

19 December 2025

Dan Collins
Right to Know

By email: foi+request-13104-250b5a1b@righttoknow.org.au

Dear Dan Collins

Freedom of Information request — Notice of Decision

Thank you for your correspondence of 1 May 2025, 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:

“All communications sent during the period 20 April 2025 to 1 May 2025 regarding the NDIS webpage titled ‘Frequently asked questions about legislation’ or the page’s content, to or from the following staff members:

- Corri McKenzie (Deputy CEO Service Design and Improvement)
- Shannon Rees (GM Strategic Communications, Service Design and Improvement)

- Thomas O’Byrne (BM Media, Service Design and Improvement)

- Elyse Moore (Acting, BM Scheme Communications and Awareness, Service Design and Improvement)

- Yvette McKenzie (BM Platform and Channels, Service Design and Improvement)

- Laura Wilkinson (GM Service Design, Service Design and Improvement)

- Shane Robinson (BM Service Design Delivery, Service Design and Improvement)

- Carly Sierota (BM Service Guidance, Service Design and Improvement)

- *Clair Wheeler (BM Strategy, Service Design and Improvement)*
- *Alex Rosenthal (BM Engagement and Inclusion, Service Design and Improvement)*
- *Julie Fayers (BM Strategic Change, Service Design and Improvement)*
- *Prue Coroneos (GM Policy and Practice Leadership, Service Design and Improvement)*
- *Peggie Tobin (BM Scheme Policy, Service Design and Improvement)*
- *Scott McNaughton (Deputy CEO Service Delivery)*
- *Martin Nightingale (BM National Contact Centre, Service Delivery)*
- *Kellie Maloney (BM Scheme Reforms and Transition, Service Delivery)."*

You have revised the scope of your request to be for the following documents:

"All communications sent to/from the following staff during the period 20 April 2025 to 1 May 2025:

- *Corri McKenzie (Deputy CEO Service Design and Improvement)*
- *Shannon Rees (GM Strategic Communications, Service Design and Improvement)*
- *Thomas O'Byrne (BM Media, Service Design and Improvement)*
- *Elyse Moore (Acting, BM Scheme Communications and Awareness, Service Design and Improvement)*
- *Yvette McKenzie (BM Platform and Channels, Service Design and Improvement)*
- *Laura Wilkinson (GM Service Design, Service Design and Improvement)*
- *Shane Robinson (BM Service Design Delivery, Service Design and Improvement)*
- *Carly Sierota (BM Service Guidance, Service Design and Improvement)*
- *Clair Wheeler (BM Strategy, Service Design and Improvement)*

- Alex Rosenthal (BM Engagement and Inclusion, Service Design and Improvement)
- Julie Fayers (BM Strategic Change, Service Design and Improvement)
- Prue Coroneos (GM Policy and Practice Leadership, Service Design and Improvement)
- Peggie Tobin (BM Scheme Policy, Service Design and Improvement)
- Scott McNaughton (Deputy CEO Service Delivery)
- Martin Nightingale (BM National Contact Centre, Service Delivery)
- Kellie Maloney (BM Scheme Reforms and Transition, Service Delivery)

Containing the following keywords:

- "FAQ" AND "What are flexible and stated supports?"
- "FAQ" AND "flexible support"
- "FAQ" AND "stated support"
- "FAQ" AND "remove"
- "FAQ" AND "delete"
- "FAQ" AND "take down"

The communication must:

- Discuss a decision to include/remove/edit an item on the "Frequently asked questions about legislation" webpage; and/or
- Discuss current or proposed agency guidelines/policies on how "stated supports" are described in a participant's NDIS plan.

Please take this request to mean all parts of the communication, including any attachments."

Timeframe

A 30-day statutory period for processing your request commenced from 1 May 2025 in accordance with section 15(5)(b) of the FOI Act. The due date for a decision on access was 2 June 2025, due to 31 May 2025 being a non-business day.

On 28 May 2025 you agreed to a 30 day extension of time under section 15AA of the FOI Act, making 30 June 2025 the new due date to provide you with a decision on access. I note this time has lapsed and as a result we are deemed to have refused your request under section 15AC of the FOI Act.

