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6 October 2022

Oliver Lee

**By email:** [foi+request-9347-a98437bc@righttoknow.org.au](mailto:foi+request-9347-a98437bc@righttoknow.org.au)

Dear Oliver Lee

### **Freedom of Information request — Request consultation process and extension of time**

Thank you for your correspondence of 6 September 2022, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

#### **Scope of your request**

You have requested access to the following documents:

*“... all email communications between The Hon Bill Shorten MP and the NDIA CEO including delegates.”*

#### **Practical refusal**

I am authorised to make decisions under section 23(1) of the FOI Act.

I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its other operations due to its complexity. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

#### **Why I intend to refuse your request**

A practical refusal reason exists in relation to a request for documents if the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

In determining whether processing the request would substantially and unreasonably divert the agency’s resources, I am required to have regard to the resources that would have to be used for the following:

- identifying, locating or collating the documents within the Agency
- deciding whether to grant, refuse or defer access to a document including resources used for examining the document and consulting with any person or body in relation to the request
- making a copy or an edited copy of the document
- notifying the decision on the request

Preliminary searches for documents falling within the scope of your request have returned over 3,900 emails. On my reasonable estimate, I consider that there is more than 7,800 pages worth of material that potentially falls within the scope of your request as currently worded. At a conservative estimate of 1 minute per page, this would take an FOI officer more than 130 hours to simply review and collate the documents.

The documents that are assessed as being within scope of the request will then need to be reviewed for any sensitivities and possible exemption under the FOI Act and scheduled, we will need to consider any consultations and carry these out if required, a decision will need to be made on each document, and a decision letter prepared. This will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. You might like to consider revising your request to particular documents within a smaller date range or narrowing the subject matter of your request. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

To reduce the scope of your request, you might like to consider:

- Specifying emails within a shorter date range.
- Limiting your request solely to emails *from* Bill Shorten
- Limiting your request solely to emails between Bill Shorten and the CEO's office
- Limiting your request to emails about a particular topic

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request;
- b. make a revised request; or
- c. indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at [foi@ndis.gov.au](mailto:foi@ndis.gov.au)

If you do not contact me within this period, that is by **5:00pm 20 October 2022**, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

### **Extension of time**

If you do contact me to revise the scope of your request, I also request that you agree to a 30-day extension of time to process your request for information under section 15AA of the FOI Act. This would allow us time to assess the revised scope of your request.

If you do revise the scope of your request but don't agree to an extension of time, I may need to seek an extension from the Office of Australian Information Commissioner.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

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

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