



8 February 2024

Our ref: GIPA23 [REDACTED]
LAMA ID: 23 [REDACTED]

[REDACTED]
By email only to: [REDACTED]

Dear [REDACTED]

Formal Access Application - Notice of Decision

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

On 14 December 2023 you confirmed the scope of your application to be the following:

“How many children in the care of the Minister, including their age and whether the subject child was part of a sibling group, were placed into respite, as at 30 June 2022 and 30 June 2023 in:

- NSW overall
- Hunter District
- Central Coast District.”

Searches

Under section 53 of the GIPA Act, the Department must undertake reasonable searches as may be necessary to find any of the government information applied for that was held by the Department when the application was received, using the most efficient means reasonably available to the Department.

I can confirm that Family and Community Services Insights, Analysis & Research conducted searches for any information falling within the scope of your request.

I consider that reasonable searches have been undertaken in response to the application, in accordance with section 53 of the GIPA Act. Based on the information available to me, I am satisfied that all records within the scope of your access application have been generated and provided to me for consideration.

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 grant you full access to the information you have requested.

This is a reviewable decision under section 80(d) of the GIPA Act.

Reasons for Decision

An applicant has a legally enforceable right to access the information requested, unless there is an overriding public interest against disclosing the information (section 9(1) of the GIPA Act). The public interest balancing test for determining whether there is an overriding public interest against disclosure is set out in section 13 of the GIPA Act.

I have made my decision in accordance with section 13 of the GIPA Act by:

- Identifying any public interest considerations in favour of disclosure;
- Identifying any relevant public interest considerations against disclosure;
- Attributing weight to each consideration for and against disclosure; and
- Determining whether the balance of the public interest lies in favour of or against disclosure of the government information.

Public interest considerations in favour of disclosure

Section 12(1) of the GIPA Act sets out a general public interest in favour of disclosing government information, which must always be weighed in the application of the public interest test.

I find the following considerations in favour of disclosure are relevant to your application:

- There is a general presumption in favour of the release of government information;
- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance; and
- Disclosure of the information could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.

Public interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the table to section 14 of the GIPA Act.

I did not identify any public interest considerations against disclosure as being relevant to your application.

Balancing the public interest considerations

Having weighed up the considerations in favour of release, and in the absence of any public interest considerations against disclosure, I have decided to grant you full access to the information you have requested. Access to the information identified for release will be provided in the form of an excel spreadsheet upon receipt of the outstanding balance.

Processing charges

On 30 January 2024 you were advised that processing charges would be required for dealing with your application, in accordance with section 64 of the GIPA Act. On 7 February 2024 our office received the advance deposit in the amount of \$135, being 50% of the total estimated processing charge of \$270.

You were advised that the final processing charge would be calculated once a decision was made in relation to your application. Please be advised that the remaining balance of **\$135** of your processing charges is required to be paid prior to the release of records responsive to your application. The total processing charges and time taken to process your application is outlined in the table below:

Action	Time spent	Cost
Time spent to date on your application, including considering your application and conducting searches for information falling within the terms of your request	8 hours	\$240
Review of information and preparation of decision pursuant to GIPA Act and preparing information for release	2 hours	\$60
Sub-total	10 hours	\$300
Less application fee	1 hour	-\$30
Total processing charges		\$270
Less advance deposit already paid		\$135
Total balance outstanding		\$135

The outstanding balance of **\$135** is required to be paid before the information sought can be released to you.

Should you wish to make payment of the outstanding balance by credit card, please respond to this correspondence by sending an email to me at: lucinda.smith@dcj.nsw.gov.au and I will organise for a link to be sent to you again to allow you to make payment.

Review rights

If you are aggrieved by any of the reviewable decisions in this notice of decision, you may seek a review under Part 5 of the GIPA Act, by requesting any one of the following:

- An internal review that must be lodged with Open Government, Information and Privacy within 20 working days of this notice of decision. You must lodge your internal review at the address shown at the bottom of the first page and must be accompanied by the appropriate application fee of \$40.
- Alternatively, a request for an external review may be lodged with either the Information and Privacy Commission, or the NSW Civil and Administrative Tribunal. Please note that you must lodge your request for an external review within 8 weeks of this notice of decision.

If you have any questions or concerns in relation to this matter, please contact the department on telephone (02) 9716 2662.

Yours sincerely

Lucy

**Open Government, Information and Privacy Unit
Department of Communities and Justice | Legal**

Table 1: Children and young people (CYP) under Parental Responsibility to Minister (PRM) and in out-of-home care (OOHC) in Central Coast District, Hunter District and NSW as at 30 June 2022 and 2023, who had respite at any time during the year 2021-22 and 2022-23, by age

Age group as at 30 June	30 June 2022			30 June 2023		
	Central Coast	Hunter	NSW	Central Coast	Hunter	NSW
0 - 9 years	19	55	648	18	62	659
10 - 17 years	12	59	610	20	79	603
Total	31	114	1,258	38	141	1,262

Notes:

1. The cohort refers to CYP under PRM, which include CYP under parental responsibility to Minister, parental responsibility to Minister (Protected Person) or care responsibility to the Secretary who were in OOHC as at 30 June, who had at least one respite placement during the year.
2. The District refers to where the case plan was held at the end of the reporting period, regardless whether the child/young person's respite placement was case managed by other Districts. From 30 June 2023, we report by RSP district, whereas in 30 June 2022, it was reported by current district. RSP district refers to the historical case management of the child/young person at the time of the event. Current district refers to where the case plan was held at the time of extraction. There are slight differences between these two periods using the different district dimensions.
3. The age reflects the age of the child/young person at the end of the reporting period.
4. RSP district = history dimension of district where the case plan was held at the end of the specified reporting period.

Table 2: CYP under PRM and in OOHC group in Central Coast District, Hunter District and NSW and had a sibling in OOHC as at 30 June 2022 and 2023, who had respite at any time during the year 2021-22 and 2022-23, by age

Age group as at 30 June	30 June 2022			30 June 2023		
	Central Coast	Hunter	NSW	Central Coast	Hunter	NSW
0 - 9 years	17	44	563	16	52	544
10 - 17 years	9	45	498	16	64	489
Total	26	89	1,061	32	116	1,033

Notes:

1. The cohort refers to CYP under PRM, which include CYP under parental responsibility to Minister, parental responsibility to Minister (Protected Person) or care responsibility to the Secretary who were in OOHC as at 30 June., who had at least one respite placement during the year and have a sibling or half sibling residing in OOHC.
2. The District refers to where the case plan was held at the end of the reporting period, regardless whether the child/young person's respite placement was case managed by other Districts. From 30 June 2023, we report by RSP district, whereas in 30 June 2022, it was reported by current district. RSP district refers to the historical case management of the child/young person at the time of the event. Current district refers to where the case plan was held at the time of extraction. There are slight differences between these two periods using the different district dimensions.
3. The age reflects the age of the child/young person at the end of the reporting period.