

**2020**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**COMMUNITY SERVICES DIRECTORATE**

**NOTICE PROVIDED TO THE OMBUDSMAN UNDER SECTION 39 OF THE  
FREEDOM OF INFORMATION ACT 2016 (CYF-20/23)**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Children, Youth and Families**



**ACT**  
Government

Community Services

Mr Michael Manthorpe  
ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Dear Mr Manthorpe

**FREEDOM OF INFORMATION REQUEST – DECISION NOT MADE IN TIME**

**Our reference: CYF 20/23**

I refer to an access application received by the Community Services Directorate (the Directorate) on 27 October 2019, made under the *Freedom of Information Act 2016* (the Act) seeking documents relating to a Care and Protection Services action plan and Housing ACT transfer application.

The scope of this access application relates to personal affairs and has not been provided due to privacy concerns, however, can be discussed with the Ombudsman's Office if required.

I am writing in accordance with section 39 (1) (c) of the FOI Act to notify you that a decision regarding the release of the requested information was not made in the time allowed under the FOI Act (sections 40, 41 and or 42).

The time to decide this application under section 40 of the Act was 22 November 2019.

**Background**

Due to the volume, size and complexity of FOI access applications received by the Directorate, a 45 working day extension is routinely negotiated with each applicant upon receipt of a valid application. Most applicants agree to extensions of time and appreciate that the Directorate treats all applicants equally in order of receipt of submission ensuring that no applicant is disadvantaged because of the size or complexity of their application.

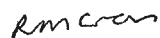
On 27 October 2019, the Directorate was processing 27 access applications that were received ahead of the applicant's.

On 6 November 2019, the applicant responded to the Directorate's request for an extension of time of 45 working days, to 30 January 2020, stating that she cannot agree to the extension.

On 13 November 2019 and 18 November 2019, the Directorate contacted the applicant to negotiate a shorter extension of time to process her access application. The applicant did not agree to a negotiated extension of time on both occasions.

Despite the time to decide having expired, the Directorate will continue to deal with the application and give notice of a decision on the application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rm Cross'.

Rebecca Cross  
Director-General  
Community Services Directorate

5 December 2019