



Commissioner Andrew Scipione  
Commissioner of Police  
Locked Bag 5102  
Parramatta, NSW 2124

23 February 2008

Dear Sir/Madam

Re: Delays in processing Freedom of Information Act applications

We refer to the above and are writing on behalf of the Domestic Violence and Victims Compensation Sub-Committee of the Combined Community Legal Centres Group (NSW) Inc.

The sub-committee is made up of community legal centre lawyers who practice in the area of victims compensation. Primarily applications undertaken by legal centre lawyers on behalf of clients are those relating to sexual assault and domestic violence.

Part of this process means applying to access police information pursuant to Freedom of Information Act 1989. As you would be aware, under the Act applications are to be determined within 21 days. Relevantly section 24(2) of the Act states as follows:

An agency that fails to determine an application within 21 days after the application is received by the agency shall, for the purposes of section 34 and other provisions of this Act, be taken to have determined the application by refusing access to the document to which it relates.

Unfortunately, it is a rare thing indeed to have an application determined within 21 days. One legal centre has recently analysed the time taken for applications to be determined over the last 4 years, the average time taken to decide applications was between 3-4 months, the longest was approximately 11 months. There were a number of applications which ranged from 5 – 7 months.

In total, out of 27 applications made in the years between 2003 and 2007, only one was decided within the legislatively defined period of 21 days (this one application was an exception to the general experience due to the applicant having a terminal illness and the local Domestic Violence Liaison Officer being active in seeking the records).

Clearly this situation is outside the boundaries of the Act and theoretically every single applicant in the cases analysed could have treated the delay as a refusal as per section 24(2) of the Act. You should also note that the Police appear to be the only NSW government organization that consistently fails to provide determinations within the time frame, and we do not experience this with applications to agencies such as the Department of Community

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Services, Corrective Services, the Ambulance Service of NSW and the various Area Health Services.

We understand that the delays are possibly due to staffing shortages and the time taken for police in the field to respond to requests made by the FOI unit. We have consciously ignored the delays for some time, hoping that things would improve.

We would like to see this situation improve and ask that the Police Service advise us of what plans, if any, it has in relation to these unacceptable delays.

Yours faithfully

Jessica Cruise and Sharlene Naismith  
Law Reform and Policy Co-Convenor / Professional Indemnity Insurance Committee Co-Convenor  
Combined Community Legal Centres Group (NSW) Inc.

CC:

The Hon. David Campbell, Minister for Police  
GPO Box 5341, Sydney NSW 2001

The Manager - FOI Unit, NSW Police

NSW Ombudsman  
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