

**2021**

**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 – FOI Ref: HOU-21/43**

**Presented by  
Rebecca Vassarotti MLA  
Minister for Homelessness and Housing Services  
November 2021**





**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**

**Ref: FOI-HOU-21/43**

I refer to an access application received by the Community Services Directorate (the Directorate) made under the *Freedom of Information Act 2016* (the FOI Act), in which the applicant sought the following information:

*“Records on file relating to the applicant’s tenancy at (applicant’s address) including:*

- 1. Records relating to complaints about the tenant;*
- 2. Records relating to allegations of causing or permitting nuisance; or interfering, or permitting interference, with the quiet enjoyment of at occupiers of nearby premises;*
- 3. Records relating to allegations of any other breaches of the tenancy agreement by the applicant; and*
- 4. The applicant’s rental ledger for 2020 and 2021.”*

The scope of this access application relates to personal affairs and the applicant’s name has therefore 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 inform you that a decision regarding the release of requested information for the abovementioned application, was not made in the time allowed under section 40.

The time to decide the applications under section 40 of the Act was 9 June 2021.

**Background**

On 12 May 2021, on receipt of an access application, the Directorate contacted the applicant as it was considered ‘invalid’ due to no identification being provided. The applicant provided the identification later that same day, however due to an administrative error, the status of application remained invalid.

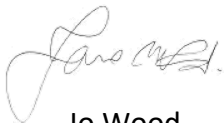
The application became a deemed refusal on 10 June 2021.

The Directorate did not have the opportunity to apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act for the application, as the administrative error did not become apparent until after the application became a deemed refusal.

Despite the time to decide having expired, the Directorate has continued to deal with the application and processing is currently underway.

The Directorate has advised the applicant of the deemed refusal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Wood', with a stylized flourish at the end.

Jo Wood  
Director General  
Community Services Directorate  
22 July 2021