

30 August 2023

AS

By email: [foi+request-9xxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:foi+request-9xxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)

Dear AS

### Freedom of Information request — Notification of Decision

Thank you for your correspondence of 10 December 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).

I apologise for the delay in processing your request.

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:

- 1. Any documents the Agency has that defines “family” for the purposes of operational guideline 11.1 “Does the NDIA fund family members to provide supports?”*
- 2. The guidelines for determining whether a person defined as a family member can be engaged to provide ndis funded services.*

### Extension of time

On 13 December 2022, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making 8 February 2023 the new 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.

I have identified 10 documents, which fall within the scope of your request.

The documents were identified by conducting searches of NDIA’s systems, using all reasonable search terms that could return documents relevant to your request, and 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 10 documents 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
- factors relevant to my assessment of whether or not disclosure would be in the public interest
- the NDIA's operating environment and functions.

**Release of documents**

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are 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 [fox@xxxx.xxx.xx](mailto:fox@xxxx.xxx.xx)

Yours sincerely



**Ankit**

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

## Schedule of Documents for FOI 22/23-0942

Document number	Page number	Description	Access Decision
1	1-28	<b>Published OG - Including Specific Types of Supports in Plans</b> Date: 15 December 2020	<b>FULL ACCESS</b>
2	29-34	<b>COVID-19 - Fact Sheet - Payment to Family Members to Maintain Funded Core Supports v1.0</b> Date: 8 September 2020	<b>FULL ACCESS</b>
3	35-40	<b>COVID-19 - Fact Sheet - Payment to Family Members to Maintain Funded Core Supports v2.0</b> Date: 10 September 2020	<b>FULL ACCESS</b>
4	41-46	<b>COVID-19 - Fact Sheet - Payment to Family Members to Maintain Funded Core Supports v3.0</b> Date: 1 October 2020	<b>FULL ACCESS</b>
5	47-53	<b>Principles we follow to create your plan v1.0</b> Date: 1 April 2021	<b>FULL ACCESS</b>
6	54-60	<b>OG- Principles we follow to create your plan V2.0</b> Date: 15 June 2022	<b>FULL ACCESS</b>
7	61-76	<b>OG - Your Plan v2.0</b> Date: 29 March 2021	<b>FULL ACCESS</b>
8	77-101	<b>OG - Your Plan v3.0</b> Date: 1 April 2021	<b>FULL ACCESS</b>

9	102-126	<b>OG - Your Plan v4.0</b> Date: 21 June 2022	<b>FULL ACCESS</b>
10	127-152	<b>OG - Your Plan v5.0</b> Date: 27 July 2022	<b>FULL ACCESS</b>

## **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