



Administrative Appeals Tribunal

FOI ref: 2023/0157

14 August 2023

John Smith

Email: foi+request-10507-a90d467e@righttoknow.org.au

Dear John Smith,

Notice of Decision for Freedom of Information Request no. 2023/0157

The purpose of this letter is to give you a decision about access to documents that you have requested under the *Freedom of Information Act 1982 (FOI Act)*.

Summary

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

You lodged an FOI request on 26 July 2023 for access to “...*statistical information about your caseload relating to autism (including Asperger’s) and the outcomes of those cases compared to other NDIS cases*”. Within your request you specified the format under which you wished to receive the requested information and provided a link to the Administrative Appeals Tribunal (AAT) Caseload Report for the period 1 July 2022 to 31 May 2023, available via the AAT’s website.

You stated that you wished the statistical data to be presented to you using the same methodology as the AAT Caseload Report, but with a breakdown of the National Disability Insurance Scheme (NDIS) data by condition, notably where that was Autism (including Asperger’s) or Other.

Decision

I have considered your request with reference to section 17(1) of the FOI Act. Section 17 provides that an agency can deal with a request for information that is not available in a discrete form in a written document if the agency can produce the document through use of a computer or other equipment that is ordinarily available to it. However, under subsection 17(2), an agency is not required to comply with subsection 17(1) if doing so would substantially and unreasonably divert the resources of the agency from its other operations.

I have consulted our Strategy and Reporting section requesting their assistance in generating a Caseload Report which breaks down the NDIS caseload according to an applicant’s condition. They have advised that the AAT is unable to produce the requested statistics using existing reporting tools as our system does not have the

functionality to provide the specifics that you require. That is, there is no data field for condition type in the AAT's electronic case management system which would allow the data to be drawn from the system and isolated. In order to extract this data, significant amendments would have to be made to the case management system and then manual entry would be required to enter the condition type and a bespoke report would have to be coded to generate that information.

Based on this, I am satisfied that the AAT could not produce the information you have requested using computer systems available to it, and that the work required to fulfil the request would substantially and unreasonably divert AAT resources from its normal operations.

Section 24A of the FOI Act provides that a request can be refused if a document does not exist. Following the advice from the Strategy and Reporting section I am satisfied that the documents you have requested do not exist in discrete form, and we are not required to comply with your request under section 17(2) of the FOI Act because doing so would substantially and unreasonably divert resources from the AAT's normal operations. I therefore refuse your request under section 24A of the FOI Act.

Your review rights

Information about how you can apply for a review of this decision or complain about how we have dealt with this matter is set out in the attached fact sheet, FOI 2.

If you have any questions about this decision, please contact me at foi@aat.gov.au.

Yours sincerely,

Marta M

Authorised FOI Officer (APS 6)

Attachments

FOI 2 – Information about reviews and complaints under the Freedom of Information Act

Information about reviews and complaints under the Freedom of Information Act

What should I do prior to applying for internal review or contacting the Office of the Australian Information Commissioner?

Before you apply for an internal review or contact the Office of the Australian Information Commissioner, we recommend that you telephone the officer who made the FOI decision. It is often possible to resolve concerns or answer your questions using this approach and, if not, the officer will be able to assist you in applying for review.

How do I apply for internal review to the AAT?

You can apply to us for an internal review of the FOI decision. The application for internal review must be made within 30 days or such further period as we allow, after the day the decision is notified to you. To apply for an internal review you must do so in writing. You may also wish to explain why you are not satisfied with the decision. A different and more senior officer authorised under the *Freedom of Information Act 1982* (the FOI Act) will conduct the internal review and make a new decision within 30 days after receipt of your application.

If you have already applied for internal review and want to seek a further review of that decision, you will need to apply to the Australian Information Commissioner.

How do I apply for review to the Australian Information Commissioner?

You may also apply directly to the Australian Information Commissioner for review of the FOI decision. The application for review must be made within 60 days after the day notice of the decision was given. An application for review must be in writing, include details of how notices in relation to the review are to be sent to you and include a copy of the decision. You may also wish to explain why you are not satisfied with the decision. An online application form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

What if I want to make a complaint about the handling of a Freedom of Information request?

If you have a complaint about the way in which we have processed your request for access under the FOI Act you can ask the Australian Information Commissioner to investigate. An online complaint form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

Where can I find further information or contact details for the Office of the Australian Information Commissioner?

Further information is available on the Office of the Australian Information Commissioner's website at www.oaic.gov.au and you can contact the office on 1300 363 992 or by email at enquiries@oaic.gov.au.