



24 October 2023

Our reference: LEX 76033

Renee

Only by email: foi+request-10691-6b5e0593@righttoknow.org.au

Dear Sir / Madam,

Decision on your Freedom of Information Request

I refer to your request, dated and received by Services Australia on 17 September 2023 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

I am specifically interested in obtaining any information, documents, and data pertaining to the following areas:

1. **Inclusive Accessibility Measures:** Any policies, guidelines, or initiatives implemented to enhance accessibility for individuals with disabilities, including but not limited to those with physical, sensory, cognitive, intellectual, and psychosocial disabilities.
2. **Communication and Language, Inclusion and Accessibility:** Information regarding inclusive communication supports, inclusive language accessibility, and inclusive accommodations provided to ALL individuals with disabilities, whether they are nonverbal or have other unique ways of communicating, including neurodivergent and autistic individuals who may require in-person communication.
3. **Sensory-Appropriate Spaces:** Details on the creation and maintenance of sensory-appropriate spaces to accommodate neurodivergent individuals and those with sensory sensitivities.
4. **Face-to-Face Service Accessibility:** Information on access to face-to-face services for individuals who require in-person communication for accessibility purposes with your agency.
5. **Cognitive and Intellectual Disabilities:** Any measures taken to address the needs of individuals with cognitive and intellectual disabilities to ensure they can access and benefit from your services.
6. **Psychosocial Disabilities:** Policies and practices related to the inclusion and support of individuals with psychosocial disabilities to promote their participation in your programs and services.
7. **Accommodations:** Details on accommodations that have been made for individuals with disabilities to access your services effectively.

8. Targeted Measures for Direct Engagement: Details about any targeted measures or initiatives undertaken to directly engage with individuals with disabilities (not just organizations representing them) to assess their needs and preferences, as well as ways to provide them with opportunities to participate and provide feedback.

9. Accessibility Policies and Guidelines: Copies of internal accessibility policies, guidelines, or procedures, as well as any relevant training materials for staff and service providers.

10. Internal Processes: Information on the internal processes and mechanisms in place to monitor and improve accessibility, including any data or reports related to accessibility outcomes.

My decision

I have decided to refuse your request under section 24(1) of the FOI Act because a 'practical refusal reason' still exists under section 24AA of the FOI Act. I am satisfied under section 24AA(1)(b) that your request does not provide sufficient information to enable Services Australia to identify the documents you are seeking, as required by section 15(2)(b) of the FOI Act.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

You can ask for a review of our decision

If you disagree with the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the Agency, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

Further assistance

If you have any questions please email freedomofinformation@servicesaustralia.gov.au.

Yours sincerely,

Elizabeth
FOI Practitioner
Freedom of Information Team
FOI and Ombudsman | Legal Services Division
Services Australia



REASONS FOR DECISION

What you requested

I am specifically interested in obtaining any information, documents, and data pertaining to the following areas:

1. **Inclusive Accessibility Measures:** Any policies, guidelines, or initiatives implemented to enhance accessibility for individuals with disabilities, including but not limited to those with physical, sensory, cognitive, intellectual, and psychosocial disabilities.
2. **Communication and Language, Inclusion and Accessibility:** Information regarding inclusive communication supports, inclusive language accessibility, and inclusive accommodations provided to ALL individuals with disabilities, whether they are nonverbal or have other unique ways of communicating, including neurodivergent and autistic individuals who may require in-person communication.
3. **Sensory-Appropriate Spaces:** Details on the creation and maintenance of sensory-appropriate spaces to accommodate neurodivergent individuals and those with sensory sensitivities.
4. **Face-to-Face Service Accessibility:** Information on access to face-to-face services for individuals who require in-person communication for accessibility purposes with your agency.
5. **Cognitive and Intellectual Disabilities:** Any measures taken to address the needs of individuals with cognitive and intellectual disabilities to ensure they can access and benefit from your services.
6. **Psychosocial Disabilities:** Policies and practices related to the inclusion and support of individuals with psychosocial disabilities to promote their participation in your programs and services.
7. **Accommodations:** Details on accommodations that have been made for individuals with disabilities to access your services effectively.
8. **Targeted Measures for Direct Engagement:** Details about any targeted measures or initiatives undertaken to directly engage with individuals with disabilities (not just organizations representing them) to assess their needs and preferences, as well as ways to provide them with opportunities to participate and provide feedback.
9. **Accessibility Policies and Guidelines:** Copies of internal accessibility policies, guidelines, or procedures, as well as any relevant training materials for staff and service providers.
10. **Internal Processes:** Information on the internal processes and mechanisms in place to monitor and improve accessibility, including any data or reports related to accessibility outcomes.

