



20 June 2024

Our ref: GIPA24
24/

By email:

Dear

Formal Access Application - Notice of Decision

Summary

1. (the Applicant) applied for information from the Department of Communities and Justice NSW (the Department) under the *Government Information (Public Access) Act 2009* (GIPA Act).
2. I have decided that the information requested in the access application is not held by the Department, but I have used my discretion to decide to release in full some information to you that is relevant to the information requested in the access application, by the creation of a new record.
3. I have provided information on how to seek a review of my decision is set out in paragraphs 32 to 37.

Summary of access application

4. On 14 May 2024, the Applicant requested access to the following information under the GIPA Act:
“The total funding allocated to each of the following post-release programs for ex-prisoners for each of the past five years:
 - (a) CSNSW Residential Centres
 - (b) Continuous Coordinated Model of Care program
 - (c) Local Coordinated Multiagency offender management program
 - (d) CSNSW Emergency Accommodation Fund
 - (e) NEXUS 3 Reintegration Service
 - (f) Co-existing Disorders program
 - (g) Pathways to Employment
 - (h) Second Chance for Change program”
5. On 15 May 2024, the Department advised that your application was not a valid access application in accordance with section 41(1)(c) of the GIPA Act and that the application could not proceed until payment of the application fee in the sum of \$30.00 was received.
6. On 17 May 2024, the applicant provided proof of payment of the application fee in the sum of \$30.00.

7. On 17 May 2024, the Department acknowledged that your application was a valid access application and was due to be decided on or before 17 June 2024.
8. On 22 May 2024, the applicant clarified that the date range within the scope of the application was to include information for the last 5 financial years, up to and including financial year 2023/24.
9. On 14 June 2024, the Department requested your consent to an extension to the due date until 20 June 2024. On the same date, you consented to the extension of time proposed by the Department.

Decision

10. 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 58(1)(a) of the GIPA Act, to provide access to information that is relevant to the information sought in the access application.
11. My decision under s. 58(1)(a) is a reviewable decision under section 80(d) of the GIPA Act.
12. In providing access to information requested in your application, I have exercised my discretion to provide access to:
 - a. information sought by creating a new record, pursuant to section 75 of the GIPA Act; and
 - b. information that is in addition to the information sought in the access application, pursuant to section 76 of the GIPA Act.
13. In this Notice of Decision I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:
 - a. the reasons for my decision and the findings on any important questions of fact underlying those reasons, and
 - b. the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure.

Searches for information

14. In conducting searches for the information requested in 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.
15. In accordance with the obligations outlined above, I liaised extensively with the Department's Office of the Chief Financial Officer ("the CFO"). The CFO leads, directs and oversees the strategic finance function for DCJ coordinates with other justice and community related agencies to facilitate current and future service delivery needs. The CFO is responsible for providing strategic, tactical and operational advice to Ministers, Secretary and other Executives to enable effective and sustainable service and program delivery, in alignment with standards of probity, equity and best practice in public administration and achievement of DCJ and Government objectives.
16. I have identified the Office of the CFO as the relevant area that of the Department that holds information that is relevant to the information requested in your application. I am satisfied that the Office of the CFO have conducted reasonable searches to locate information that is relevant to your request.
17. Some information relevant to the items listed in your application was located, however, the information is not held in a record or records that can be easily provided to you. In these circumstances, the Department is not obligated to create a new record to respond to an access application, however, we have exercised our discretion under section 75(1) on this occasion to provide access to the information sought.

Creation of a new record

18. Section 75 of the GIPA Act 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. Section 75 states:

75 Providing access by creating new record

- (1) An agency is not prevented from providing access in response to an access application to government information held by the agency by making and providing access to a new record of that information.
- (2) An agency's obligation to provide access to government information in response to an access application does not require the agency to do any of the following –
 - (a) make a new record of information held by the agency,
 - (b) update or verify information held by the agency,

