

2025

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

ELEVENTH ASSEMBLY

**Health and Community Services Directorate Notice provided to the Ombudsman – FOI-CYF-23/24
- pursuant to section 39 of the Freedom of Information Act 2016**

**Presented by
Michael Pettersson MLA
Minister for Children, Youth and Families
September 2025**

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Mr Iain Anderson
ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

OUR REF: DBC-24/610

FOI-CYF-23/24

Dear Mr Anderson

FREEDOM OF INFORMATION REQUEST – DECISION NOT MADE IN TIME

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

“We act on behalf of (the applicant)

(the applicant) was first placed into foster care when he was on or around 4 years old. We request the following documents in relation to his time with Care and Protection Services:

- 1. Individual (Child Protection) files.*
- 2. Family Casework files*
- 3. Incident reports*
- 4. Specific report outlining leg injury (the applicant) sustained when he was on or around 4 years old.*
- 5. Admission and discharge registers.*

For the time periods between 1 January 1998 to 31 December 1999 and 1 January 2003 to 31 December 2006.”

The scope of this application relates to personal affairs and the applicant’s name has therefore not been provided due to privacy concerns, however, can be discussed with your 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 date to decide the application under section 40 of the FOI Act was 22 May 2024.

Background

Due to the volume, size and complexity of FOI access applications received by CSD, an extension may be negotiated with each applicant upon receipt of a valid application. Most applicants agree to extensions of time and appreciate CSD 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.

Several extensions were negotiated for this application. On 20 March 2024 an FOI Officer wrote to the applicant and requested an extension of time to allow CSD to process the application by 9 August 2024.

Although this extension was granted by the applicant, the extension was requested in error. This application was received prior to the 25 May 2023 FOI Act amendments. As such, CSD could not seek an extension of time from the applicant past 12 months from receipt of the application (22 May 2024), and therefore CSD was required to seek this extension through the ACT Ombudsman.

CSD did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) due to an administrative oversight. A miscalculation in dates led to the belief that the application fell under the FOI Act amendments which came into effect 25 May 2023 where under section 41 (6) of the FOI Act CSD could seek additional time but not exceed 24 months.

The application became a deemed refusal on 23 May 2024.

Despite the time to decide having expired, CSD has continued to process the application.

CSD has advised the applicant of the deemed refusal, and that CSD will continue to process the application.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C Rule'.

Catherine Rule
Director-General
Community Services Directorate
24 July 2024