

[redacted]

By email only: [redacted]

5 June 2025

Dear [redacted]

Notice of Decision

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (GIPA Act) that you lodged with the Department of Communities and Justice (the Department) which was received on 10 April 2025. Your application is due on 16 June 2025.

Summary of your request

You requested access to the following Youth Justice NSW (YJNSW) information:

1. *The number of times a young person in a NSW Youth Justice Centre was ankle-cuffed from 2010 – 2018.*
2. *The information requested at (1) above broken down by:*
 - a) *Youth Justice Centre;*
 - b) *Calendar year*

On 3 June 2025, you agreed to amend the scope of your application to:

1. *The number of times a young person in a NSW Youth Justice Centre was ankle-cuffed during use of force incidents from 2014 – 2018.*
2. *The information requested at (1) above broken down by:*
 - a) *Youth Justice Centre;*
 - b) *Calendar year*

Searches for information

Under section 53 of the GIPA Act, the Department must undertake reasonable searches as may be necessary to find any of the government information applied for that was held by the Department when the application was received, using the most efficient means reasonably available to the Department. The YJNSW Research & Information unit conducted thorough searches for the information within the scope of your application.

Decision

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:

1. Under section 75 of the GIPA Act, to create a new record to respond to your access application; and

Department of Communities and Justice

Postal address: Locked Bag 5000, Parramatta NSW 2124

W www.dcj.nsw.gov.au

T (02) 9716 2662

2. Under section 58(1)(a) of the GIPA Act, to provide access to the information sought in your access application.

I note that the information requested in your access application is not information that is contained in a record that the Department already holds. However, I have taken into consideration section 75 of the GIPA Act, which 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.

Therefore, I have used my discretion on this occasion to create a new record pursuant to section 75 of the GIPA Act to respond to your access application. I have decided under section 58(1)(a) of the GIPA Act, to provide access to the information sought in your access application which is titled 'Attachment A'.

The public interest test

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.

In deciding which information to withhold in full or in part, I was required to conduct a "public interest test" in accordance with the principles set out in section 13 of the GIPA Act, 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 reveal the reason for a government decision and any background or contextual information that informed the decision.

The only public interest considerations against disclosure that can be considered are those in schedule 1 and section 14 of the GIPA Act. However, in this notice of decision, the Department has not identified any public interest considerations against disclosure of the information you have requested.

After reviewing the information and exercising the public interest test, I have decided to fully disclose the information that falls within the scope of your access application in accordance with section 58(1)(a) of the GIPA Act.

Disclosure log

I have assessed that the information released in response to your formal access application is information that may be of interest to other members of the public.

I note that in your application form you have consented to the details of your application being recorded in the disclosure log.

Therefore, the Department may decide to record certain details about your application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act), which is available on the Department's website.

Processing charges

Section 64 of the GIPA Act provides that the Department may charge \$30 per hour to process an application.

On 23 May 2025, the Department received your payment of \$60.00, being 50% of the total processing charge of \$120.00, which was calculated from an estimate of five hours required to deal with your application.

The total actual time taken to deal with your application was nine hours. Accordingly, please make payment of the balance of the processing charges of \$180.00 before the records can be released to you.

Payment is accepted online by credit or debit card. When you are ready to pay, please contact me by email or 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 electronic funds transfer (EFT) to the following account:

Bank Account: Department of Communities and Justice

BSB: 032 001

Account number: 169 197

If paying by EFT, please 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.

Review rights

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.

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).

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

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.

Further information about your review rights can be located on the Information and Privacy Commission's website at <https://www.ipc.nsw.gov.au/fact-sheet-your-review-rights-under-gipa-act>.

If you have any questions about this notice or would like any further information, please email me at Doreen.Lin@dcj.nsw.gov.au.

Yours sincerely

Doreen Lin

Open Government, Information and Privacy Advisor

Open Government, Information and Privacy Unit

Department of Communities and Justice, Legal

ATTACHMENT A

The number of times a young person in a NSW Youth Justice Centre was ankle-cuffed during use of force incidents from 2014 – 2018, broken down by:

- a) Youth Justice Centre;
- b) Calendar year

Source: DCJ/YJ CIMS (RPELive) extracted on 15 April 2025.

As this is a live data base, figures are subject to change.

Calendar Year	Centre	No. of Use of Force incidents where ankle-cuffs were used
2014	Acmena	1
	Baxter	2
	Reiby	8
2014 Total		11
2015	Orana	1
	Reiby	15
2015 Total		16
2016	Acmena	3
	Cobham	2
	Reiby	10
	Riverina	1
2016 Total		16
2017	Acmena	3
	Reiby	4
2017 Total		7
2018	Reiby	3
2018 Total		3
Grand Total		53