about the department and its operations. The department's website carries information about the operations of the statutory or Ministerial forums which it supports. Separate websites for these bodies are also available in the following cases:

- Aboriginal Education and Training Council WA – <http://www.aetcwa.org.au/>
- Teacher Registration Board WA – <http://trb.wa.gov.au>
- Training Accreditation Council – <http://www.tac.wa.gov.au>

The department and the statutory or Ministerial forums which it supports have developed policy and administrative documents in the following categories, copies of which may be available for public inspection by arrangement, subject to exemptions under the *Freedom of Information Act 1992 (WA)*:

- accounting manual
- annual financial accounts
- annual reports
- budget statements
- agendas and minutes
- policy documents
- administrative guidelines
- strategic plans.

The following information is also available for public inspection:

- directions given by the Minister under section 11 of the *Vocational Education and Training Act 1996 (WA)*
- guidelines issued by the Minister under section 13 of the *Vocational Education and Training Act 1996 (WA)*
- decisions of TAC under section 34 of the *Vocational Education and Training Act 1996 (WA)* relating to appeals
- information held on the register of teachers and available to the public under section 37(4) of the *Teacher Registration Act 2012 (WA)*
- additional information about each teacher's registration held on the register of teachers but available only to certain classes of people under section 37(3) of the *Teacher Registration Act 2012 (WA)*.

Freedom of Information

If information is not routinely available, the *Freedom of Information Act 1992 (WA)* ("the Act") provides members of the public with a right to apply for documents held by the department, to apply for personal information contained in department documents, and to apply for the

amendment of information that is considered to be inaccurate, incomplete, out of date or misleading.

Schedule 2 of the *Freedom of Information Regulations 1993 (WA)* prescribes the following bodies as part of the department for the purposes of the Act:

- Aboriginal Education and Training Council
- Non-Government Schools Planning Advisory Committee
- Rural and Remote Education Advisory Council
- Teacher Registration Board of Western Australia
- Training Accreditation Council
- Western Australian Higher Education Council.

Requesting access to documents

Formal requests for information under the Act must:

- be submitted in writing
- provide enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged at the department with any application fee payable.

Requests for information will be acknowledged within 14 days of receipt. Applications and enquires should be addressed to the department's FOI Coordinator.

Notices of decision

A notice of decision in response to a request made under the Act will be provided by the department as soon as possible, including details such as:

- the date on which the decision was made
- the name and designation of the officer who made the decision
- the reasons for classifying documents or matter in documents exempt (if any exemptions are claimed)
- the fact that access is given to an edited document
- information on rights of appeal and procedures to exercise those rights.

Forms of access

Access to documents can be granted by way of inspection, viewing of an audio or video tape, provision of a copy of a document, a copy of an audio or video tape, a computer disk, or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Fees and charges

Schedule 1 of the *Freedom of Information Regulations 1993 (WA)* prescribes fees and charges for requests made under the Act. There are no fees or charges for requests for access to or amendment of personal information about the applicant.

The department aims to apply charges consistent with the principles of administration of the Act, namely, to allow access to documents to be obtained promptly and at the lowest reasonable cost. Reduction or waiver of charges may be available. For impecunious applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

Fees and charges for non-personal information

Application fee	\$30.00
Charge for time dealing with the application	\$30.00 per hour*
Photocopying staff time	\$30.00 per hour*
Photocopying - per photocopy	\$0.20 per copy
Access time supervised by staff	\$30.00 per hour*
Transcribing from tape, film or computer	\$30.00 per hour*
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost
	* or pro rata

In dealing with applications for non-personal information, an estimate of charges will be provided and the department will ask whether the applicant wants to proceed with the application on the basis of the estimate provided. An advance deposit may be required in respect of the estimated charges, comprising 25% of the total estimate. If charges or the deposit are considered unreasonable the charges are subject to the appeal processes described below.

The period of time taken for the applicant to pay a deposit following the issuance of an estimate of charges is not taken as part of the ordinary permitted period allowed under the Act. An application is taken to have lapsed if 30 days after the provision of an estimate of charges to an applicant, the required deposit remains unpaid. Payment of any outstanding balance is required prior to the release of any documents in the event the application proceeds following the provision of an estimate of charges. Payment of a deposit does not guarantee access to the requested documents.

