



23 February 2024

Our refs: 23/[REDACTED]
GIPA23 [REDACTED]



By email to: [REDACTED]

Dear [REDACTED]

Formal Access Application - Notice of Decision

Summary of access application

1. On 13 December 2023, you applied to the Department of Communities and Justice (the department) for access to the following information:
“DCJ budget data relating to payments made to Life Without Barriers and Catholic Care in NSW each financial year for out-of-home care services for the past five years, state wide and in the Hunter Central Coast region.”
2. On 13 December 2023, the department acknowledged your application as a valid access application and advised you that the due date to decide your application is 24 January 2024.
3. On 24 January 2024, the department advised that an extension of time was required to complete your application and you agreed to a new due date of 22 February 2024.

Searches for information

4. 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.
5. Searches for any information falling within the scope of your request were conducted by Finance and Procurement, as well as Strategy, Policy and Commissioning, which provided some of the data requested in your access application.
6. 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.

Decision

7. 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 you applied for is not held by the department.
8. 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.
9. In your application, you requested data relating to payments made by the department to 2 non-government organisations (NGOs), Life Without Barriers and Catholic Care, for the delivery of Out-of-Home Care (OOHC) services in New South Wales (NSW), broken down by:
 - a. the total number of payments made to the NGOs across the state for the delivery of OOHC services, and
 - b. any payments made to the NGOs for the delivery of OOHC services in just the Hunter Central Coast region of NSW.
10. In relation to your request for the breakdown of payments made for the delivery of OOHC services in the Hunter Central Coast region of NSW, advice provided by Strategy, Policy and Commissioning confirms that:

“Out-of-Home Care (OOHC) services are delivered as part of the Department’s Permanency Support Program (PSP). PSP Contracts are not paid by DCJ District and we are unable to provide that breakdown. We can confirm that PSP providers are funded by volume depending on the program that is either state-wide or in a Hub, which are not the same geographic range as Districts.”
11. Therefore, I have decided in accordance with section 58(1)(b) of the GIPA Act, that the department does not hold information relating to payments made to Life Without Barriers and Catholic Care for OOHC services, in the Hunter region of NSW.
12. However, in relation to your request for total payments made to Life Without Barriers and Catholic Care in NSW, I have decided in accordance with section 58(1)(a) of the GIPA Act, that the information can be disclosed to you in full. Please refer to the attachment titled ‘Attachment A’ for the table of payments made to the NGOs.
13. Please note that 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. A decision to provide access to information is a reviewable decision under section 80(d) of the GIPA Act.

Review rights

15. 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.
16. 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).
17. You have 20 working days from the date of this Notice to apply for an internal review.
18. 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.
19. 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
20. You can also contact the IPC on freecall1800 IPC NSW (1800 472 679).

Further information

21. If you have any questions about this notice or would like any further information, please contact me on (02) 9716 2624 or at hayley.croft@dcj.nsw.gov.au.

Yours sincerely

Hayley Croft

Hayley Croft
OGIP Advisor
Open Government, Information and Privacy Unit
Department of Communities and Justice

Attachment A - Total payments to NGOs for out of home care services

Out of Home Care Only	Financial Year	Total
Service Provider		
Catholic Care*	2018/2019	34,272,450
	2019/2020	40,271,858
	2020/2021	40,478,842
	2021/2022	40,660,949
	2022/2023	43,268,653
Catholic Care Total		198,952,752
Life Without Barriers	2018/2019	88,444,550
	2019/2020	85,732,124
	2020/2021	86,083,143
	2021/2022	99,946,635
	2022/2023	111,387,326
Life Without Barriers Total		471,593,778
Grand Total		670,546,530

*Please note that these figures represent payments made to 3 separate PSP contracts with the Catholic Care Diocese of Broken Bay, Catholic Care Social Services - Hunter Manning and Catholic Care Wollongong NSW.