

Our reference: FOI 22/23-0311



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Canberra ACT 2601  
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[ndis.gov.au](http://ndis.gov.au)

7 November 2022

William Green

By email: [foi+request-9284-256a1620@righttoknow.org.au](mailto:foi+request-9284-256a1620@righttoknow.org.au)

Dear William Green

### 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 documents:

*...all the names of all law firms engaged [sic] for legal services both past and present. An example would be Clayton Utz as recently reported by The Guardian to be representing the NDIA/NDIS against a participant.*

*Can you also kindly provide anonymised statistics of how many legal disputes each currently engaged legal firm is representing the NDIA/NDIS against NDIS participants? An example would be if Clayton UTZ is representing the NDIA/NDIS against five participants, ten participants.*

We emailed you on the 5 September 2022 seeking confirmation of our interpretation of the scope of your request. Given that we have not received a response, we have interpreted the second part of your request seeking statistics about the legal firms representing the NDIA to be limited to statistics about firms involved in disputes relating to participant's plans.

#### Extension of time

On 16 September 2022, we sought a 14-day extension of time under section 15AB of the FOI Act from the Office of the Australia Information Commissioner (OAIC). If granted, this will make 30 September 2022 the new date to provide you with a decision on access.

On 30 September, we sought a further 16-day extension of time under section 15AB of the FOI Act from OAIC. On 13 October 2022, we contacted the OAIC, to seek to revise the length of this extension to 37 days. If granted, the new deadline for our decision will be 6 November 2022.

#### 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 identified 1 document which falls within the scope of your request.

This document was identified by consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

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

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
- relevant case law concerning the operation of the FOI Act
- consultation with relevant NDIA staff.

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

Yours sincerely



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

## Schedule of Documents for FOI 22/23-0311

Document number	Page number	Description	Access Decision	Comments
1	1-2	Law Firms Engaged by NDIS for Legal Services (Past and Present)	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](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.