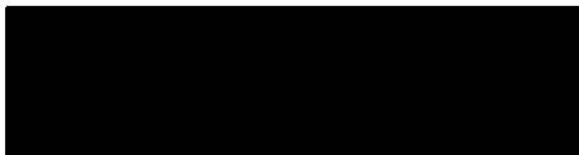


30 March 2017



Our Ref: HOGIPA17/ [REDACTED]
Matter No: [REDACTED]

Dear [REDACTED]

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:

- *“How many children in the care of the Minister were permanently placed in a respite placement in:*
 - a. *2014/5 financial year;*
 - b. *2015/16 financial year;*
 - c. *2016/17 financial year to date?”*

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 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 in section 53 of the GIPA Act, I liaised with the Northern Cluster Directorate who advise that respite care, as defined by the FACS 'Respite Care Policy', is:

- *"... planned, regular or one-off time limited breaks for parents, carers and children and young people. It provides parents and carers with time-out from the demands of the parenting and caring role and can enrich the range of social networks and experiences for the child or young person."*

The Northern Cluster Directorate further advises that no children or young people are placed with a carer on respite, and then left permanently in their care, without formal review. FACS conducts annual case plan reviews for all children in out-of-home-care irrespective of their placement type, an element of which incorporates a placement review.

These annual reviews consider the best needs of the child and if a decision was made that the placement in respite care is the right place for the child, then the placement is no longer considered as short term, medium term or respite. The purpose of the placement is then to ensure permanent care, or transition to restoration, etc, whatever the plan was for that child. Any decision to place a child permanently in a placement is a carefully considered decision.

If you wish to discuss the subject matter of your request further with FACS, please contact Ms Briony Foster, Director, Cross Cluster Operations & Business Support, on (02) 9716 2274.

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

A handwritten signature in blue ink, appearing to read "Rita Peci". The signature is fluid and cursive, with the first name "Rita" and last name "Peci" clearly distinguishable.

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