

29 June 2023

Christina Torres

**By email:** [foi+request-9299-ed72eff5@righttoknow.org.au](mailto:foi+request-9299-ed72eff5@righttoknow.org.au)

Dear Christina Torres

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

Thank you for your correspondence of 23 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:

*I am requesting that skills assessment tests and documents that key decision makers undertake be provided under FOI.*

#### **Request Consultation Process**

On 2 June 2023, reached out to you via email to request more information and clarify the scope of your request. To date, we have not received a response to this correspondence.

On 15 June 2023, We sent out a letter formally initiating a consultation process under section 24AB of the FOI Act. We advised that we intended to refuse your request on the grounds that your request does not provide enough information about the documents as is reasonably necessary to allow us to identify them. As part of this consultation process, you were provided with an opportunity to revise the scope to remove grounds for a practical refusal.

I suggested that you might revise your request by considering one or all of the following:

- Identifying the area of decision makers, such as planning, financial, freedom of information officers
- Any assessment test types in particular that these decision makers may undertake.

To date, we have not received a response to this request for consultation.

#### **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.

I have decided to refuse your request on the grounds that you have not responded to our consultation with you to change the scope of the request in a way that would remove the reasons for practical refusal.

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

- your correspondence outlining the scope of your request
- the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- the NDIA's operating environment and functions.

### **Reasons for decision**

As I advised in my email initiating a consultation process under section 24AB of the FOI Act, your request does not satisfy section 15(2)(b) of the FOI Act, as the terms of your request are too broad and unclear, as we were not able to identify the specific documents sought.

Accordingly, I am satisfied that a practical refusal reason still exists in that the request is unclear and you have not revised your request in a way that would remove the practical refusal reason.

### **Further Options for Requesting Documents**

It remains open to you to submit further freedom of information requests in the future. In doing so, you may wish to contact the FOI Team directly on [fox@xxxx.xxx.xx](mailto:fox@xxxx.xxx.xx) or advise a convenient time for us to contact you, to engage assistance in developing a scope that does not attract a practical refusal reason under the FOI Act.

### **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 [fox@xxxx.xxx.xx](mailto:fox@xxxx.xxx.xx)

Yours sincerely

A handwritten signature in black ink that reads "Jade". The signature is written in a cursive, flowing style.

Jade  
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 [xxx@xxxx.xxv.au](mailto:xxx@xxxx.xxv.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 Division.