

2021

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

PAPER FOR TABLING

**JUSTICE AND COMMUNITY SAFETY DIRECTORATE - NOTICE PROVIDED TO THE
OMBUDSMAN UNDER SECTION 39 OF THE FREEDOM OF INFORMATION ACT 2016**

**Presented by
Shane Rattenbury MLA
Attorney General**



ACT
Government

Justice and Community Safety

Our Ref: JACS2021/269

The ACT Ombudsman
GPO Box 442
Canberra ACT 2601

Email: actfoi@ombudsman.gov.au

Dear Ombudsman

Access Application – Notice of Decision Not Made in Time

On 25 January 2021, the Justice and Community Safety Directorate received an access application made under the *Freedom of Information Act 2016* (the FOI Act).

The scope of the access application relates to a review conducted by a member of the directorate in 2018 regarding the circumstances surrounding the appointment of the Public Trustee and Guardian as the administrator of an estate.

I am writing to notify you that a decision on this access application was not made within the statutory processing period allowed under the FOI Act. This was because the Directorate was concurrently processing an unusually high number of FOI requests, many of which were complex in nature and required extensive record searches to be conducted.

The time to decide this application under section 40 of the FOI Act was 23 February 2021.

The Directorate contacted the applicant via email on 19 February and again on 21 February 2021 to seek an extension of time under section 41(1) of the FOI Act of five working days. As no response was received from the applicant, the Directorate applied to your Office on 22 February 2021 for an extension of five working days under section 42 of the FOI Act. On 23 February 2021, your Office advised the Directorate that the extension had not been granted.

Despite the time to decide having expired, the Directorate continued to deal with the application and made a decision on access on 26 February 2021, three working days after the statutory due date.

The Directorate has written to the applicant to advise them of the deemed refusal process.

In accordance with section 39(4) of the FOI Act, this notice will be tabled in the Legislative Assembly within the next three sitting days.

Please contact the Directorate's FOI team at JACSFOI@act.gov.au if you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Glenn', with a long horizontal flourish extending to the right.

Richard Glenn
Director-General

2 March 2021