



13 April 2023

Our ref: GIPA23 [REDACTED]

[REDACTED]  
By Email: [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), where you requested access to the following information:

1. *What was the average annual cost of the Professional Individualised Care (PIC) model of foster care (per child or young person) when it was last calculated?*
2. *What was the average annual cost of a child or young person before transferring to the PIC model?*

#### Access 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 75 of the GIPA Act, to create a new record in response to Point 1 of your access application and in accordance with section 58(1)(a) of the GIPA Act, provide access to that information.
- Under section 58(1)(b) of the GIPA Act that the information sought at Point 2 is not held by the Department.

These decisions are reviewable under sections 80(d-e) of the GIPA Act.

#### The public interest test

The 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.

The general public interest consideration in favour of access to government information set out in section 12 of the GIPA Act means that this balance is always weighted in favour of disclosure. Section 5 of the GIPA Act establishes a presumption in favour of disclosure of government information.

Before deciding whether to release or withhold information, the Department must apply the public interest test and decide whether or not an overriding public interest against disclosure exists for the information.

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

- a. identifying relevant public interest considerations in favour of disclosure
- b. identifying relevant public interest considerations against disclosure
- c. attributing weight to each consideration for and against disclosure
- d. determining whether the balance of the public interest lies in favour of or against disclosure of the government information.

I have applied the public interest test in accordance with the principles set out in section 15 of the GIPA Act which are:

- a. in a way that promotes the objects of the GIPA Act
- b. with regard to any relevant guidelines issued by the Information Commissioner
- c. without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant)
- d. without taking into account the fact that disclosure of information might be misinterpreted or misunderstood by any person (as that fact is irrelevant)
- e. with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of 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. The Department may take into account any other considerations in favour of disclosure which may be relevant (s12(2) GIPA Act).

In my view the following public interest considerations in favour of disclosure apply when considering the documents in issue:

- a. The statutory presumption in favour of the disclosure of government information.
- b. The general right of the public to have access to government information held by agencies.
- c. 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.
- d. 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.
- e. 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.

## **Searches for information**

In processing your application, I have taken into account the obligations referred to in 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 above, I liaised with Strategy, Policy and Commissioning, and the Executive District Director, Western Sydney Nepean Blue Mountains District, which are responsible for the management of the PIC contract.

I will now respond to each point of your request in turn:

#### **1. What was the average annual cost of the Professional Individualised Care (PIC) model of foster care (per child or young person) when it was last calculated?**

I have taken into consideration section 75 of the GIPA Act, which provides that although there is no obligation to provide access to government information by way of creating a new record or document, an agency is not prevented from doing so.

Therefore, I have used my discretion on this occasion to create a new record pursuant to section 75 of the GIPA Act to respond to this specific aspect of your access application. This information has been provided to you at the end of this notice and is titled '**Attachment A**'.

#### **2. What was the average annual cost of a child or young person before transferring to the PIC model?**

The Executive District Director, Western Sydney Nepean Blue Mountains District confirms that the Department does not hold a record that outlines the average annual cost of a child or young person before transferring to the PIC model, as the annual cost depends on the placement type or care arrangement the child was in, prior to being supported by PIC.

Information about the cost of the Department's Permanency Support Program services are provided on the Department's website at:

<https://www.dcj.nsw.gov.au/service-providers/oohc-and-permanency-support-services/contract-and-funding/funding-and-financial-support.html>

### **Review rights**

If you disagree with any of the decisions in this notice, you may seek a review under Part 5 of the GIPA Act.

You have three review options:

- internal review by another officer of this agency, who is no less senior than me
- external review by the Information Commissioner, or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review.

If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or the NCAT.

If you have any questions about this decision please contact me at [peter.bazzo@dcj.nsw.gov.au](mailto:peter.bazzo@dcj.nsw.gov.au).

Yours sincerely

*Peter Bazzo*

Peter Bazzo  
**OGIP Senior Advisor**  
**Open Government, Information and Privacy Unit**  
**Department of Communities and Justice**

## **Attachment A**

- 1. What was the average annual cost of the Professional Individualised Care (PIC) model of foster care (per child or young person) when it was last calculated?**

**Answer:** Placements per child in the PIC program are funded at \$260,000 per annum.