

2022

**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-21/46**

**Presented by
Rebecca Vassarotti MLA
Minister for Homelessness and Housing Services
March 2022**



Mr Michael Manthorpe
ACT Ombudsman
actfoi@ombudsman.gov.au

Dear Mr Manthorpe

FREEDOM OF INFORMATION REQUEST – DECISION NOT MADE IN TIME
Ref: FOI-HOU-21/46

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:

“Request for copies of application presented to MD Panel on 10 June 2021 and other relevant documents. A former Housing ACT administrative officer Katrina Saals made application to the Multi-disciplinary Panel ('MDP') held on Thursday 10 June 2021. She claimed to have identified issues and addressed the application criteria on my behalf without really getting my views or answers to those questions. She also claimed, quote, 'the panel members were mostly managers from within the Housing ACT as well as from the community services sectors and were all supportive of my application, which was approved straight ahead unlike many other applications', she claimed. I wrote on 7 July 2021 to ask a copy of the application she presented to the MDP with the name of the panelist who read information about my family and unanimously approved the application and place my family on Priority register on 10 June 2021.

Katerina Saals replied on 9 July, quote, 'you would need to put in a Freedom of Information request through the proper channels to obtain information from your Housing application'.

I ask a copy of this application and all documentation relevant to the Panel decision on my application and the name of the Panelist to be provided to me for the Tribunal hearing about the matter as well as for the purpose of my Public Interest Disclosure request to the relevant authority.”

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.

This access application was lodged with the Directorate on 8 July 2021.

The time to decide the application under section 40 of the FOI Act was 5 August 2021.

Due to the volume, size and complexity of FOI access applications received by the Directorate, a 60 working day extension is routinely negotiated with each applicant on receipt of their application. The majority of the Directorate's applicants agree to extensions of time or a staged release of information and appreciate that the Directorate treats all applicants equally in order of receipt of submission, ensuring a fair process.

On 9 July 2021, the Directorate sought an extension of time under Section 41 (1) of the FOI Act, to 29 October 2021 to process this application. The applicant did not agree to an extension.

An FOI Officer consulted with Housing ACT (HACT) and was advised that the applicant could meet with HACT to discuss informally the information and concerns raised in the FOI application.

On 4 August 2021 the Directorate relayed this information to the applicant and requested an extension of time if the applicant wished to proceed through the formal FOI process. The applicant responded to the Directorate on 4 August 2021, stating that he did not agree to an informal response, or an extension.

Due to the large number of FOI access applications being processed, the Directorate was unable to make a decision on the application by the final agreed due date of 5 August 2021.

At the time of receipt of this access application, there were sixty (60) access applications being managed by the Directorate ahead of this applicant.

However, prior to the application being allocated to an FOI Officer, administration processing has commenced to seek and scan documentation within the scope in preparation for allocation.

The Directorate did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act for this application, as the access application did not meet the requirements under section 42 (2) of the FOI Act.

Despite the time to decide having expired, the Directorate will continue to deal with the application received by this applicant and provide a Notice of Decision once completed.

The Directorate has written to the applicant to advise of the deemed refusal for the application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Wood', written in a cursive style.

Jo Wood
Director General
Community Services Directorate

13 August 2021