

**2018**

**Community Services Directorate**

**Notice provided to the Ombudsman under section 39 of the  
Freedom of Information Act 2016**

**Presented by  
Gordon Ramsay MLA  
Minister for Seniors and Veterans**



**FOI reference No: CSD 18/15**

ACT Ombudsman  
GPO Box 442  
Canberra ACT 2601

Dear Ombudsman

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

I refer to an access application received by the Community Services Directorate (the Directorate) on 30 July 2018 made under the *Freedom of Information Act 2016* (the Act), seeking documents relating to the Estimates Committee hearings on 27 June 2018 into senior's matters.

The applicant is seeking:

***“All records of correspondence, meetings, telephone conversations, letters, file notes, emails, minutes, briefings etc. created in the process of creating briefing notes and documents the Estimates Committee 2018-19 hearings into seniors on 27 June 2018”***

I am writing to inform you that a decision in regards to release of requested information was not made in the time allowed under section 40 or extended under section 41 or section 42 of the Act.

A decision was required to be made on access to documents within 20 working days, being 27 August 2018.

As you are aware, the size and complexity of FOI access applications received by the Directorate vary. To ensure that no applicant is disadvantaged as result of these factors, each application is processed in order of the date they are received.

On 30 July 2018, the Directorate sought a routine 45 working day extension of time from the applicant under section 41(1) of the FOI Act, noting that there were 46 FOI access applications received prior to the applicant's. The applicant did agreed to extend the time by an additional 45 working days, being 30 October 2018.

It was identified that documents found to be in scope of this request, contain information concerning the affairs of multiple government agencies. The applicant was advised on 30 October 2018 that due to consultation, the timeframe had been extended to 20 November 2018. The applicant was also asked if they would agree to an additional extension of time. The applicant did not agree to a further extension of time.

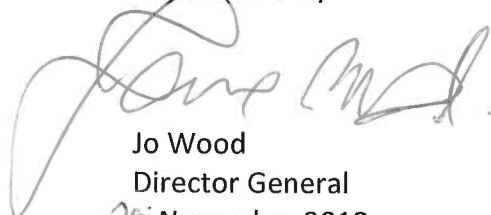
There was however, an administrative error during this process. The information identified as requiring consultation relates to other ACT government agencies and is Territory information and therefore the additional 15 working days for consultation under section 38 of the FOI Act does not apply. There is provision under section 22 of the FOI ACT, for Information Officers to consult with other Information Officers, however, this does not extend the time to decide an application. The Directorate acknowledges that the advice provided to the applicant regarding consultation and the revised due date of 20 November 2018 is incorrect and is writing to the advise the applicant of this error as well as the deemed refusal. It is anticipated that this request will be finalised prior to the Christmas shutdown period

Once this administrative error was identified, the due date to decide this access application reverted back to 30 October 2018. Therefore the Directorate has not made a decision on access within the time allowed under section 40 or the extended time under section 41. The access application is therefore taken to be a refusal to give access in accordance with section 39 (1)(a) of the FOI Act. No fees are applicable for this application.

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

An extension of time was not sought from the ACT Ombudsman under section 42 of the FOI Act as the time to decide under section 40 and 41 has expired.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Jo Wood', is written over the typed name and title.

Jo Wood

Director General

20 November 2018