



By email: [foi+request-591-24ebc43c@righttoknow.org.au](mailto:foi+request-591-24ebc43c@righttoknow.org.au)

Dear Fatemeh Sharifi

1. I refer to your correspondence received by the Department of Education (the department) on 17 April 2014, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

*"...the stats regarding the increase or decrease in bullying in high schools in the last 10 year?"*

2. I am authorised to make decisions under section 23 of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

#### **Decision on access to document**

3. Pursuant to paragraph 24A(1)(b) of the FOI Act, I have decided to refuse your request for access to documents on the basis that the documents requested either cannot be found or do not exist.

#### **Reasons for decision**

4. An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act if:

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*
  - (i) *is in the agency's or Minister's possession but cannot be found; or*
  - (ii) *does not exist.*

5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the department has taken all reasonable steps to find the documents falling within the scope of your request, and I am satisfied that the documents do not exist. The evidence upon which I have based my decision is as follows:

- your correspondence dated 7 April 2014;
- consultations with departmental officers regarding the information held by the department and searches undertaken by them;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

6. I am satisfied that all reasonable steps have been taken to determine whether the relevant documents exist, and such steps have failed to locate any document falling within the scope of your request because I have been advised that the department does not collect data on bullying in schools. Therefore, I have decided to refuse your request pursuant to paragraph 24A(1)(b) of the FOI Act on the basis that the documents you are seeking either cannot be found or do not exist.
7. However, we can provide the following information and sources to further explore and research:

#### **Prevalence of Bullying**

Australian research results and estimates of prevalence of bullying incidence indicate that:

- one in six students is bullied weekly
- one in four students between Year 4 and Year 9 has reported being bullied at least once, over a period of a few weeks
- one in five students has experienced some form of cyber-bullying
- students are most likely to experience bullying between Years 4 and 9 of formal schooling.
- As students get older there is an increasing tendency to bully using covert rather than overt bullying behaviours.

*(Source Australian Covert Bullying Prevalence Study, Child Health Promotion Research Centre, Edith Cowan University March 2009)*

#### **Concerns about Bullying**

- Mission Australia's Survey of Young Australians 2011 report indicates that just under a quarter of respondents (22.8%) were concerned about bullying/emotional abuse, with the response rate remaining steady over the last four years. Bullying/emotional abuse was of particular concern for 11-14 year olds, with over a quarter being concerned about this issue. Concerns about bullying decrease significantly with age (18.1% of 15-19 year olds and 12.7% of 20-24 year olds).
- There was a reduction in young people's concerns about bullying as indicated in the 2012 and 2013 Mission Australia's Survey of Young Australians report that showed 16.7% (2012) and 16% (2013) of young people were extremely to very concerned about bullying/emotional abuse. Girls were almost twice more likely to be concerned about bullying/emotional abuse than boys.

(Source: [www.missionaustralia.com.au/what-we-do-to-help-new/young-people/understanding-young-people/annual-youth-survey](http://www.missionaustralia.com.au/what-we-do-to-help-new/young-people/understanding-young-people/annual-youth-survey))

#### **Cyberbullying**

NB: there is currently no national data collected on the rates of cyberbullying.

A 2013, Quantitative research report prepared for the Australian Communications and Media Authority found:

- The proportion of respondents who reported being cyberbullied ranged from four per cent of eight to nine year olds up to 21 per cent of 14-15 year olds. While not statistically significant, there appeared to be a slight decline in cyberbullying for the 16-17 year olds, at 16 per cent.
- For the majority of respondents, the cyberbullying had taken place in the last year - particularly for the younger children (eight to 13 years).
- There were some demographic differences evident amongst the 12-17 year olds:
  - Females were more likely than males to report that they had been cyberbullied (21 per cent versus 14 per cent respectively);
  - Teenagers from higher income households (\$100K+) were less likely than others to have been cyberbullied;
  - Teenagers from English speaking households were more likely to say they have been cyberbullied than those from non-English speaking households (18 per cent versus four per cent respectively), with the latter more likely to say they don't know if they have been (eight per cent).

Source:

<http://www.cybersmart.gov.au/About%20Cybersmart/Research/~media/Cybersmart/About%20Cybersmart/Documents/Newspoll%20Quantitative%20Like%20Post%20Share%20%20final%20PDF.pdf>

Related sources:

<http://www.cybersmart.gov.au/About%20Cybersmart/Research/~media/Cybersmart/About%20Cybersmart/Documents/GfK%20Blue%20Moon%20Qualitative%20Like%20Post%20Share%20%20final%20PDF.pdf>

8. Statistical data about bullying in schools may be held with individual schools and/or the relevant state or territory education authority. The department strongly recommends contacting each state/territory education department to determine whether such statistics are held by them.
9. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
10. Should you have any questions, please do not hesitate to contact me on (02) 6240 9294 or via email at [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely



Jenny Komsic  
 Government Lawyer  
 FOI and Corporate Team  
 Legal and Compliance Group

30 April 2014

## REVIEW RIGHTS

### Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: The FOI Coordinator  
Freedom of Information, Privacy and People Legal Branch  
Location Code: C12MT1-LEGAL  
GPO BOX 9880  
CANBERRA ACT 2601

Email: [foi@education.gov.au](mailto:foi@education.gov.au)

### External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
In person: Level 3, 175 Pitt Street  
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

### The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.