Despite this, I have continued to process your application. I apologise for the delay and confirm that you retain your right to seek external review of this decision.

Search efforts

The FOI Guidelines provide that agencies and ministers should undertake a reasonable search on a flexible and common-sense interpretation of the terms of the request. At a minimum, an agency is required to have regard to the following in undertaking these searches:

- the subject matter of the documents
- the current and past file management systems
- the record management systems in place
- the individuals and line areas within an agency or minister's office who may be able to assist with the location of documents, and
- the age of the documents.

Having regard to these Guidelines, we engaged in search consultations with the following internal business area to obtain documents within their possession which may fall within the scope of your FOI request:

- Data
- Service Delivery
- Service Design

We advise that senior staff in the business area conducted searches for the documents and have located 33 documents relevant to the scope of your request (including attachments to emails).

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:

- grant access to 4 documents in full
- grant access to 29 documents in part

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 published under section 93A of the FOI Act
- consultation with relevant NDIA staff
- factors relevant to my assessment of whether or not disclosure would be in the public interest

Access to edited copies with exempt or irrelevant material deleted (section 22)

I have identified that 29 documents contain material that is irrelevant to your request. The irrelevant material relates to names and contact details of NDIA staff.

In accordance with section 22 of the FOI Act, I have considered whether it is possible to delete the exempt and irrelevant material from the documents and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the documents with the exempt and irrelevant material removed.

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.

Yours sincerely

A handwritten signature in black ink, appearing to be the name 'Rachelle' written in a cursive style.

Rachelle
Senior Freedom of Information Officer
Information Access and Privacy Branch
Reviews and Information Release Division

Schedule of Documents for FOI 24/25-1870

Document number	Page number	Description	Access Decision	Comments
1	1-4	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
1.1	5-29	Attachment to Document 1 "Your Plan" Date: 24/09/2024	FULL ACCESS	
1.2	30-36	Practice Guidance: Interim Guidance on Flexibility of Improved Daily Living Supports Date: 2025	FULL ACCESS	
1.3	37-39	Email Subject: Stated v Flexible Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
2	40-42	Email Subject: Urgent: Seeking Approval for FAQ – Flexible and Stated Supports	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
		Date: 23/04/2025		
2.1	43	Frequently Asked Questions Undated	FULL ACCESS	
2.2	44	Frequently Asked Questions Undated	FULL ACCESS	
3	45-46	Email Subject: For BM Endorsement by Midday 24 April: FAQ Flexible and Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
4	47-49	Email Subject: Urgent: Seeking Approval for FAQ – Flexible and Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
5	50-53	Email Subject: Urgent: Seeking Approval for FAQ – Flexible and Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
6	54-56	Email Subject: For BM Endorsement by Midday 24 April: FAQ Flexible and Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
7	57-60	Email Subject: For BM Endorsement by Midday 24 April: FAQ Flexible and Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
8	61-65	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
9	66-70	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 23/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
10	71	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 24/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
11	72	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 24/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
12	73-75	Email	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
		Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 24/04/2025		
13	76	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 24/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
14	77-78	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 24/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
15	79-80	Email Subject: Request for Assistance Please: Stated Supports Date: 24/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
16	81-84	Email Subject: Urgent: Seeking Approval for FAQ – Flexible and Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
17	85	Email Subject: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
18	86-90	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
19	91-93	Email Subject: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
20	94-95	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
21	96-104	Email Subject: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
22	105-110	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
23	111-116	Email Subject: Further Follow Up: Request for Assistance Please: Stated Supports	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
		Date: 28/04/2025		
24	117-126	Email Subject: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
25	127-136	Email Subject: Request for Assistance Please: Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
26	137-140	Email Subject: Removal of FAQ – Flexible and Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
27	141-144	Email Subject: Removal of FAQ – Flexible and Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act
28	145-149	Email Subject: Removal of FAQ – Flexible and Stated Supports Date: 28/04/2025	PARTIAL ACCESS	Irrelevant material removed under section 22 of the FOI Act

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 or by post:

Freedom of Information Section
Information Access and Privacy Branch
Reviews and Information Release 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, 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.