Personal information

The term “personal information” is defined in the Act as: information or an opinion, whether true or not, about an identifiable person, whether living or dead whose identify can be reasonably ascertained from the information, or who can be identified from the information provided. As indicated above, fees and charges do not apply for applications where the applicant is seeking access to information about themselves.

Prior to releasing documents to an applicant containing the applicant’s personal information, the department is required to satisfy itself of the identity of the applicant. Documents considered most reliable for this purpose by the department are:

- an original birth certificate
- a certified copy of a birth extract
- a current Australian passport, or
- a current WA motor driver’s licence (with photograph).

If the department intends to release the personal information of third parties to an applicant, it must consult with those third parties prior to releasing such information. Third parties who object to the release of their own personal information contained in documents subject to an FOI request are able to object to any proposed release by appeal to the Information Commissioner.

Third party personal information may be deleted when providing access to documents if it is clear that the application would be able to be satisfied by doing so, reducing the time involved in dealing with the application, and hence, potential charges associated with requests for non-personal information.

Amendment of personal information

Persons have the right to request the amendment of their personal information contained in any document held by the department. Applications for the amendment of personal information should be made in writing, including the following information:

- details enabling the document(s) containing the information to be identified
- details of matters which the person believes the information is inaccurate, incomplete, out of date or misleading
- the person's reasons for holding that belief
- details of the amendment sought, and
- an address in Australia to which notices can be sent.

In addition, applicants must indicate how they wish the amendment to be made within the options set out in the Act, namely, whether amendment is sought by one or more of the following methods:

- altering information
- striking out or deleting information
- inserting information or a note in relation to information.

Within 30 days of receipt of a request to amend personal information under the Act, the department will give the applicant a written notice of its decision. Where the decision is to amend information, the notice will give details of the amendment and where practicable, will include a copy of the amended document. If the department decides not to amend information, or decides to amend the information in a manner which the applicant objects to, rights of internal review and external complaint apply as below.

Internal review

An internal review may be sought when:

- the agency refuses to deal with the application
- access has been refused to some or all of the documents
- access has been given to parts of a document and access is sought to parts that have been deleted
- access has been deferred
- access to an applicant's medical or psychiatric information will only be given through a nominated medical practitioner
- charges are considered too high or otherwise unreasonable
- a third party mentioned in documents has not been consulted
- a third party who has been consulted objects to the release of documents to the applicant
- the department does not agree to amend an applicant's personal information, or make a notation or attachment to the document in a satisfactory form.

An application for internal review must be lodged with the department within 30 calendar days after being given the written notice, and must:

- be in writing
- provide particulars of the decision to be reviewed
- give an address in Australia.

There is no lodgement fee for an application for internal review and no charges apply for dealing with an internal review request. If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision-maker. The outcome of an application for internal review may result in a confirmation, a

variation, or a reversal of the original decision under review. Applicants will be advised of the outcome within 15 days, or a longer time if able to be agreed with the applicant.

External complaint

If an applicant is dissatisfied with the outcome of an internal review, they have the right to lodge a complaint with the Information Commissioner seeking external review of that decision. There is no charge for lodging a complaint with the Information Commissioner's office. The complaint must:

- be in writing
- provide particulars of the decision to be reviewed
- include a copy of the notice of the decision
- give an address in Australia.

Applicants are required to lodge their complaint with the Information Commissioner's office within 60 days of receiving the department's notice of decision. Third parties who object to a decision of the agency are required to lodge their complaint within 30 days of the agency's decision. In exceptional circumstances the Information Commissioner may extend these time periods.

FOI Coordinator contact details

Postal address

Freedom of Information Co-ordinator
Department of Education Services
PO Box 1766
OSBORNE PARK WA 6916

Telephone

Telephone: (08) 9441 1900

Fax

Fax: (08) 9441 1901

Email

Email: foi@des.wa.gov.au

By appointment

22 Hasler Rd
Osborne Park WA 6017
Monday – Friday
8:30am – 4:30pm

Version information

TRIM	2014/01241
Executive:	Executive Director, Corporate Governance and Planning
Contact Person(s):	Manager, FOI and Strategic Complaint Operations
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