

1 May 2024

A-Z inquiry

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

Dear A-Z inquiry

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 19 December 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 significant delay in making this decision.

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.

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.

On 09th April 2024, I contacted you by email so we could potentially discuss your request for information either over the phone or via email but unfortunately, I received no response.

After we were unable to contact you, I decided to formally initiate the request consultation process so we could revise your request as we did not have enough information about the documents that you were seeking.

Expiration of Time

The due date for your request was 19th January 2024 we have been experiencing processing delays and were not able to provide you with a decision by the due date. Due to this your request was regarded as a deemed access refusal under Section 15AC of the FOI Act. I have continued to process your request, and I acknowledge this decision is being released significantly after the due date. However, I note you still retain your external review rights on this decision.

Decision on access to documents

I am authorised to make decisions under section 23(1) of the FOI Act. My decision on your request and the reasons for my decision are set out below.

I have decided to refuse your request for access under section 24A of the FOI Act. The reasons for my decision are set out below.

In reaching my decision, 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
- the NDIA's operating environment and functions.

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

Section 24AA of the FOI Act provides that an agency may issue a practical refusal if the scope of the request is unclear or does not provide enough information to accurately and efficiently determine what documents are being requested.

Unfortunately, we were not able to contact you to discuss revising the scope of your request, due to this I have been unable to determine what documents would satisfy your request for information.

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, please do not hesitate to contact me by email at fx@xxxx.xxx.xx

Yours sincerely

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

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