



30 January 2024

Me Me

By email: foi+request-10670-731d5fd7@righttoknow.org.au

Dear Me Me

Notice of decision under the *Government Information (Public Access) Act 2009*

I refer to your access application lodged under the *Government Information (Public Access) Act 2009* ('GIPA Act') with the Department of Communities and Justice ('Department').

Summary of access application

Your application was received on 7 September 2023. You requested the following information:

1. *The current or most recent FaCS policy or policies, that are not publicly available, relating to s 147 of the Children and Young Persons (Care and Protection) Act 1998*
2. *The most recent document in FaCS' possession that could be considered a review/discussion paper/policy paper/research paper, whether formal or informal, relating to s 147.*

On 14 September 2023, the Department advised that your application was not a valid access application because the application did not include an application fee of \$30.

On 18 September 2023, you paid the required application fee.

On 22 September 2002, the Department decided that your application was now a valid access application and advised that your application was required to be decided on or before 16 October 2023. However, the due was extended by agreement to 31 January 2024.

Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application. I have decided:

- Under section 58(1)(a) of the GIPA Act, to provide access to the information sought in your access application (documents 1 – 2);

- Under section 58(1)(b) of the GIPA Act that some of the information sought is not held by the Department.

These decisions are reviewable under sections 80(d) – (f) of the GIPA Act.

Attached is a Schedule of Documents identifying those documents to be released to you.

In this Notice of Decision, I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:

- the reasons for my decision and the findings on any important questions of fact underlying those reasons, and
- the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Documents).

Searches for Information

Section 53 of the GIPA Act which states:

“53 Searches for information held by agency

(1) The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.

(2) An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency’s searches must be conducted using the most efficient means reasonably available to the agency.

(3) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.

(4) An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1998 or contrary to the agency’s established record management procedures.

(5) An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency’s resources.”

In accordance with the obligations outlined in section 53 of the GIPA Act, I can advise you that searches were conducted with the relevant units seeking any documents within the scope of the application.

A search was conducted by a business support officer of the business unit. The result of this search was that there were no records held in relation to item 2.

I am satisfied that reasonable searches for the information requested by the application have been conducted.

Reasons for Decision

I have considered your request in view of the objectives of the GIPA Act where you have a legally enforceable right to obtain information, unless there is an overriding public interest against disclosure of the subject information. Further, I have also considered the requirements of section 74 of the GIPA Act, which provides that an agency may delete information from a record if the deleted information does not fall within the scope of the information applied for.

In deciding your application, I was required to conduct a “public interest test” where the public interest considerations favouring disclosure of government information were weighed against those factors that do not favour disclosure. On this occasion, I have not identified any public interest factors against the disclosure of the information that you have requested.

Therefore, in accordance with section 58(1)(a) of the GIPA Act, I have decided to provide you with a complete copy of the information that falls within the scope of item 1 of your request.

Review rights

If you are aggrieved by my decision, you may seek a review of my decision. You may request:

- internal review by another officer of the Department who is no less senior than me, within 20 working days of this decision, together with the prescribed internal review fee of \$40.00,
- external review by the NSW Information Commissioner, within 40 working days of the date of this decision, or
- external administrative review by the NSW Civil and Administrative Tribunal, within 40 working days of the date of this decision.

I have also **enclosed** a fact sheet which provides further details about your review rights.

Further information

If you have any questions, please do not hesitate to contact me on 02 9716 2662 or by email at infoandprivacy@dcj.nsw.gov.au.

Yours sincerely

J.Creyson

Jordan Creyson
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Law Reform and Legal Services**

Schedule

Pages	Description of Item	Notes on release
1 – 6	Casework Practice Mandate – Carers – Carer Supports (published 12 May 2022)	Release in full under s.58(1)(a) of the GIPA Act.
7 – 8	Form – Claims for loss or damage	Release in full under s.58(1)(a) of the GIPA Act.