

Our reference: FOI 21/22-1054



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

20 April 2022

Shirley Humphris

By email: foi+request-8458-7a97a0ad@righttoknow.org.au

Dear Shirley Humphris

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 18 February 2022, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

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:

Please provide the number of complaints received by NDIA, during two NDIS reporting quarters of 2021, for failing to comply with Model Litigant Rules .

Please provide the breakdown numbers of Model Litigant complaints that were regarding conferences, conciliation, hearings or other (eg documentation) for the same time periods.

Please provide the breakdown of numbers of Model Litigant complaints against a) APS employed lawyers, b) contracted lawyers c) outsourced corporate law firms.

Please provide which department is responsible for addressing Model Litigant complaints.

Please provide the number of responses to NDIA that have been received from the Ombudsman regarding Model Litigant complaints for the same time periods.

Extension of time

On 16 March 2022, you agreed to provide us with a 30-day extension of time under section 15AA of the FOI Act, making 19 April 2022 the new due date to provide you with a decision on access.

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.

Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to

produce a document containing the information you requested. I have, therefore, treated your request as if it were a request for access to this document, in accordance with section 17(1)(c) of the FOI Act.

I have decided to grant access to this document in full.

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

- 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
- the NDIA's operating environment and functions.

Release of documents

The document for release, as referred to in the Schedule of Documents at **Attachment A**, is 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 21/22-1054

| Document number | Page number | Description | Access Decision | Comments |
|-----------------|-------------|---|-----------------|--|
| 1 | 1-2 | The number of complaints received by NDIA for failure to be a Model Litigant Undated | FULL ACCESS | Document created under section 17 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