



2 July 2019



Our Ref: [REDACTED]
Matter No [REDACTED]

Dear [REDACTED]

Formal Access Application

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (the GIPA Act), that you lodged with the Department of Family and Community Services (FACS). I note that you originally requested access to a copy of the following information:

- *"The number of children in Out of Home Care spending the night in Alternative Accommodation for the last five years, including data on:
 1. The total number of children per year spending the night in Alternative Accommodation
 2. The highest number of children spending the night in Alternative Accommodation on any given night, for each year
 3. The average number of children per year spending the night in Alternative Accommodation, for each year
 4. The above data broken down by types of Alternative Accommodation
 5. The above data broken down by Aboriginal and Torres Strait Islander status".*

On 6 June 2019, you were advised 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, you were provided with an opportunity to reduce the scope of your original access application.

On 19 June 2018, you advised FACS that you wish to reduce the scope of your original access application to a copy of the following information:

- *"The number of children in Out of Home Care spending the night in Alternative Accommodation each year for the last five years.*
- *The above data broken down by Aboriginal and Torres Strait Islander status."*

I have carefully considered your revised 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.
- 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.

Please be advised that I liaised with the Northern Cluster division within FACS, which was able to provide me the information requested in your revised access application. In accordance with section 58(1)(a) of the GIPA Act, I have decided to disclose the subject information, which is outlined in the proceeding tables:

Children and young people in out-of-home care entering an Alternative Care Arrangement for the period 1 July 2014 to 30 November 2017			
Year	Aboriginal	Non-Aboriginal	Total
2014/2015 financial year	74	100	174
2015/2016 financial year	230	285	515
2016/2017 financial year	256	367	623
1 July 2017 to 30 November 2017	93	131	224

The above information was extracted on 7 June 2019, from FACS' Key Information Directory System and the Corporate Information Warehouse. Please note the following in relation to the above table:

- The numbers represent children and young people who entered an alternative care arrangement in that financial year.
- The reference to 'Aboriginal' includes both Aboriginal and/or Torres Strait Islanders.

- Please note remediation work commenced during the 2018/2019 financial year, to end date placements that were open at the end of the period. Therefore, data from the 2017/2018 financial year onwards, is not directly comparable to previous counts.

Children and young people in out-of-home care entering an Alternative Care Arrangement for the period 1 December 2017 to 6 June 2019			
Year	Aboriginal	Non-Aboriginal	Total
1 December 2017 to 30 June 2018	61	65	126
1 July 2018 to 6 June 2019	118	146	264

The above information was extracted on 7 June 2019, from ChildStory and the Corporate Information Warehouse. Please note the following in relation to the above table:

- The numbers represent children and young people who entered an alternative care arrangement in that financial year.
- The reference to 'Aboriginal' includes both Aboriginal and/or Torres Strait Islanders.
- Please note remediation work commenced during the 2018/2019 financial year, to end date placements that were open at the end of the period. Therefore, data from the 2017/2018 financial year onwards, is not directly comparable to previous counts.

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 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.

Further attached is a receipt for the amount of \$30, which represents the application fee for processing your Formal Access Application.

If you have any questions regarding this notice, please contact me on telephone (02) 8753 8386.

Yours sincerely



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