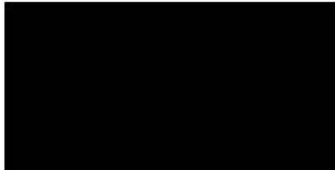




20 April 2017



Our Ref: HOGIPA17/ [REDACTED]
Matter No: [REDACTED]

Dear [REDACTED]

Formal Access Application – Notice of Decision

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (the GIPA Act), that was received by the Department of Family and Community Services (FACS) on 20 January 2017, and your subsequent email dated 6 February 2017, where you amended the scope of your application and you are now requesting access to the following information:

- *“A copy of documents held by FACS, specifically reports, notifications, ministerial/executive briefings and attachments, audio, photos and video footage from 30 December 2014 to the date of this application, containing information in relation to the Child Protection Helpline and calls about underage forced marriage, including:*
 - 1. How many calls has FACS received in relation to under age forced marriages? Of those, how many were children?*
 - 2. The ages of these children.*
 - 3. The location of these children (ie. Sydney, or another region of NSW?)*
 - 4. How many of these were investigated and/or assisted.*
 - 5. The outcome of each case was – ie. were they forced to go overseas and get married, or could they remain?”*

Please be advised that I have liaised with FACS Northern Cluster, who were able to source and extract the relevant data/information requested from a spread sheet which records details of notifications received by the department relating to underage-forced marriage.

I have carefully 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 to which access is provided if the deleted information is not relevant, or within the scope of the information applied for, or an agency has decided to refuse access to that information.

In deciding which information to withhold in full or in part, 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. The following are a number of public interest factors I considered which favour disclosure of the information requested:

- 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
- Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public
- Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds
- The information is personal information of the person to whom it is to be disclosed
- Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct
- Disclosure of the information could reasonably be expected to advance the fair treatment of individuals in accordance with the law in their dealings with agencies
- 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
- Disclosure of the information could reasonably be expected to contribute to the administration of justice generally, including procedural fairness.

On this day 20 April 2017, I have decided to provide you with full disclosure of the data/information requested in Points 1 to 4 of your access application in accordance with section 58(1)(a) of the GIPA Act. I will now respond to each part of your request in turn:

1. How many calls has FACS received in relation to under age forced marriages? Of those, how many were children?

Answer to Point 1:

From 30 December 2014 to 31 January 2017, the Child Protection Helpline received 60 reports about 57 children and young people that were reported to be at risk of underage forced marriage. It should be noted that a call to the Child Protection Helpline is considered to be a report, and in these circumstances, more than one report was made in relation to the same child or young person.

FACS Northern Cluster confirms that no calls were from children.

2. The ages of these children.

Answer to Point 2:

The table below provides a summary of the ages of the children and young people that were reported to be at risk of underage forced marriage.

Age of child (years)	Under 10	10 to 13	14 to 15	16 to 17
Number	4	7	12	34

3. The location of these children (ie. Sydney, or another region of NSW?)

Answer to Point 3:

FACS Northern Cluster advises that the locations listed below refer to the region in which the child or young person was located, at the time the report was received by the Child Protection Helpline:

- 51 children/young people were located in the Sydney Region
- 1 child/young person was located in the Hunter New England region
- 1 child/young person was located in the Illawarra/Shoalhaven region
- 2 children/young people were located in the Mid North Coast region
- 2 children/young people were located in the Murrumbidgee region.

4. How many of these were investigated and/or assisted.

Answer to Point 4:

As a result of the 60 reports received by the Child Protection Helpline FACS Northern Cluster advises that reports about 55 children/young people were investigated and/or assisted. There were two reports that were not investigated and/or assisted as the two children/young people who were reported to the Child Protection Helpline are now 18.

Where appropriate, reports about underage forced marriage received by FACS are referred to the Australian Federal Police or NSW Police Force.

5. The outcome of each case was – ie. were they forced to go overseas and get married, or could they remain?"

Answer to Point 5:

On 14 March 2017, I advised you that section 60(1)(a) of the GIPA Act permits an agency to refuse to continue processing an access application where the work involved would require an unreasonable and substantial diversion of an agency's resources. However, in accordance with section 60(4) of the GIPA Act, I provided you with an opportunity to reduce the scope of Point 5 of your request by 31 March 2017.

To this date, I have not received a response, therefore, I have decided to refuse to deal with Point 5 of your application in accordance with sections 58(1)(e) and 60(1)(a) of the GIPA Act.

Further attached are receipts for the amounts of \$30 and \$570 that represent the fees for processing your Formal Access Application.

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 which must be lodged with the Right to Information Unit, Legal 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 regarding this notice, please contact me on telephone (02) 8753 8386.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rita Peci', with a long, sweeping underline.

Rita Peci
Manager
Right to Information Unit
Department of Family and Community Services, Legal