

3 April 2024

Emily Lacey

By email: [foi+request-11212-e4f4a4df@righttoknow.org.au](mailto:foi+request-11212-e4f4a4df@righttoknow.org.au)

Dear Emily Lacey,

### Freedom of Information request — Notification of Decision

Thank you for your correspondence of 08 March 2024, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

#### Scope of your request

You have requested access to the following documents:

*“The most recent version of the "Access and ER Decision Tree Practice Guide", also titled "Access and Eligibility Reassessment Practice Guide". Version 1 (V1.0 2022-10-31) of this document was previously released under FOI 22/23-1046 as DOCUMENT 2.”*

I have interpreted your scope to mean you are seeking the most recent **in-use** version of this document. My interpretation is that you are **not** seeking an obsolete version of this document which has been retired from use and is no longer relevant to decisions being made by the Agency.

#### 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
- consultation with relevant officers of the NDIA
- the NDIA's operating environment and functions.

**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 conducted searches of the NDIA's documents management systems and made enquiries with NDIA staff. These enquiries have revealed that the NDIA is not in possession of documents matching the scope of your request. This is because the "*Access and Eligibility Reassessment Practice Guide*" has been retired and is no longer in use. The content previously included in this document has been replaced with a publicly available guideline called "*Applying to the NDIS*" which can be found using the following link [Applying to the NDIS | NDIS](#).

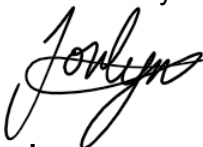
I am satisfied that all reasonable steps have been taken to locate the documents you have requested and that the document does not exist. I have, therefore, decided to refuse access to your request in accordance with section 24A(1)(b)(ii) of the FOI Act.

**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, please do not hesitate to contact me by email at [fx@xxxx.xxx.xx](mailto:fx@xxxx.xxx.xx)

Yours sincerely



**Jordyn**  
Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
General Counsel Division