

18 June 2021

GPO Box 700
Canberra ACT 2601
1800 800 110
ndis.gov.au

Ben Fairless
By email: foi+request-7231-21455eee@righttoknow.org.au

Dear Ben Fairless

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 14 April 2021 in which you requested 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 documents about the National Disability Insurance Scheme (NDIS). Specifically, you requested access to:

“...a copy of the Performance Metrics and performance for each organisation currently participating in the NDIA Assessment Pilot?”

I assume this would include things including but not limited to participant satisfaction, compliance metrics, and information on retention rates for the pilot.

If you can provide this information on a month-to-month basis for each partner organisation that would be appreciated.”

On 20 May 2021, the Office of the Australian Information Commissioner granted the NDIA an additional 30 days to process your request for information under section 15AB of the FOI Act, due to its broad scope and complex nature.

On 4 June 2021, we formally contacted you regarding the scope of your request, in accordance with section 24AB of the FOI Act. Due to the large amount of material falling within scope and the subjective nature of the scope's criteria, we advised you that processing your request would likely be a substantial and unreasonable diversion of resources.

On 10 June 2021, in response to the request consultation process you provided the following response:

“As part of the consultation process, can you provide a list of the documents you have identified as being relevant? I can then advise which documents I would like and which documents are not relevant to my request.”

On 15 June 2021, we advised you that the work involved in creating the requested list also constituted an unreasonable diversion of resources, as in order to accurately provide you with list of documents that may be relevant, we would need to inspect all pages of each

individual document to identify whether it falls in scope. We offered to continue working with you to revise the scope of your request.

Practical Refusal

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

Having undertaken a request consultation process, as required by section 24 of the FOI Act, I am satisfied that you have not provided a revised scope on which we can proceed by the stated deadline of 5:00pm 18 June 2021 and that the request still results in a substantial and unreasonable diversion of resources. As foreshadowed in my correspondence of 4 June 2021, I am refusing your request under section 24 on the basis that a practical refusal reason exists in relation to the request.

Reasons for decisions

We have conducted searches of the NDIA's systems, using all reasonable search terms that could return documents relevant to the revised scope of your request. In addition, we have consulted with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request, including staff who are knowledgeable about how to conduct searches of the NDIA's systems.

Those searches indicate that the NDIA is in possession of over 230 documents that may be relevant to your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

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 foi@ndis.gov.au.

Yours sincerely



Ausilia Woodhead

Assistant Director

Parliamentary, Ministerial & FOI Branch

Government Division

Attachment A

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision, you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the review process, you should clearly outline your grounds for review (that is, the reasons why you disagree with the decision). Applications for internal review can be lodged by email to foi@ndis.gov.au or sent by post to:

Freedom of Information Section
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

Review by the Office of the Australian Information Commissioner

The FOI Act also 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.