- (c) create new information, or produce a new record of information, by deduction, inference or calculation from information held by the agency or by any other use or application of information held by the agency.
19. Some information relating to the funding of items (a) to (h) of your application was located. However, the Department does not hold the information you have requested in a record or in a manner that can be easily extracted for the purposes of providing you access. This is because the items in your applications can not all be described as “programs” and therefore, funding for some of these items is spread across multiple funding streams and is not recorded or expressed in our records for that specific item. For example:
- a. Post-release CSNSW residential centres, (item (a)) are a physical location. Funding therefore includes the management of the physical infrastructure, related management costs like cleaning and maintenance, in addition to funding for staff and programs/services at the centre.
 - b. *Local Coordinated Multiagency offender management* (item (c)) is not a program, it is a method or “way of working” used by CSNSW Community staff, therefore funding is not reflected as a discrete program, but rather is reflected across a number of regular BAU funding streams.
20. Therefore, the information was not held in the form requested in your application, as the information is not contained in a record, and is not “held” in a manner that could facilitate access without the creation of a new record.
21. The Department is not obligated to create a new record, however, in these circumstances, I have used my discretion to create a new record pursuant to section 75(1) of the GIPA Act to respond to your access application.
22. The record has been created using information that has been extracted and synthesized from numerous sources by the Office of the Chief Financial Officer, along with some additional information, provided pursuant to section 76 of the GIPA Act.
23. The information released has been provided to you at the end of this notice and is titled ***‘Record created in response to GIPA24/ [REDACTED] - Rehabilitation and reintegration of people in custody and on community-based orders’***.

The public interest test

24. 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.
25. 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.
26. 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.

27. I have made my decision in accordance with section 13 of the GIPA Act and I have applied the public interest test in accordance with the principles set out in section 15 of the GIPA Act.

Public interest considerations in favour of disclosure

28. 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).

29. 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 reveal the reason for a government decision and any background or contextual information that informed the decision.

Public interest considerations against disclosure

30. The only public interest considerations against disclosure that can be considered are those in schedule 1 and section 14 of the GIPA Act.

31. On this occasion, I have not identified any public interest considerations against disclosure that are relevant to the information within the scope of your request. Therefore, in accordance with section 58(1)(a) of the GIPA Act, I have decided to provide you with a complete copy of information created to respond to your request.

Review rights

32. If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. Before you do so, I encourage you to contact me to discuss your concerns. My contact details are set out below.

33. 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).

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

35. 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.

36. To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission (IPC), entitled *Your review rights under the GIPA Act*. You will

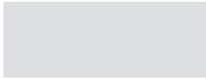
also find some useful information and frequently asked questions on the IPC's website: www.ipc.nsw.gov.au

37. You can also contact the IPC on freecall1800 IPC NSW (1800 472 679).

Further information

38. If you have any questions about this notice or would like any further information, please contact me on (02) 9716 2662.

Sincerely,



Lara Fitton
A/ OGIP Advisor
Open Government, Information and Privacy Unit
Department of Communities and Justice

Encl.

Rehabilitation and reintegration of individuals in custody and on community-based orders

Background

One of the key functions of Corrective Services NSW (CSNSW) is to promote the effective rehabilitation and reintegration of individuals in custody and on community-based orders. CSNSW aims to provide individuals in custody and on community-based orders with end-to-end case management to support them break their cycle of re-offending and gain meaningful and relevant skills to successfully reintegrate back into their communities as contributing members of society. CSNSW supports this through its commitment and funding of key roles, programs, services and its broader focus on effective reintegration.

Community based roles, programs and services are vital in supporting individuals on community-based orders. As such, a part of CSNSW's budget funds correctional centres and the programs and services that run within them and a proportion of the total budget is allocated to fund Community Corrections and community-based services and programs, including work and education, diversionary programs and residential and transitional centres.

Programs and services funded by CSNSW

Below are examples of programs and services that CSNSW funds as part of our overall business-as-usual (BAU) funding, noting these are not all encompassing. There are a range of initiatives and work that CSNSW does as part of our funding to facilitate reintegration that do not fall within the definition of "programs", including trialling different approaches to see what works with the aim of effective rehabilitation and reintegration of individuals in custody and on community-based orders.

Residential centres

CSNSW funds and provides vital support to help with the running of four residential centres statewide. Residential centres assist higher risk men and women exiting custody who do not have an identified place of residence upon their release. CSNSW staff identify individuals who might be eligible for release into a residential centre and CSNSW staff within those centres deliver effective case management to address an individual's offending behaviour and provide residents with the skills to be able to live independently and productively in the community. Some centres also focus on strengthening the residents' connection to their Aboriginal culture, which provides the residents with an added layer of support.

Residents at these residential centres also receive support from Community Corrections Officers (CCOs) while they are on community-based supervision. CCOs provide effective case management to help residents apply for and obtain more permanent housing, engage in mental health, alcohol and other drug treatment, gain employment and also help with any other goals identified by the individual that supports positive behaviour change.

