



Our reference: FOI 23/24-0993

17 April 2024

A-Z inquiry

By email: foi+request-10978-65e4ec27@righttoknow.org.au

Dear A-Z inquiry,

Freedom of Information request — Request consultation process

Thank you for your correspondence of 19 December 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).

We sincerely apologise for the delay in our response to your request.

Scope of your request

You have requested access to the following information:

“I have been advised that Reasonable and Necessary supports are put into the plan at the time it's created but Spending needs to be in accordance with the plan which means meets disability needs is this correct?”

In the Self Managers guide it says self managed participants are responsible for in accordance with the plan. In the Plan Manager guide it says plan managers are responsible for in accordance with the plan. Agency Managed are responsible for in accordance with the plan. I could not find any documentation on participants responsibility who are plan managed could you please direct me to this document?

How does a participant know what is in accordance with the plan if it does meet goals and disability needs?”

Processing history

On 19th December 2023, we emailed you answers to your questions informally by providing more information about the responsibilities of plan managed participants. In addition, we offered alternative contacts for more information about funding. In this email we provided links to two of the NDIS' webpages, *Managing your Plan* and *Your Rights and Responsibilities*.

You responded to this email on 2nd January 2024. You wrote that you were unhappy with this response and requested more information about plan spending. The subject line of your email marked it as a request for an internal review. However, we were not able to accept this email as a valid internal review request because we had not yet made a formal decision on your original request.

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On 13th March 2024, we responded to your second email. We explained why we were unable to conduct an internal review. In this email we also advised you that the FOI team provides access to **documents** and we are not able to provide answers to questions or give advice unless it exists in the form of a document. We also advised that you get in contact with your LAC (if you have one) to explain what NDIS funding can be used for. In addition, we invited you to make a second request under the FOI Act, if you could identify which **documents** you wished to access.

I have been recently assigned your request. I want to help you get the information you need. However, I require more information about the specific documents that you are looking for.

Practical refusal

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

I am writing to advise that your request does not provide enough information about the documents you are seeking as is reasonably necessary to allow us to identify them. 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 a 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.

Why I intend to refuse your request

On 13th March 2024, we advised you that as your request was phrased in the form of questions, we were unable to identify the specific documents sought. This means that your request does not satisfy section 15(2)(b) of the FOI Act. As such, we invited you to lodge a new request worded in such a way that it would provide sufficient detail about the documents sought. However, we have not received a response to our email.

As a result, I am of the view that your original request, as it is currently worded, does not provide such information as is reasonably necessary to enable a responsible officer of the agency to identify the documents you are seeking.

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 define the scope of your request, you might like to provide us with:

- The name or type of document
- The date range for the document
- Which team hold the document

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.

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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.

You can contact me by email at xxx@xxxx.xxx.xx.

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

Freedom of Information Section
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 30th April 2024, 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



Jordyn (JHD938)
Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

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