

Ref: (15/104)

S41 FOI Act 1989

By email: S41 FOI Act 1989

Dear S41 FOI Act 1989

I refer to your application under the ACT *Freedom of Information Act 1989* (FOI Act), received by the Community Services Directorate (the Directorate) on 3 February 2015 in which you sought access to the following information:

1. S41 FOI Act 1989

5. Code of Conduct for Care and Protection.

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

Decision

The attached schedules list decisions regarding access to documents which are in the scope of your request. The terms used are either 'Full release', or 'Partial release'. Where information is considered to be exempt and a deletion has been made, a reference is made in the schedule to the relevant section, or combination of sections, of legislation that apply to the particular information.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In relation to point 5 of your request, whilst no specific code of conduct for Care and Protection workers exists, I can advise that Care and Protection workers are bound by the ACT Public Service Code of Conduct. This document can be found at Schedule 2.

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
Service Strategy and Community Building
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

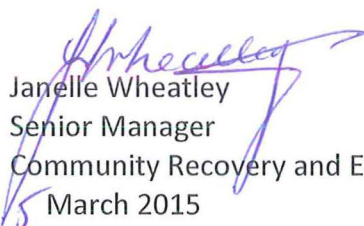
Online FOI Policy

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the non-personal information (schedule 2) in relation to your request will be published online. All other information, including any personal information included in this decision letter, will **not** be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, a copy of the policy is available online at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

If you have any queries in relation to this matter, please contact Ms Amy Bascomb, Senior Freedom of Information Officer at csd.foi@act.gov.au or on 02 6207 6547.

Yours sincerely


Janelle Wheatley
Senior Manager
Community Recovery and Emergency Planning
15 March 2015

Freedom of Information Act 1989

41 Documents affecting personal privacy

- (1) A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.
- (3) Where—
 - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and
 - (b) it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;

the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.