



ACT

Government

Justice and Community Safety

JACS2021/198

DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application received by the Justice and Community Safety Directorate (JACS) on 21 January 2021 in which you sought access to the following information under the *Freedom of Information Act 2016* (the Act):

“Policy, processes and procedure relating to making decisions under S13 Capacities in which public trustee and guardian may act, sub section (4), of the Public Trustee ACT that were in place in April 2017, and currently in place.”

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision

This letter is to formally advise you, in accordance with section 53 of the Act, that JACS does not hold information within the scope of your request.

53 Content of notice – information not held by respondent

If an access application relates to government information that is not held by the respondent, the decision notice must state that the information is not held by the respondent.

The Public Trustee and Guardian (PTG) makes decisions under section 13 of the *Public Trustee and Guardian Act 1985* on a case by case basis and in consultation with appropriate external bodies as appropriate. The considerations applied by PTG are too numerous and complex to document and as such, no specific policy or procedure exists.

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <http://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the

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Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Ph: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact JACS FOI via jacsfoi@act.gov.au or phone 6207 2167.

Yours sincerely



Daniel Ng
A/g Executive Group Manager
Legislation Policy and Programs

14 February 2021