



28 August 2018



Our Ref: [REDACTED]  
Matter No [REDACTED]

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:

- *"The number of risk of significant harm reports lodged with the Department of Family and Community Services for the Newcastle Local Government Area, broken down by suburb, for the 2016/2017 financial year."*

Please be advised that I have liaised with the Department of Family and Community Service's Insights, Analysis and Research Unit (FACSIAR), which were able to extract the requested 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:

- 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 reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.
- 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.
- Disclosure of the information could reasonably be expected to contribute to the administration of justice generally, including procedural fairness.

I have decided to provide you with a copy of the information requested in your access application in accordance with section 58 of the GIPA Act, with the exception of the names of some suburbs listed in Tab A, as there is an overriding public interest consideration against disclosure under the GIPA Act.

The names of some of the suburbs listed in Tab A have been withheld from disclosure under clause 3(a) of the table to section 14 of the GIPA Act as they may reveal an individual's personal information. The disclosure of the suburb names may lead to the identity of the children or young people who are the subject of risk of significant harm reports, specifically in suburbs where there may be few children or families in the general population. I am of the view that there is an overwhelming public interest against disclosing information that may reveal a child or young person's identity.

Please be advised of the following in relation to the information attached at Tab A:

- The dataset for the financial year is captured in August, which provides a snapshot of information from the Key Information and Directory System (KiDS).
- The information relating to a suburb is not a mandatory field in KiDS, and reflects a child or young person's latest recorded place of residence. Therefore, the information may not reflect the actual suburb that the child or young person resided in, at the time that the risk of significant harm report was made.

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 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.

Further attached are two receipts for the amount of \$52.50, which represent the fees for processing your Formal Access Application.

If you have any questions regarding this notice, please contact me on telephone (02) 8753 8400.

Yours sincerely



Peter Bazzo

**Senior Right to Information Officer**

**Right to Information Unit**

**Department of Family and Community Services, Legal**

## TAB A

Number of Risk of Significant Harm reports, by suburb, in the Newcastle Local Government Area for the 2016-17 financial year	
Suburb	Number of Reports
Adamstown	75
Adamstown Heights	28
Bar Beach	6
Beresfield	43
Birmingham Gardens	107
[REDACTED]	1
Broadmeadow	53
Carrington	36
Chisholm	5
Cooks Hill	78
Elernore Vale	137
Fern Bay	32
Fletcher	71
Garden Suburb	16
Georgetown	36
Hamilton	45
[REDACTED]	3
Hamilton North	9
Hamilton South	221
[REDACTED]	1
Islington	9
Jesmond	90
Kotara	61
Kotara South	19
Lambton	121
Maryland	250
Maryville	10
Mayfield	324
Mayfield East	52
Mayfield West	54
Merewether	104
[REDACTED]	4
Minmi	32
New Lambton	143
New Lambton Heights	29
Newcastle	104
Newcastle East	23
Newcastle West	12
North Lambton	90
Rankin Park	14
[REDACTED]	1
Shortland	163
Stockton	63
Tarro	14
The Hill	6
The Junction	14
Thornton	62
Tighes Hill	60
Tomago	5
Wallsend	504
Warabrook	29
Waratah	192
Waratah West	64
Wickham	11
Woodberry	106
<b>Total</b>	<b>3841</b>