

2022

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

**TENTH ASSEMBLY**

**Community Services Directorate**

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

**FOI Ref: CYF-20/15**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Families and Community Services  
September 2022**





**ACT**

Government

Community Services

Penny McKay  
A/g ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Ref: DBC-22/355

Dear Ms McKay

**FREEDOM OF INFORMATION REQUEST FOI-CYF-20/15, DECISION NOT MADE IN TIME**

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 any and all documents held in relation to xxx child protection files.”*

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 application under section 40 of the FOI Act was 13 October 2020.

**Background**

Due to the volume, size and complexity of this FOI access application and impact of responding to the COVID19 pandemic, the directorate successfully negotiated with the applicant who agreed to extend the time to decide the application to 12 September 2021 and for information to be released progressively across four stages.

Processing time for this application exceeded 12 months on 13 September 2021. The directorate made an application to the ACT Ombudsman seeking an extension of time under section 42 (1) of the FOI Act for the application.

The extension granted was subject to the directorate making a decision incrementally, providing stages to the applicant on the following dates:

- Stage 1 - due 15 November 2021 (amended), completed 30 October 2021;
- Stage 2 – due 13 December 2021, completed 13 December 2021 ;

- Stage 3 – due 28 February 2022 (amended), completed 28 February 2021; and
- Stage 4 – due 21 March 2022 – decision not made in time

The directorate did not apply for an amendment the conditions before the timeframe set by the ombudsman had expired. In accordance with section 78 (6) of the FOI Act, a decision not made within the extended time given by the ombudsman is taken to be a decision to refuse access (deemed decision).

Despite the time to decide having expired, the directorate has continued to deal with the application.

Yours sincerely



Catherine Rule  
Director-General  
Community Services Directorate  
14 April 2022