

6 April 2017



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:

1. *“FACS budget data relating to payments to Life Without Barriers (LWB) in NSW in the 2015/16 Financial year for out-of-home-care services including a breakdown of payments to individual regions and/or services and number of clients for each region or service.*
2. *The monetary amount paid to LWB in Coffs Harbour to house a 17 year old client living by himself in a LWB home.*
3. *The budget with line items including staff expenses and associated costs for that individual house.”*

Please be advised that I have liaised with Service System Commissioning (SSC), FACS, who were able to source and extract the relevant data/information. This information is derived from FACS' information technology systems – COMS (FACS' non-government organisation contracting system) and the Key Information Directory System (KiDS) which records client 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:

Department of Family and Community Services  
Postal address: Locked Bag 4028, Ashfield NSW 1800  
W [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au) | E [facsinfo@facs.nsw.gov.au](mailto:facsinfo@facs.nsw.gov.au)  
T (02) 9377 6000 | TTY (02) 8270 2167  
ABN 80 597 369 676

- 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.

On this day 6 April 2017, I have decided to provide you with full disclosure of the data/information requested in Point 1 of your access application in accordance with section 58(1)(a) of the GIPA Act. I will now respond to each part of your request in turn:

1. ***“FACS budget data relating to payments to Life Without Barriers (LWB) in NSW in the 2015/16 Financial year for out-of-home-care services including a breakdown of payments to individual regions and/or services and number of clients for each region or service.”***

**Answer to Point 1:**

The below table provides a breakdown of payments made to Life Without Barriers for the period, 1 July 2015 to 30 June 2016.

<b>Service Type</b>	<b>Description of service</b>	<b>Amount</b>
Contracted Care	Placements contracted with out-of-home care (OOHC) providers under Funding Deeds and Program Level Agreements.	\$92,972,848.31
Fee for Service	Services delivered on FACS' behalf for children and young people in OOHC, for example, respite, supervised transport, medical and dental expenses.	\$1,242,141.24
Social and Community Services Award (SACS) Equal Remuneration Order (ERO)	Supplementary contribution by FACS to assist service providers meet wage cost increases as a result of EROs that were not known when funding agreements were agreed in, or prior to, 2012/13.	\$2,714,378
<b>Total</b>		<b>\$96,929,367.55</b>

SSC advise they are unable to provide a breakdown of payments for each region/service, as payments to providers are made at a state-wide level, not a district or regional level and, manual adjustments may occur following a reconciliation process based on actual children in the funded places. SSC further advise that while records may indicate that a child or young person is placed in a particular district, payments to a provider may reflect the district that case manages the placement.

2. *"The monetary amount paid to LWB in Coffs Harbour to house a 17 year old client living by himself in a LWB home*
3. *The budget with line items including staff expenses and associated costs for that individual house."*

**Answer to Points 2 and 3:**

Please be advised that as you provided insufficient identifying information regarding the particular client you refer to in Points 2 and 3 of your request, FACS are unable to conduct any searches in order to respond. I note our telephone conversation on 20 January 2017, where you were unable to provide me with any further identifying information relating to the client that would have enabled FACS to conduct relevant searches in accordance with section 53 of the GIPA Act.

I am currently waiting on the receipts relevant to this application, once I receive them I will forward them to you.

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, Legal 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.

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

Yours sincerely



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