

6 November 2023

Brutus

By email: foi+request-10657-46a1b811@righttoknow.org.au

Dear Brutus

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 3 September 2023, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act). I apologise for the delay in responding.

Scope of your request

You have requested access to the following documents:

“(A)ny and all documents in the possession of the National Disability Insurance Agency providing that it is permissible for an inadequate public interest disclosure investigation to remain unremedied (i.e. to remain inadequately investigated) by officials in the agency to which an internal disclosure under the Public Interest Disclosure Act 2013 (Cth) was allocated for investigation.”

Decision on access to documents

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

I have decided to refuse your request for access under section 24A of the FOI Act. In doing so I took the following into account:

- your correspondence outlining the scope of your request the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- consultation with relevant officers of the NDIA.

Reasons for decision - Refuse a request for access (section 24A)

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

I have consulted with the relevant line area responsible for administering the NDIA's responsibilities under the PID Act. I have been advised that a search for the documents you have requested is unlikely to provide any documents. This is because, our PID Procedures are not consistent with the request for documents that you have made.

Please note there is information that the NDIA must publish which may be useful to you. This is can be viewed via the following link: [Public Interest Disclosure | NDIS](#).

This link includes detailed information on the Principals Officer's Procedures as well as a list of the Authorised Officers at the NDIA which may be of assistance to you for the purpose of your request.

As the information on the Public Interest Disclosure is publicly available, I have not considered it as part of my decision.

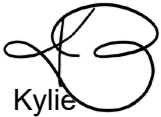
I am satisfied that all reasonable steps have been taken to locate the documents you have requested and that they cannot be found. I am therefore, refusing access to your request in accordance with section 24A(1)(b)(ii) of the FOI Act.

Rights of review

Your rights to seek a review of my decision, or lodge a complaint, are set out at **Attachment A**.

Should you have any enquiries concerning this matter, you can contact me by email at foi@ndis.gov.au.

Yours sincerely



Kylie
Assistant Director, FOI
Parliamentary, Ministerial & FOI Branch
Government Division

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision, you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the review process, you should clearly outline your grounds for review (that is, the reasons why you disagree with the decision). Applications for internal review can be lodged by email to foi@ndis.gov.au or sent by post to:

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

Review by the Office of the Australian Information Commissioner

The FOI Act also gives you the right to apply to the Office of the Australian Information Commissioner (OAIC) to seek a review of this decision.

If you wish to have the decision reviewed by the OAIC, you may apply for the review, in writing, or by using the online merits review form available on the OAIC's website at www.oaic.gov.au, within 60 days of receipt of this letter.

Applications for review can be lodged with the OAIC in the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Email: enquiries@oaic.gov.au
Phone: 1300 363 992 (local call charge)

Complaints to the Office of the Australian Information Commissioner or the Commonwealth Ombudsman

You may complain to either the Commonwealth Ombudsman or the OAIC about actions taken by the NDIA in relation to your request. The Ombudsman will consult with the OAIC before investigating a complaint about the handling of an FOI request.

Your complaint to the OAIC can be directed to the contact details identified above. Your complaint to the Ombudsman can be directed to:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your complaint should be in writing and should set out the grounds on which it is considered that the actions taken in relation to the request should be investigated Division.