



28 August 2023

Karen and Rob Stewart

Right to Know

**By email:** [foi+request-10546-2e6ead6d@righttoknow.org.au](mailto:foi+request-10546-2e6ead6d@righttoknow.org.au)

Dear Karen and Rob Stewart

### **Freedom of Information request — Request consultation process**

Thank you for your correspondence of 10 August 2023, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

### **Scope of your request**

You have requested access to the following documents:

*“I request a copy of all documents, file notes, emails, correspondence and reports of the Tasmanian PACE evaluation/trial, including the methodology used, participant responses and full questionnaires”*

### **Practical refusal**

I am authorised to make decisions under section 23(1) of the FOI Act.

I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its other operations due to its size, complexity, and broad scope. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make my final decision, I am writing to provide you with an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

I have conducted a preliminary search for documents which are likely to be relevant to your request. This search has revealed that the NDIA is in possession of more than 613 evaluation files, noting there are several excel documents with numerous tabs which have not been calculated as separate files. As a conservative estimate, it would take an Officer 613 hours to review these files, which is around 82 days based on a 7.5 hr workday.

In addition, the email count, which is based on an average only, is likely to be higher than 1490 (not including attachments). We have received more than 400 survey responses from people with disability, participants and their family and carers. We have held focus groups with our Participant Reference Group and held virtual and in-person community engagement sessions in Tasmania with over 340 people, participants, families, and carers attending.

We have also held 24 Tasmanian specific engagement sessions with over 1,859 registered attendees. Tasmanian disability representatives and carer organisations have also run focus groups and sent out 26 surveys to 43 focus groups.

On my reasonable estimate, I consider the size and complexity of data responsive to your scope would take an FOI officer significantly more than, and in addition to, the 613 hours or 82 days or 16 weeks required by the originating officer conducting the document search, simply review and collate the documents.

The documents that are assessed as being within scope of the request will then need to be reviewed for any sensitivities and possible exemption under the FOI Act and scheduled, we will need to consider any consultations and carry these out if required, a decision will need to be made on each document, and a decision letter prepared. This will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

To assist you in reducing the scope of your request, I am providing you with a link to our website where the information described above has been assessed, evaluated, and reported on and has been provided in a number of formats catering to differing needs. Please see the link below:

[Checking your feedback from the Tasmania test | NDIS](#)

As this information, which is publicly available, directly relates to the scope of your application, on review of this information, I invite you to consider your options moving forward with this FOI application. Your options are as follows:

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request
- b. make a revised request
- c. indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it, noting that significant processing charges could still be incurred.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at [foi@ndis.gov.au](mailto:foi@ndis.gov.au).

Alternatively, you can reply in writing to the following address:

Freedom of Information Section  
Parliamentary, Ministerial & FOI Branch  
Government Division  
National Disability Insurance Agency  
GPO Box 700  
CANBERRA ACT 2601

If you do not contact me within this period, that is by 11 September 2023, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jennifer', written in a cursive style.

**Jennifer**  
Senior Freedom of Information Officer  
Parliamentary, Ministerial & FOI Branch  
Government Division