



**ACT**  
Government  
Community Services

Dear

I refer to your application under the *Freedom of Information Act 1989* (FOI Act), section 14, received by the Community Services Directorate on 3 October 2013, in which you requested the following documents:

*"...information CSD produced and/or holds about damage to public housing properties in the ACT inflicted by tenants. Specifically, I seek access to the Directorate's reports on the costs of repairing damage dated between 1 October 2012 and 1 October 2013, including documents relating to specific incidences involving a police/emergency services presence or resulting in damage worth more than \$1000"*

I am an officer authorised to make a decision in respect of a request for information, under the FOI Act, section 22.

#### **Decision**

The Directorate has produced a report which relates to the scope you provided in your application. This report is attached to this letter with some exemptions.

Furthermore, the following information is based on the attached report for your assistance.

#### Specific incidences involving a police/emergency services presence

For the period 1 October 2012 to 1 October 2013, there have been 14 separate incidents where tenant responsible maintenance charges exceeding \$1000 have been raised. This is in relation to an incident where a police incident number has been provided in relation to a tenanted public housing property.

The total value of the tenant responsible charges for the 14 properties is \$23,631.83 and is largely due to police or fire brigade gaining forced entry to the premises.

### Reports on the costs of repairing damages properties

For the same period, there are a further 101 tenant responsible maintenance charges exceeding \$1000 per property (tenanted properties with no police or fire brigade involvement) at a total cost of \$201,435.70. As noted these charges do not have police or emergency service involvement and are attributed as a tenant responsibility because of damage inflicted at the property by the tenants or visitors of the tenants.

Examples of tenant responsible damage may include: patching and painting holes in walls, reglazing windows, removal of rubbish and cleaning.

### **Exemptions**

#### **Personal information**

Certain documents within the scope of your request have been released with deletions in reference to the FOI Act, section 41. Exemptions under this section have been made where the documents within the scope of your request, contained personal information, relating to other individuals, i.e. information which cannot reasonably be disclosed.

#### **Section 29, Housing Assistance Act 2007 & s38, FOI Act 1989**

Information identifying recipients of housing assistance is *protected information* under Section 28 of the *Housing Assistance Act 2007*. Under Section 29 of that Act protected information is prohibited from release to any individual other than the person to whom the information relates. The use of this secrecy provision is enabled under the FOI Act by Section 38.

Section 38 of the FOI Act allows the exemption of documents if there is a secrecy provision of any other law that provides for the restriction of particular kinds of information. The protection of information as described in Section 29 of the *Housing Assistance Act 2007* is such a secrecy provision.

#### **Review rights**

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

Executive Director  
Policy and Organisational Services  
Community Services Directorate  
GPO Box 158  
CANBERRA ACT 2601

You have 28 days from the day you receive this notification to seek a review of the outcome or such other period as the Executive Director permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

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### **Online FOI Policy**

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to FOI Applicants may be released on the internet.

A copy of the policy, with details about what information may be published on the internet, is available online at: [cmd.act.gov.au/open\\_government](http://cmd.act.gov.au/open_government)

If you have any queries in relation to this matter, please contact Ms Jessica Gotovac, Senior Freedom of Information Officer on 6207 6547.

Additionally, the Senior Director Asset Management would be pleased to meet with you to discuss the attached report in more detail if required. If you would like to set up a meeting, please call 6207 1383.

Yours sincerely



Tracy Chester  
Manager  
Organisational Governance  
6 November 2013