

14 November 2024

Emily Lacey

**By email:** [foi+request-11821-43329d8d@righttoknow.org.au](mailto:foi+request-11821-43329d8d@righttoknow.org.au)

Dear Emily Lacey

### **Freedom of Information request — Notification of Decision**

Thank you for your correspondence of 1 August 2024 (**your correspondence**), seeking access under the *Freedom of Information Act 1982 (FOI Act)* to documents held by the National Disability Insurance Agency (NDIA).

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. A complete list of all "AAT Case Management Guide" documents held by the NDIA. Please include the follow details for each item:*

- Document title.*
- File name.*
- Date published/created.*
- Version number.*
- Whether it is "APPROVED" or "DRAFT".*

*2. An un-redacted version of FOI 23/24-0201 DOCUMENT 3 (document reads: "Attachment B: AAT Case Management Guides Topic List")..."*

### **Extension of time**

On 30 August 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making 30 September 2024 the new date to provide you with a decision on access.

### **Search efforts**

The Legal Practice and Capability Branch searched and located one (1) document, and created one (1) document, pursuant to section 17 of the FOI Act relevant to the scope of your request.

### **Section 17 of the FOI Act**

Section 17(1)(c)(i) of the FOI Act states:

*Where:*

*The agency could produce a written document containing the information in discrete form by:*

*The use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information*

*The agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such document in its possession.*

The Legal Practice and Capability Branch were unable to locate a document relevant to item 1 of your request, however, were able to create one by the use of a computer.

### **Decision**

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 identified two (2) documents, which fall within the scope of your request.

I have decided to:

- grant access to 2 documents in full

In reaching my decision, I took the following into account:

- your correspondence outlining the scope of your request
- the nature and content of the documents falling within the scope of your request
- the FOI Act
- The FOI Guidelines
- the result of consultation with relevant NDIA staff
- factors relevant to my assessment of whether or not disclosure would be in the public interest
- the NDIA's operating environment and functions.

### **Release of documents**

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

### **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](mailto:foi@ndis.gov.au).

Yours sincerely



### **Patrick (PHO293)**

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

## Schedule of Documents for FOI 24/25-0142

Document number	Page number	Description	Access Decision	Comments
1	1-2	List of AAT Case Management Guides  Date: Not Applicable	<b>FULL ACCESS</b>	Created pursuant to section 17 of the FOI Act
2	3	AAT Case Management Guides Topic List  Date: Not Applicable	<b>FULL ACCESS</b>	

**Your review rights**

As this matter was a deemed refusal, internal review of this decision is not an option. However, if you have concern with any aspect of this decision, please contact the NDIA FOI team by email [foi@ndis.gov.au](mailto:foi@ndis.gov.au) or by post:

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

**Review by the Office of the Australian Information Commissioner**

The FOI Act 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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.