

**2024**

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

**ELEVENTH ASSEMBLY**

**Community Services Directorate Notice provided to the Ombudsman – FOI-CYF-22/40 -  
pursuant to section 39 of the Freedom of Information Act 2016**

**Presented by  
Michael Pettersson MLA  
Minister for Children, Youth and Families  
December 2024**

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**ACT**

Government

Community Services

Mr Iain Anderson  
ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Ref: DBC 23/664

Dear Mr Anderson

**FREEDOM OF INFORMATION – DECISION NOT MADE IN TIME - FOI-CYF-22/40**

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:

*"I, [Name] (DOB:[date]) would like any records with my name held by CYPS on the files of [Name] (DOB:[date]), [Name] (DOB:[date]), [Name] (DOB:[date]), [Name] (DOB:[date]), [Name] (DOB:[date]) and [Name] (DOB:[date]) from 2021 to current 2022 records."*

As the scope of this access application relates to sensitive child protection information and personal affairs, the applicant's name and any other information which may identify a child, children or family has not been provided due to privacy concerns. The details of this request may be discussed further 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 or extended under section 41 or section 42.

**Background**

This application was received by the directorate on 19 July 2022.

Approximately 3,500 pages of information were identified as potentially holding information relevant to the application. The Directorate sought agreement from the applicant to extend the time to decide 12 months to 18 July 2023. The applicant did not refuse this request.

During April through to July 2023 the FOI team has lost a number of experienced FOI officers and continue to work with reduced staffing capacity. The loss of a number of experienced officers has required the reallocation of a number of extremely large applications subject to existing conditionally agreed section 42 extensions of time. As a result of this the Directorate has been unable allocate the request to an FOI officer for processing.

On 5 May 2023, the Directorate attempted to contact the applicant to provide an update and advise the application has not been allocated and to ascertain whether the applicant was still wanting to proceed with their request. A response from the applicant was received 4 July 2023, who confirmed they wished to continue with their access application.

Noting the applicant wish to proceed despite the application not being allocated 12 months after being received an application was made for and extension of time in accordance with section 42 of the FOI Act.

In July 2023 a decision was made by your office not to grant an extension of time, on the grounds *"granting an extension of time in circumstances, where it is not clear when the application is to be progressed, would not encourage timely resolution of access applications."*

Despite the time to decide having expired, the Directorate will continue to deal with the application.

The Directorate has written to the applicant to inform them that the application is now taken to be a deemed refusal.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'C Rule', with a stylized, cursive script.

Catherine Rule  
Director-General  
Community Services Directorate  
27 September 2023