Request consultation process

On 22 September 2023, I wrote to you providing a notice of intention to refuse your request under section 24AB(2) of the FOI Act as your request did not clearly identify the documents you were seeking access to. I gave you an opportunity to consult with the Agency to revise your request so as to remove the practical refusal reason. Specifically, the Agency suggested that the information you are seeking may be publicly available, and if not, that you revise your request to remove ambiguous terms such as “information” and “data” and provide the Agency with a date range.

On 24 September 2023 you responded to my letter and advised that you disagreed that your request did not sufficiently identify the documents you were seeking. Specifically, you stated:

I am writing in response to your letter dated September 22, 2023, regarding my Freedom of Information (FOI) request. While I appreciate your feedback, I would like to rebut the claim that my request is too broad and does not sufficiently identify specific documents.

My request is comprehensive, covering ten different areas related to accessibility and inclusivity for people with disabilities. These areas are clearly defined and range from policies and guidelines to internal processes for monitoring accessibility. Each point in my request aims to gather information on a specific aspect of accessibility, making it both focused and exhaustive.

I understand the concern about the request being broad, but this breadth is intentional. From what I can gather, there seems to be limited information available on the agency's efforts in these areas. Therefore, a broad request is necessary to capture any and all relevant information, which may be scattered across various types of documents and departments.

Given the subject matter—accessibility and inclusivity for people with disabilities—I consider this request to be of high importance and urgency. The information sought is not just for my benefit but has broader implications for ensuring that the agency's services are accessible to all.

I kindly request that you reconsider the classification of my FOI request as being too broad or lacking specificity. I believe the request is both specific and clear in what information and data I am seeking. I have kept it broad to ensure that no relevant information is omitted, given the importance and urgency of the topic.

Thank you for your attention to this matter. I look forward to your prompt response.

On 25 September 2023, I responded to your email and directed you to the advice provided in the letter dated 22 September 2023. Specifically, I stated:

I understand your concerns, however as your request currently stands, parts are unclear and too broad for us to process.

Please consider revising your request, so a ‘practical refusal reason’ no longer exists and we are able to process it. Under the FOI Act, the practical refusal reason is your request does not satisfy the requirements in section 15(2)(b) of the FOI Act (identification of documents). If a practical refusal reason exists as we cannot sufficiently identify the documents, your request will be refused.

If you do choose to revise your request, you may wish to take note of the further assistance set out on page 7 of my letter to you, dated 22 September 2023.

Alternatively, you may wish to proceed with the scope I proposed in that same letter. I believe the proposed scope would cover the documents you requested, in terms that enable us to process it.

Please advise by 6 October 2023, if you intend to revise your request so we may begin processing.

On 25 September 2023, you responded to my email and revised your request. Your revised request was:

I want access to all documents and information, dating back to 2016, related to:
Inclusive Accessibility Measures for ALL types of disabilities, including but not limited to neurodevelopmental disabilities and autism.
Communication, Language, Inclusion, and Accessibility Sensory-Appropriate Spaces
Face-to-Face Service Accessibility Cognitive and Intellectual Disabilities Psychosocial Disabilities Accommodations Targeted Measures for Direct Engagement with disabled individuals, not just organizations claiming to represent them.
Accessibility Policies and Guidelines
Internal Processes for monitoring and improving accessibility

On 26 September 2023, I wrote to you again, providing a notice of intention to refuse your request under section 24AB(2) of the FOI Act as your request did not clearly identify the documents you were seeking access to. I gave you an opportunity to consult with the Agency to revise your request so as to remove the practical refusal reason. Specifically, the Agency suggested you remove ambiguous terms such as 'information' and 'all documents'.

On 30 September 2023, you responded to my letter and advised that you disagreed that your request was too broad for us to process. Specifically, you stated:

I am writing in response to your letter dated 26th September, which suggests that my Freedom of Information (FOI) request is too broad and does not sufficiently identify the documents I require. I must respectfully disagree with this assessment for the following reasons:

Specificity, Clarity, and Conciseness

1. Unparalleled Specificity and Clarity: My request is segmented into ten distinct areas, each with a clear focus. Within each segment, I have meticulously detailed the types of documents, the nature of information, and even the time frame for which this information is sought. This level of granularity eliminates any room for ambiguity.

