

Our reference: FOI 21/22-0246



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

20 October 2021

L Wroblewski

By email: foi+request-7827-0402b18c@righttoknow.org.au

Dear L Wroblewski

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 6 September 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:

“...all emails, directives, documents and other notes from the CEO to all delegates regarding supports in participants plans, since the operation of the Sustainability Action Task force.”

On 5 October 2021, the FOI Team sent you correspondence seeking a 14 day extension of time to process your request for information under section 15AA of the FOI Act. On 6 October 2021, you agreed to this extension of time request.

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.

The CEO has not sent any emails, directives, documents or notes to all delegates regarding participant plans. This means that I did not identify any documents that fall within the scope of your request. However, I have decided to provide access to two documents that you may find relevant, and are of a similar nature to those you have requested. These documents are an email from the CEO to all staff about a new Instrument of Delegation, and the Instrument of Delegation. The Instrument of Delegation is a document in which the CEO delegates powers to specified officers in relation to various tasks, including approving supports in participant plans.

These documents were identified during the course of searching for documents that may fall within the scope of your request, by conducting searches of NDIA's systems, using all reasonable search terms that could return documents relevant to your request, and consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

Delivered by the

National Disability
Insurance Agency

I have decided to grant access to these two documents in full.

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

- your correspondence outlining the scope of your request
- the nature and content of the documents relevant to the scope of your request
- the FOI Act
- the FOI Guidelines
- consultation with relevant NDIA staff
- the NDIA's operating environment and functions.

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

I have identified that the documents I am releasing contain material that is irrelevant to your request. The irrelevant material relates to names and contact details of NDIA staff, and information that is not in relation to supports in participant plans.

In accordance with section 22 of the FOI Act, I have considered whether it is possible to delete the 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 irrelevant material redacted, and the irrelevant pages 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



Carolyn

Assistant Director FOI
Parliamentary, Ministerial & FOI Branch
Government Division

Schedule of Documents for FOI 21/22-0246

Document number	Page number	Description	Access Decision	Comments
1	1-2	Instrument of Delegation 2 of 2021 Dated: 23 June 2021	FULL ACCESS	Irrelevant material and pages removed under section 22 of the FOI Act.
2	3-5	Email, CEO Update Dated: 25 June 2021	FULL ACCESS	Irrelevant material and pages removed under section 22 of the FOI Act.

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