

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: CYF-21/15**

**Presented by
Rachel Stephen-Smith MLA
Minister for Families and Community 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-CYF-21/15

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:

“All documents, file notes, memoranda, reports in relation to _____ dealing with the Department including, but not limited to, various foster care placements, juvenile detention centre placements and placements at various youth refuges such as Scullin and CANA.”

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 March 2021, however this application did not become valid until 10 March 2021 when identification for the applicant was received by the Directorate.

The time to decide the application under section 40 of the Act was 9 April 2021. Due to the volume, size and complexity of FOI access applications received by the Directorate, a 45 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 23 March 2021, the Directorate sought an extension of time under Section 41 (1) of the FOI Act, to 8 April 2022 to process this application as a staged release as ten files have been identified within scope of the application. The applicant did not agree to an extension.

On 23 March 2021, the Directorate spoke with the applicant to further explain the staged release process and to request an extension of time. The applicant responded

to the Directorate on 24 March 2021, stating that they still did not agree to 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 9 April 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 the Directorate commenced processing.

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', with a stylized flourish at the end.

Jo Wood
Director General
Community Services Directorate
29 April 2021