



23 October 2023

Our ref: GIPA23/ [REDACTED]

Dear [REDACTED]

## Formal Access Application - Notice of Decision

### Summary

1. You 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 to release the requested information to you in full, with the exception of some information which I have determined is not held by the Department.
3. Information on how to seek a review of my decision is set out in paragraphs 25 – 30.

### Summary of access application

4. On 28 August 2023 you lodged an application under the GIPA Act with the Department requesting access to the following information:  
*For each of the last financial years (2017-18; 2018-19; 2019-20; 2020-21 and 2021-22) please provide the following:*
  - i. *List the 10 biggest providers of Out of Home Care (in terms of financial cost to the Department) for each of these services: (a) Motel Accommodation; (b) Alternative Care Arrangements and (c) Interim Care Arrangements.*
  - ii. *The amount spent each year for each service and organisatio006E listed in (i) above.*
5. On 30 August 2023, the Department acknowledged your application as a valid access application and you consented to an extension of time until 23 October 2023 to decide your application.

### Decision

6. 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 some of the information sought in your access application,
  - Under section 58(1)(b) of the GIPA Act, that some of the information is not held by the agency.
7. These decisions are reviewable under sections 80(d) and (e) of the GIPA Act.

### **Searches for information**

8. 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.
9. Searches for any information falling within the scope of your application were conducted by the Finance Business Partners, Finance & Procurement and Statewide Contracts, Partnerships, Strategy, Policy and Commissioning business units.
10. Accordingly, I can confirm that a thorough search has been conducted of the Department's records management systems for any information that falls within the scope of your request.
11. As a result of these searches, some information falling within the scope of your request was located.

### **Decision to provide access**

12. I have 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.
13. In deciding your application, 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. On this occasion, I have not identified any public interest factors against the disclosure of the information that you have requested.
14. Therefore, in accordance with section 58(1)(a) of the GIPA Act, I have decided to provide you with a complete copy of the records held which fall within the scope of your request.
15. A decision to provide access to information is a reviewable decision under section 80(d) of the GIPA Act.

### **Decision that some information is not held**

16. The obligations of an agency under the GIPA Act apply to government information held by an agency, or rather, information contained in a record held by the agency.
17. While some of the information you requested in your access application was identified as being held in the Department's records by the relevant business units, a portion of the requested information was not identified as being held in any records.
18. While some of this information may be able to be generated by interrogating financial expenditure and performing various calculations, the searches conducted indicate that some of the requested information is not data that has already been generated and reported on which would be contained in a pre-existing record, and it is also not information which is easily retrievable by performing a simple query.
19. Section 75 of the GIPA Act relates to providing access to information by way of creating a new record:

#### **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.
20. As outlined in section 75(2), there is no requirement for agencies to produce a new record of information by deduction or calculation from other information held by the agency or to create a new record of information to satisfy an application.
21. On these grounds I have determined that some of the requested information is not held by the Department.
22. A decision that government information is not held by an agency is a reviewable decision under section 80(e) of the GIPA Act. Further information regarding your review rights is provided below.

### **Form of Access**

23. Please consult the table of processing charges on page 5 of this decision and complete payment of the \$120.00 balance. The records will be released when payment of the processing charges is complete.
24. Access to the information will be provided in the form pdf copies of the relevant documents.

### **Review rights**

25. 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.
26. 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).
27. You have 20 working days from the date of this Notice to apply for an internal review.
28. 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.
29. 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:

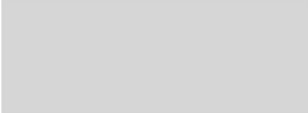
[www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

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

**Further information**

31. If you have any questions about this notice or would like any further information, please contact me at [infoandprivacy@dcj.nsw.gov.au](mailto:infoandprivacy@dcj.nsw.gov.au).

Yours sincerely



Alicia McKenzie

**OGIP Solicitor**

**Open Government, Information and Privacy Unit**

**Department of Communities and Justice**

### Table of Processing Charges

	<b>Action</b>	<b>Time spent/estimated time to be spent</b>	<b>Cost</b>
30 August 2023 – 11 October 2023	Time spent considering the scope of your application, making preliminary enquiries, and conducting searches for information falling within the terms of your request	7 hours	\$210.00
13 October 2023 – 17 October 2023	Review information, consult with relevant business units regarding potential public interest considerations against release	1 hour	\$30.00
	Prepare decision pursuant to the GIPA Act, including preparing information for release	1 hours	\$30.00
<b>Sub-total</b>		9 hours	\$270.00
<b>Less</b>	Application fee	1 hour	-\$30.00
	Advance Deposit		-\$120.00
<b>Balance of processing charges</b>			<b>\$120.00</b>

**Interim Care Model expenditure by provider - 1 July 19 - 30 June 22**

	2019-20	2020-21	2021-22
<b>Service Provider</b>	<b>\$'s (1) (2) (3)</b>	<b>\$'s (1) (3)</b>	<b>\$'s (1) (3)</b>
Allambi Care Limited	\$206,614	\$2,039,659	\$2,120,023
CareSouth	\$304,632	\$2,829,734	\$5,316,043
CASPA Services Ltd	\$261,894	\$1,773,264	\$2,006,458
Life Without Barriers	\$0	\$1,861,739	\$2,937,240
Lifestyle Solutions (Aust) Ltd	\$559,601	\$4,621,055	\$5,271,456
Pathfinders Ltd	\$0	\$811,569	\$1,027,709
The Burdekin Association Inc	\$0	\$1,201,199	\$2,997,000
Veritas House Inc	\$269,887	\$1,034,308	\$1,870,204
<b>Grand Total</b>	<b>\$1,602,629</b>	<b>\$16,172,527</b>	<b>\$23,546,133</b>

**Note**

(1). \$'s are program spend by provider in the Financial Year (FY) from DCJ Contract Management System (COMS).

These \$'s may include some payments and reconciliation adjustments for previous years.

(2). Interin Care Model commenced in 2019-20 Financial Year thus no data for 2017-18 and 2018-19

(3) There are only 8 providers delivering this program.

Alternative Care Arrangements expenditure - 1 July 19 - 30 June 22	2019-20	2020-21	2021-22
<b>Grand Total</b>	<b>\$97,313,234</b>	<b>\$66,251,781</b>	<b>\$68,442,304</b>

**Note**

(1). Prior to 2019 - 2020 ACA costs were not tracked separately.