Continuous Coordinated Model of Care (CCMC) program

The CCMC program is led by the NSW Department of Communities and Justice (DCJ) (through CSNSW and Housing) and NSW Health. CSNSW funds three key roles that support the provision of the program. The program assists with the pre and post release planning for individuals with psychosis who are exiting custody. CSNSW staff identify potentially suitable

candidates that can be referred to the program. The staff within the CCMC team identify suitable housing that complements an individual's mental health treatment and rehabilitation programs. This enables individuals to have a better chance of reintegrating back into the community as their mental health needs are considered along with their housing needs.

Individuals who are still subject to community-based supervision following their release from custody receive additional case management assistance and support through Community Corrections. The individual's CCO has frequent contact with the CCMC team to ensure the individual is appropriately supported and their mental health and accommodation needs are met.

Local Coordinated Multiagency (LCM) offender management program

The LCM offender management program brings together NSW DCJ (including Community Corrections, Housing and Child Protection), NSW Health, and NSW Police Force.

The program delivers multiagency case management and support to selected priority individuals on community-based orders. CSNSW funds 10 specialised roles, known as LCM coordinators, that work with individuals on community-based orders to provide intensive support which can range from applying for housing and identification documents, engaging in mental health or alcohol and other drug treatment, or food and clothing assistance.

This support is additional to the case management provided by CCOs while the individual is subject to a community-based order. While LCM coordinators may focus on specific and more urgent matters related to the individual (e.g. finding permanent housing or employment), the CCO focuses on longer term goals identified by the individual such as behaviour change to break the cycle of further offending.

CSNSW Emergency Accommodation Fund

CSNSW has allocated a \$50,000 yearly budget to fund emergency housing for individuals on community-based orders. The fund was created to give emergency help to individuals who may be in a vulnerable situation or at risk of further offending due to experiencing homelessness or accommodation issues. CCOs make referrals for emergency accommodation applications while also working with the individual to help them secure more permanent housing.

NEXUS 3 Reintegration Service

NEXUS 3 is a reintegration program that has a three stream multi branch approach that starts reintegration planning upon an individual's entry into custody with a more intensive focus closer to their release from custody. CSNSW case management staff work with individuals in custody for the duration of their sentence to identify risks and barriers to their successful reintegration and develop a meaningful plan for the individual to follow after they are released from custody. This approach aims to prepare the individual for easier reintegration into the community through identifying and eliminating any barriers before the individual is released from custody.

If the individual is subject to a community-based order upon their release from custody, they will receive further case management assistance through their CCO.

Co-existing Disorders program

The Co-existing Disorders program supports individuals on community-based orders who have an identified alcohol or other drug problem and a mental illness and/or intellectual disability. CSNSW funds six specialised roles, known Co-existing Disorders program

coordinators that provide extra advocacy and support for individuals on community-based orders by helping them access services in the community that may be hard to navigate or difficult to understand. This support is additional to the case management provided by CCOs while the individual is subject to a community-based order.

The combination of the support provided by the Co-existing Disorders program coordinators and CCOs allows for more intensive support for individuals who need it most. This may mean that an individual's competing needs (e.g. mental health treatment and finding housing) can be intensively focused on at the same time, enabling the individual to meet their goals sooner.

Pathways to Employment (P2E)

P2E identifies employment opportunities that best match the skills and experience of individuals in custody who want to engage and gain employment. The program also identifies the type of training individuals in custody might need to secure post-release employment. CSNSW staff help participants while they are in custody and following release to identify and apply for jobs, including developing their resumes, preparing them for interviews or connecting them with other support services. This program aims to prepare individuals exiting custody for a smoother reintegration into the community due to having established employment leading up to and following release.

CSNSW program staff provide ongoing support when an individual exits custody and assists the individual in gaining further employment if required. This support is additional and complementary to the case management support provided by Community Corrections if the individual is subject to community-based supervision following their release from custody.

Second Chance for Change program

CSNSW provided an 18-month grant to Blackrock Industries to lead a program assisting Indigenous men in custody. The program provides Indigenous men in custody opportunities to engage in long term, stable employment opportunities. The program aims to reduce further reoffending by providing Indigenous men with positive ties to their communities through stable employment. This program is additional to the case management and reintegration support provided by CSNSW staff to individuals in custody.

Programs with discrete funding

Program	FY20	FY21	FY22	FY23	FY24	Notes
CSNSW Emergency Accommodation Fund	0.05	0.05	0.05	0.05	0.05	Yearly budget.
Second Chance for Change program			1.10			Grant provided to Blackrock Industries to support the program for 18 months.

Note: All amounts are in \$m and exclusive of GST. These amounts include funding that is provided by DCJ.