2. Conciseness: Despite its comprehensive nature, my request is concise, focusing only on essential aspects of accessibility and inclusivity. There is no extraneous or irrelevant information, making it as streamlined as possible.

Legal and Ethical Obligations

3. Legal Obligations: As a public agency, you are bound by the Freedom of Information Act 1982 to provide access to specific and well-defined information. My request is in full compliance with these legal requirements.

4. Accountability and Transparency: I have made this request on a public platform, thereby adding a layer of transparency and accountability to your agency's actions.

Importance of Subject Matter

5. Significance of the Topic: Given that the request pertains to the National Disability Insurance Agency (NDIA), an organization that should be at the forefront of accountability and inclusion, the documents and information I have requested are of significant public interest.

I would appreciate it if you could specify which parts of my request you find too broad and why. If the issue is resource constraints, I request that this be clearly communicated. Failing to provide a satisfactory response not only undermines the principles of transparency and accountability but also neglects the legal obligations under the Freedom of Information Act 1982.

I look forward to your prompt reply within the stipulated 30-day response time as mandated by the Freedom of Information Act 1982.

On 3 October 2023, I responded to your email and advised you that use of ambiguous terms such as “information” and “all documents” meant that we could not sufficiently identify the documents. Specifically, I stated:

Thank you for your email, and I understand your concerns. I agree your request might be in the public interest, which is why I want to ensure that it is clear enough for us to process.

As per my letter, the part of your request for “information” and “all documents” means your request is unable to be processed as we cannot sufficiently identify the documents. Please specify which documents by using words like “policy” or “guidelines” which would enable us to locate the documents.

The remainder of your request is clear, and once the generic words are removed, we should be able to process your request.

Please be mindful that if you refuse to revise your request, I may refuse it as a ‘practical refusal’ reason would exist. The reason being that we cannot identify the documents.

Considering the above, you may wish to revise the scope of your request to the following:

From 2016 to the date of my FOI request I seek policies or guidelines held by Services Australia, relating to the following:

1. Inclusive Accessibility Measures relating to disability, including but not limited to neurodevelopmental disabilities and autism
2. Sensory-Appropriate Spaces in Customer Service Centres
3. Communication and Language Accessibility for customers
4. Face-to-Face service accessibility for cognitive and intellectual disabilities, and psychosocial disabilities
5. Accommodations and targeted measures for direct engagement with disabled individuals directly, not through representative organisations
6. Internal processes for monitoring and improving accessibility.

Alternatively, you may wish to propose your own scope. If you choose to do this, please be specific about the type of document you are seeking, and avoid wording such as “information” and “all documents”.

Please advise by close of business 5 October 2023 if you agree to revise your request.

On 3 October 2023 you responded to my email and advised that you disagreed that your original request was too broad for us to process. Specifically, you stated:

Thank you for your email. I acknowledge the deadline of 5 October 2023 for revising my request and am responding within that timeframe. While I appreciate your effort to assist in refining my request, I must respectfully disagree with the assertion that my original request was not specific enough to identify the documents I am seeking.

Specificity, Clarity, and Comprehensive Identification

1. **Unparalleled Specificity and Clarity:** My original request was segmented into distinct areas, each with a clear focus. Within each segment, I meticulously detailed the types of documents and the nature of information sought, along with a specific time frame. This level of granularity should eliminate any room for ambiguity.

2. **Comprehensive Identification of Document Types:** To address your concern that my request did not sufficiently identify the types of documents, I would like to clarify that I am seeking any of the following types of documents: policies, guidelines, roadmaps, procedures, meeting minutes, emails, strategies, processes, inquiries, reports, memos, briefs, presentations, spreadsheets, and any other official documents that fall within the scope of my request.

Request for Clarification

3. **Clarification on "Information" and "Documents":** Could you please specify what it is about the terms "information" and "documents" that you find too broad? I intended for these terms to encompass anything that relates to the topics specified in my request.

Legal and Ethical Obligations

4. **Legal Obligations:** As a public agency, you are bound by the Freedom of Information Act 1982 to provide access to specific and well-defined information. My request is in full compliance with these legal requirements, as supported by Section 15(2)(b) and Section 24AA(1)(b) of the Act.

5. **Accountability and Transparency:** I have made this request on a public platform, thereby adding a layer of transparency and accountability to your agency's actions.

6. **Public Interest:** The information I am seeking serves a broader public interest, reinforcing the importance of transparency and accountability.

Next Steps and Record-Keeping

7. **Next Steps:** I expect a re-evaluation of my original request in light of this clarification. I am open to further dialogue and can be reached at [alternative contact information].

