

16 September 2022

Robert Lavingne

**By email:** [foi+request-9283-466d48d1@righttoknow.org.au](mailto:foi+request-9283-466d48d1@righttoknow.org.au)

Dear Robert Lavingne

### **Freedom of Information request — Notification of Decision**

Thank you for your correspondence of 17 August 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 information:

*“... the following key metrics and statistics for 'internal review of a decision' requests that are commonly provided to management as follows:*

*1. The number of 'internal review of a decision' requests made by or on behalf of NDIS participants 2. The number of 'internal review of a decision' requests that were accepted for review 3. The number of 'internal review of a decision' requests that were successful resulting in a changed decision 4. The number of 'internal review of a decision' requests that were unsuccessful resulting on the original decision not being changed”*

I have interpreted your request for statistics in relation to “internal review of a decision requests” to be referring to *Reviews of a Reviewable Decision* under section 100 of the National Disability Insurance Scheme (NDIS) Act.

#### **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.

Documents relevant to the scope of your request were identified by consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

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.

The information that you have requested can be found in publicly available documents on the NDIS website. The statistics that you have requested are included in the quarterly reports as provided in the link below:

- [Quarterly Reports | NDIS](#)

In particular, for *Quarterly report 2021-22 Q4*, the information you have requested is available on pages 79 and 84.

**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](mailto:foi@ndis.gov.au).

Yours sincerely

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

**Jasper**  
Senior Freedom of Information Officer  
Parliamentary, Ministerial & FOI Branch  
Government Division

## 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](mailto: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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.