

13 March 2024

Karen Dempsey

By email: foi+request-10831-4835106b@righttoknow.org.au

Dear Karen Dempsey

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 1 November 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).

The purpose of this letter is to provide you with a decision on your request.

Scope of your Request

You have requested access to the following documents:

1. *“Practice Guide - Disability-Related Health Supports”*
2. *“Practice Guide - Understanding Therapy Supports”*

And additionally –

3. *The “Standard Operating Procedure” documents related to “Disability-Related Health Supports” and “Therapy Supports”*
4. *If “V25.0 (updated 2021-01-13)” of “Practice Guide - Determine Reasonable and Necessary Supports” is not the most recent version of this document currently in use, I also request access to the most current version of the “Practice Guide - Determine Reasonable and Necessary Supports” document.*

Expiration of Time

We have been experiencing processing delays and were not able to provide our decision to you by the due date of 1 December 2023. Consequently, your application was regarded as a deemed refusal under section 15AC of the FOI Act.

This access decision is being released to you after the due date and I apologise for the delay. In this instance, I have not applied for an extension to the processing period from the Office of the Australian Information Commissioner (OAIC) under section 15AC of the FOI Act, but I note that you will still have external review rights on this decision.

Search Efforts

A search for documents has been conducted by the agency's Service Guidance Branch and I have been provided with copies of 4 documents that fall within the scope of your request.

Decision on Access to Documents

I make this decision as an authorised FOI decision maker under section 23(1) of the FOI Act.

After examining the documents, I have decided to release the identified 4 documents to you in full.

Release of Documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are attached.

Rights of Review

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

Should you have any enquiries concerning this matter, please do not hesitate to contact me by email at foi@ndis.gov.au.

Yours sincerely



Misty
Assistant Director FOI
Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI-1B 23/24-0756

Document number	Page number	Description	Access Decision	Comment
1	1 - 42	Practice Guide - Disability-Related Health Supports Version: V6.0 2020-09-29 Approved: 29 September 2020	FULL ACCESS	This Practice Guide was retired and replaced with the publicly available Disability-related health supports NDIS in 2021
2	43 - 71	Practice Guide – Understanding Therapy Supports Version: V7.0 2021-01-06 Approved: 6 January 2021	FULL ACCESS	
3	72 - 116	Reasonable and Necessary Supports	FULL ACCESS	This information is publicly available through the NDIS website at: Reasonable and necessary supports NDIS
4	117 - 161	Standard Operating Procedure - Disability Related Health Supports Version: V6.0 2023-06-21 Approved: 21 June 2023	FULL ACCESS	

Your review rights

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.