

7 June 2024

[REDACTED]

By email only

Dear [REDACTED]

Notice of decision

I refer to your access application pursuant to section 41 of the Government Information (Public Access) Act 2009 ('GIPA Act'), which was received by the Department of Communities and Justice (the Department) on 23 April 2024.

You requested the following:

The following documents held by Corrective Services NSW in relation to the 2024 nominations to the Council for the Order of Australia:

- 1. The names and positions of staff who made the final selection of the nominees for the Australian Correctional Medal (ACM).*
- 2. The name and position of the chairperson of any meeting conducted to discuss the selection of the final nominees for the ACM.*
- 3. Any records relating to what criteria was applied to decide the final nominees.*
- 4. The total number of staff members received by the department for consideration for the ACM with a breakdown indicating the number of custodial staff and non-custodial staff*

In the Department's acknowledgement email dated 30 April 2024 an extension of time was sought to process your access application. On 2 May 2024 you wrote to the Department agreeing to a 30 day extension of your matter to 21 June 2024. Thank you for your cooperation in that regard.

Searches for information

Under the GIPA Act we must conduct reasonable searches to locate the government information you have applied for.

Searches were conducted by the Office of the Commissioner, Corrective Services NSW (CSNSW) for information responsive to your access application.

CSNSW have created a record in response to your access application.

Decision

I am authorised pursuant to section 9(3) of the GIPA Act to decide your access application.

I have decided pursuant to section 58(1)(a) and 75(1) of the GIPA Act to provide you with access to the document created by CSNSW in response to your request for information.

I have also decided to impose a processing charge for dealing with your access application in accordance with section 64(1) of the GIPA Act.

This is a reviewable decision pursuant to section 80(d) and (j) of the GIPA Act.

Reasons for decision

Under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

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 applied the public interest test by:

- identifying any public interest considerations in favour of disclosure;
- identifying any relevant public interest considerations against disclosure;
- attribute weight to each consideration for and against disclosure; and
- deciding where the balance between them lies.

Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information.

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 enhance Government accountability and transparency regarding CSNSW's nomination process for the Australian Corrections Medal.

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 have not identified any public interest considerations against disclosure as being relevant to your application.

Balancing the public interest considerations

I have considered the public interest considerations in favour of release, and in the absence of any public interest considerations against disclosure I have decided that the balance lies in favour of releasing the information you have requested.

Processing Charges

I have decided to impose a processing charge for dealing with your access application in accordance with section 64(1) of the GIPA Act. Full payment of your processing charge is required prior to the release of the information in response to your access application. The time to process your application, and total processing charge is outlined in the table below. I have applied a 50% reduction in the processing charge as permitted under section 66 of the GIPA Act as I am satisfied that the information applied for is of special benefit to the public generally.

Table of Processing Charges

| Action | Time spent | Cost |
|--|---------------------|-----------|
| Review application, consider terms and conduct preliminary enquiries regarding relevant business units likely to hold information, create container and acknowledge access application | 2 | \$60.00 |
| Issue search request to business area and provide advice in relation to conducting reasonable searches for information responsive to access application, searches conducted for information to create record, record created for release | 4 hours | \$120.00 |
| Conduct public interest test and draft notice of decision | 3 hours | \$90.00 |
| | | |
| Total of processing charges | 9 hours @ \$30.00 | \$270.00 |
| Less application fee paid | - 2 hour | - \$60.00 |
| Balance | 7 hours | \$210.00 |
| Less 50% special benefit discount | | |
| Total balance outstanding | 3.5 hours @ \$30.00 | \$105.00 |

Payment is accepted online by credit or debit card. When you are ready to pay, please email our office at infoandprivacy@dcj.nsw.gov.au and a unique link will be sent to you, which will direct you to our online payment system.

Alternatively, you can pay by cheque or money order payable to the Department of Communities and Justice or Electronic funds transfer (EFT) to the following account:

Bank Account: Department of Communities & Justice
BSB: 032 001
Account number: 169 197

If paying by EFT you are required to provide proof of payment by email to infoandprivacy@dcj.nsw.gov.au quoting the department's reference number which is available on the first page of this letter.

Disclosure Log

If information that would of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

In our acknowledgement email dated 30 April 2024 you were told about the disclosure log. You were also advised of your right to object to the inclusion of details about your access application in the disclosure log.

You did not object to details about your access application being included in the disclosure log.

I have therefore decided that information would be of interest to other members of the public and will therefore record the following details in our disclosure log, which is publicly available on the Department's website:

- The date on which your access application was decided (that is, the date of this notice of decision);
- a description of the information that will be released to you;
- Whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.

The reason for my decision is because the information being released would be of interest to other members of the public.

Review rights

If you disagree with my decision you may apply for this decision to be reviewed by seeking:

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

You have 20 working days from the date of this letter to apply for an internal review and 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT.

Yours sincerely

Sue Chew

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

Attachment A

GIPA Application GIPA24/ [REDACTED]

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| <p>Item 1: The names and positions of staff who made the final selection of the nominees for the Australian Correctional Medal (ACM).</p> | <ul style="list-style-type: none"> • A/Commissioner Leon Taylor • Deputy Commissioner Luke Grant • A/Deputy Commissioner Craig Smith • Assistant Commissioner Bernhard Ripperger • Assistant Commissioner Steve Thorpe • Assistant Commissioner Jennifer Galouzis • Assistant Commissioner John Buckley • A/Chief of Staff Josh Sampson |
| <p>Item 2: The name and position of the chairperson of any meeting conducted to discuss the selection of the final nominees for the ACM</p> | <p style="text-align: center;">A/Commissioner Leon Taylor.</p> |
| <p>Item 3: Any records relating to what criteria was applied to decide the final nominees.</p> | <p>Eligibility criteria is directly taken from the Australian Corrections Medal regulations in conjunction with the Corrective Services NSW Honors and Awards Policy that state:</p> <p style="text-align: center;">Regulations: Award of Medal</p> <p>3. (1) The Medal may be awarded to a person who: (a) has given distinguished service as a correctional service member; and (b) was a correctional service member at the time the person was nominated for the award of the Medal.</p> <p style="text-align: center;">CSNSW Honours and Award Policy:</p> <p>There are no set criteria or definition regarding 'distinguished service'. Each case is assessed on its own merits. However, regard should be had to factors such as the degree and value of a staff member's contribution, leadership, commitment, and other significant achievements.</p> <p style="text-align: center;">Examples of distinguished service may include:</p> <ul style="list-style-type: none"> • Service above and beyond the normal requirements of the position. • Special achievements or success in the performance of duty in difficult or unusual circumstances. <ul style="list-style-type: none"> • A significant and sustained contribution to the rehabilitation of prisoners and the reduction of reoffending rate within NSW. • A significant act of bravery, courage, or meritorious conduct during a serious, significant or life-threatening incident. |

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| | <p>Nominees should have an untarnished record and have served with ethical and diligent conduct and behaviour throughout their correctional services career.</p> |
| <p>Item 4: The total number of staff members received by the Department for consideration for the ACM with a breakdown indicating the number of custodial staff and non-custodial staff.</p> | <p>There was a total of 28 nominations for consideration for the Australian Corrections Medal in the Australia Day 2024 Honours list. This consisted of:</p> <p style="text-align: center;">13 Non-Custodial 15 Custodial</p> |
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