8. **Record-Keeping:** Please note that I am keeping records of all correspondence related to this request for future reference.

Given the comprehensive nature of my original request and the additional clarification provided here, I see no reason for a 'practical refusal' to apply. I look forward to your prompt reply within the stipulated 30-day response time as mandated by the Freedom of Information Act 1982.

What I took into account

In reaching my decision I took into account:

- your original request dated 17 September 2023
- your revised request dated 25 September 2023
- other discussions and correspondence with you
- consultations with Agency officers about:
 - the nature of the requested documents, and
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- the FOI Act.

Reasons for my decisions

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

Following the request consultation process outlined above, in accordance with section 24AB of the FOI Act, I am satisfied that a practical refusal reason still exists in that you have not provided sufficient information to identify the requested documents. The reasons for my decision are outlined below.

Practical refusal reason

Section 24AA of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act (identification of documents).

Section 15(2)(b) of the FOI Act provides that a valid FOI request must:

'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it'.

Why your request does not satisfy the requirement in section 15(2)(b)

As advised, ambiguous terms such as "information" and "all documents" do not sufficiently enable us to run meaningful searches, and therefore we are unable to process these types of requests.

I note that on 3 October 2023, you provided an example of what you consider constitutes a document. You stated that:

I would like to clarify that I am seeking any of the following types of documents: policies, guidelines, roadmaps, procedures, meeting minutes, emails, strategies, processes, inquiries, reports, memos, briefs, presentations, spreadsheets, and any other official documents that fall within the scope of my request.

As your request currently stands, it still does not contain sufficient defined parameters to enable searches to be undertaken. The reference to 'meeting minutes', 'emails', and

'memos', captures documents from all staff from the Agency. The Agency is a large organisation that employs over 30,000 staff. Due to the size of the Agency, consisting of many Divisions, Branches and Teams, we would need to identify the type and nature of the document in order to search for and retrieve relevant documents. As such, currently we are unable to identify the documents you are requesting.

Conclusion

In summary, I am satisfied that your request does not satisfy the requirement in section 15(2)(b) of the FOI Act, in that it does not provide sufficient information to enable Services Australia to identify the documents you are seeking.

I have found that a practical refusal reason exists in relation to your request for access to the documents. Accordingly, I have decided to refuse your request under section 24(1) of the FOI Act.

Further Information

A decision on this request has now been provided, however you are welcome to lodge another request. If you do choose to lodge another request, you might like to consider the following information.

As stated, the Agency cannot process requests for 'all documents' or 'all information'. FOI is better utilised to target specific documents. You may do this by specifying which type of document you are requesting or the specific title of a document. For example, guidelines or reports. This will enable us to process your request.

It is also assistive if you could provide a date range, or a further information about the subject matter of the documents you are seeking. For example, targeting a specific disability, customer payment or need.

Publicly available information

The Agency has many publicly available documents that define the organisations' understanding of disability and directs the overall strategy to ensure all users can access and benefit from the services provided. They have been provided to you below.

Operational Blueprints

Operational Blueprints are internal Agency documents which outline the Agency's policies and procedures.

Two Operational Blueprints have been identified as procedures to guide Agency employees when interacting with customers with disabilities. These documents are publicly available and can be found at the following links:

Identifying customer vulnerability and risk issues 003-06010030
<https://operational.servicesaustralia.gov.au/public/Pages/help-in-an-emergency/003-06010030-01.html>

Providing services to customers with disabilities 008-01030000
<https://operational.servicesaustralia.gov.au/public/Pages/people-with-disability/008-01030000-03.html>

Website

As a Federal Government Agency, our values are underpinned by the Australian Disability Strategy 2021-2023. More information on this can be found on our website at the following link:

<https://www.servicesaustralia.gov.au/protocol-for-engaging-people-with-disability?context=1>

Disclosure Log

The FOI Disclosure Log lists Agency information that has been released in response to historical FOI requests. On 12 April 2023, we released 'Our Vulnerability Strategy- July 2021' under FOI. This strategy outlines how the Agency supports our vulnerable customers. You may request a copy of the strategy by emailing freedomofinformation@servicesaustralia.gov.au and requesting the disclosure log documents in relation to LEX 72499.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a freedom of information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of an FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Agency; and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the Agency delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter or by email to freedomofinformation@servicesaustralia.gov.au

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the Agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Note 3: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'FOI Review Form' is available at www.oaic.gov.au.
- If you have one, you should include with your application a copy of the Agency's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act, There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.