

Yvette Berry MLA

Deputy Chief Minister

Minister for Education and Early Childhood

Minister for Homes and New Suburbs

Minister for Sport and Recreation

Member for Ginninderra

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 4****Friday, 21 March 2025****Question No. 216****Mr. Cain MLA:** To ask the Minister for Homes and New Suburbs

1. Have documents been produced by the ACT Government in relation to Freedom of Information request FOI-HOU-24/36 after six months; if not, why not.
2. When will the ACT Government produce documents in relation to Freedom of Information request FOI-HOU-24/36.
3. What steps has the ACT Government taken to comply with the conditions attached to the extension granted by the ACT Ombudsman on 11 February 2025 (AFO-ER-24/80006) in relation to Freedom of Information request FOI-HOU-24/36.

Yvette Berry MLA - The answer to the Member's question is as follows:

1. The Community Services Directorate (CSD) received this Freedom of Information (FOI) application on 26 September 2024. CSD partially transferred this request to the Environment, Planning and Sustainable Development Directorate (EPSDD) and the Transport Canberra and City Services (TCCS) on 15 October 2024. EPSDD accepted a partial transfer while TCCS refused on grounds they had received a similar request from the applicant. Both EPSDD and TCCS have finalised their requests. The documents provided to the applicant are publicly available on CMTEDD and TCCS's disclosure logs: EPSDD [disclosure-logs/epsdd-24112270](#) and TCCS disclosure log [FOI-25-028](#).

In November 2024, the ACT Ombudsman granted an extension through to 31 March 2025. On 8 February 2025, the applicant submitted another FOI request for similar information. Given the scope and combined size of the two requests, CSD will process the applications in totality, rather than a staged approach. To allow both applications to be processed with



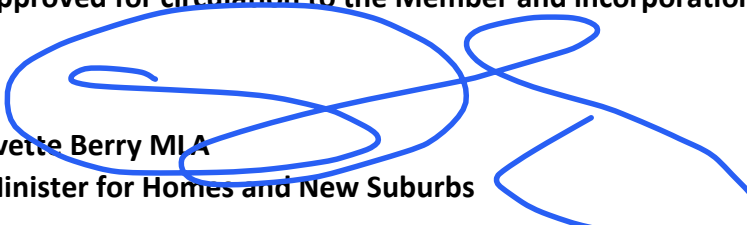
consistency across both applications. CSD requested an amendment to the Ombudsman's granted extension of time, seeking an extension until 2 May 2025. The ACT Ombudsman declined the request for a further extension of time on 4 April 2025. Consequently, the FOI request became a deemed decision to refuse access when the application was not finalised by 31 March 2025. CSD continues to progress this application.

2. CSD is working to provide this information as soon as practicable. As noted in the response to question one, the combined size of the two requests means there are over 2,400 pages within the scope which must be reviewed. Additionally, there are 25 relevant third parties who have been identified for consultation. Consultation concluded on 7 April 2025. CSD is working to deliver the information to the applicant by 2 May 2025.
3. CSD has undertaken all reasonable steps to process this application. The ACT Ombudsman's extension to 31 March 2025 required three conditions to be met:
 - a. CSD must negotiate with the applicant about scope and priority of the information requested;
 - b. CSD is to provide the applicant information by tranches as it is reasonably practicable; and
 - c. CSD must advise the applicant the dates the stages of information are to be provided to the applicant.

CSD has engaged with the applicant. The scope is clear, and no clarification was required. The approach is to release the information to this applicant in a single package. This is due to the nature of the documents required. CSD is unable to stage the release against its standard sorting criteria as the scope relates to communications related to one subject. CSD has determined that it would not be reasonably practicable to release the application in stages as the resourcing and time required would be greater than any benefit seen in efficiency or quality of processing the application in a staged approach.

The decision to process the applications together has allowed for all information to be considered with a consistent approach, which has also allowed for a single consultation process to occur with each of the relevant third parties. This will provide a more efficient processing of the combined applications. A single release will also streamline the process with the application having a decision on release and provision of the documents faster.

Approved for circulation to the Member and incorporation into Hansard.


Yvette Berry MLA
Minister for Homes and New Suburbs

Date: 17/04/25

This response required 30 minutes to complete, at an approximate cost of \$59.09.