

3 September 2021

Brian Cooper

**By email:** [foi+request-7351-16f18c7c@righttoknow.org.au](mailto:foi+request-7351-16f18c7c@righttoknow.org.au)

Dear Brian Cooper

### **Your Freedom of Information request - Internal Review Decision**

Thank you for your correspondence of 9 August 2021, in which you requested under the *Freedom of Information Act 1982* (FOI Act) an internal review of the decision by the National Disability Insurance Agency (NDIA) in relation to your request **FOI 20/21-0797**.

The purpose of this letter is to provide you with a decision on your request for internal review.

#### **Original Decision**

On 28 May 2021, you requested access under the FOI Act to the following documents:

*"1 Why does the NDIA use the Modified Monash Method for reporting CaLD and Indigenous participant numbers?  
2 I require a copy of all documents and or policies used to determine the reporting framework."*

On 22 June 2021, you agreed to provide the NDIA with an additional 30 days to process your request for information under section 155AA of the FOI Act, making 28 July 2021 the new due date to provide you with a decision on access.

On 27 July 2021, the NDIA provided you with access to 2 documents in full, one of which was created under section 17 of the FOI Act.

#### **Grounds for review**

On 9 July 2021, you requested an internal review on the following grounds:

*"The question asked was not answered. That is the rationale for the use of the modified monash method for CaLD and Indigenous persons."*

I have interpreted your grounds for review to relate to the searches undertaken by the NDIA when making its original decision.

#### **Decision on your request for internal review**

I am authorised to make decisions under the FOI Act, including making internal review decisions under section 54C of that Act. As an internal review officer, I am not bound in any way by the original decision and am required to make a fresh decision.

I have decided to **affirm** the original decision of 27 July 2021.

In making my decision, I have considered the following:

- your correspondence in relation to your internal review request;
- the original decision dated 27 July 2021;
- your grounds for seeking an internal review of original decision;
- consultation with the relevant business area;
- the FOI Act; and
- the FOI Guidelines.

### **Reasons for Decision**

As provided in the original decision dated 27 July 2021, we consulted with subject matter experts within business areas of the NDIA for documents relevant to your request for information.

These searches revealed that some of the information you requested was not available in a separate written document at the time of your request. However, we were able to produce a document containing the information you had requested and we treated your request as if it were a request for access to this document in accordance with section 17 of the FOI Act.

In the document created under section 17 of the FOI Act (Document 2) and provided to you as part of the original decision, we advised you that NDIA adopted the Modified Monash Model (MMM) because it provides a clear differentiation between large, medium and small populations in regional areas. The MMM is a classification system that categorises metropolitan, regional, rural and remote areas according to their population size and isolation - distance from capital cities. The system was developed to recognise the challenges in attracting health workers to more remote and smaller communities. We also provided you with a Document outlining the justifications for its use: National Disability Insurance Agency - Rural and Remote Strategy (Document 1).

In conclusion, I have decided to **affirm** the original decision in that, the rationale for use of the Modified Monash Method by the Agency is explained in Documents 1 and 2 of the original decision for FOI 20/22-0797.

### **Rights of Review**

I have set out your rights to seek a review of my decision at **Attachment A**.

If you would like to clarify any aspects of my decision, please do not hesitate to contact me via email at [foi@ndis.gov.au](mailto:foi@ndis.gov.au).

Yours sincerely



**Melanie Brocklehurst**

Director FOI

Parliamentary, Ministerial & FOI Branch  
Government Division

## **Your rights of review**

### External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the OAIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter.

To assist the OAIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the OAIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaints 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  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

The OAIC can also be contacted on **1300 363 992**.

### The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone **1300 362 072**.