

4 October 2018



Our Ref: 
Matter No 

Dear 

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 you lodged with the Department of Family and Community Services (FACS) where you requested access to the following information:

1. *"The number of social housing dwellings broken down by suburb for the whole of the Newcastle LGA.*
2. *The number of social housing tenants by suburb for the whole of the Newcastle LGA.*
3. *Both requests should be for the most recent year that is available for release."*

Please be advised that I have liaised with the Department of Family and Community Service's Insights, Analysis and Research Unit (FACSIAR), which were able to extract the requested information.

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.
- 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.

I have decided to provide you with a copy of the information requested in your access application in accordance with section 58 of the GIPA Act, with the exception of the names of some suburbs listed in Tab A, as there is an overriding public interest consideration against disclosure under the GIPA Act.

The names of some of the suburbs listed in Tab A have been withheld from disclosure under clause 3(a) of the table to section 14 of the GIPA Act as they may reveal an individual's personal information. An individual's personal information includes their residential address, and all our clients have the right to reside in public housing within our community, without their residential address being made public knowledge. Unfortunately, if suburb names were disclosed and our clients were subsequently identified, they may be stigmatised within the community for their inability to reside in private rental accommodation. Therefore, I am of the view that there is an overwhelming public interest against disclosing information that reveals an individual's personal information.

Please be advised of the following in relation to the information attached at Tab A:

- FACSIAR are only able to provide information relating to:
 - Dwellings that are owned and leased out by the NSW Land and Housing Corporation (LAHC) and the Aboriginal Housing Office. This excludes dwellings owned by Community Housing Providers (CHP).
 - Tenants managed by FACS Housing. This excludes tenants of CHP.
- The most recent year that information is available for release is for the financial year ending 30 June 2017.

It should be noted that the number of tenants managed by CHP are not available for dwellings that are managed by CHP but owned by LAHC.

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 are receipts for the amount of \$30.00 and \$60.00, which represent the fees for processing your Formal Access Application.

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 stylized flourish at the end.

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

TAB A

Information relating to the number of dwellings for the Newcastle Local Government Area as at 30 June 2017	
Suburb	Number of dwellings
ADAMSTOWN	116
	1
BAR BEACH	151
BERESFIELD	6
BIRMINGHAM GARDENS	5
	1
CARRINGTON	59
COOKS HILL	303
ELERMORE VALE	148
	2
HAMILTON	115
HAMILTON SOUTH	727
ISLINGTON	8
JESMOND	192
KOTARA	6
LAMBTON	195
MARYLAND	76
MAYFIELD	258
MAYFIELD EAST	24
MAYFIELD WEST	57
MEREWETHER	281
NEW LAMBTON	140
NEWCASTLE	26
NEWCASTLE EAST	112
NEWCASTLE WEST	30
NORTH LAMBTON	19
SHORTLAND	82
STOCKTON	159
TARRO	8
THE HILL	10
WALLSEND	314
WARABROOK	54
WARATAH	211
WARATAH WEST	113
WICKHAM	8
Total	4,017

Note 1 - The number of dwellings and the number of tenants in the Newcastle LGA are not directly comparable.

Note 2 - The number of dwellings refers to those owned and leased out by the NSW Land and Housing Corporation and the Aboriginal Housing Office. This excludes dwellings owned by Community Housing Providers (CHP).

**Information relating to the number of tenants for the
Newcastle Local Government Area as at 30 June 2017**

Suburb	Number of tenants
ADAMSTOWN	108
	0
BAR BEACH	135
BERESFIELD	6
BIRMINGHAM GARDENS	5
	1
CARRINGTON	58
COOKS HILL	296
ELERMORE VALE	145
	2
HAMILTON	110
HAMILTON SOUTH	611
ISLINGTON	8
JESMOND	181
KOTARA	6
LAMBTON	185
MARYLAND	75
MAYFIELD	252
MAYFIELD EAST	24
MAYFIELD WEST	56
MEREWETHER	274
NEW LAMBTON	139
NEWCASTLE	26
NEWCASTLE EAST	112
NEWCASTLE WEST	30
NORTH LAMBTON	19
SHORTLAND	80
STOCKTON	156
TARRO	8
THE HILL	10
WALLSEND	305
WARABROOK	53
WARATAH	209
WARATAH WEST	112
WICKHAM	8
Total	3,805

Note 1 - The number of dwellings and the number of tenants in the Newcastle LGA are not directly comparable.

Note 2 - The number of tenants refers to those that are managed by FACS Housing. These figures exclude tenants of CHP.

Note 3 - The number of tenants managed by CHP are not available for dwellings managed by CHP but owned by NSW Land and Housing Corporation.