

Mr Brian O'Hart
E: foi+request-863-e9b3bf34@righttoknow.org.au

BY EMAIL

Dear Mr O'Hart

FOI request no. 14/15-006

The purpose of this letter is to give you notice of my decision granting access to a document you requested under the *Freedom of Information Act 1982 (FOI Act)*.

I—Jennifer Kirkaldy, Corporate Counsel of the National Disability Insurance Agency (**NDIA**)—am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have taken your request to be for documents that contain the dollar amount of the “Operating Expenses Ratio” contained in the NDIA’s most recent Quarterly Report to the COAG Disability Reform Council (December 2014).

The information you requested was not available in a separate written document at the time of your request. However, the NDIA has been able to produce a document containing the information you have requested. I have therefore treated your request as if it were a request for access to that document in accordance with s 17 of the FOI Act. I have identified the relevant information by consulting with the appropriate areas of the NDIA.

I have decided to grant access to the document in full, and I have **enclosed** a copy of this document at **Attachment A**. I have also **enclosed** information about your rights of review under the FOI Act at **Attachment B**.

If you have any questions, please do not hesitate to contact me on (02) 6146 4378 or via email at FOI@ndis.gov.au.

Yours sincerely



Jennifer Kirkaldy
Corporate Counsel
26 March 2015

Attachment A – Quarterly Operating Expenses

For the purposes of calculating the Operating Expenses Ratio, the operating expenses of the Agency include costs such as employee and supplier costs but exclude certain grants that the Agency makes for local capacity building activities. On this basis the total operating expenses shown below are slightly lower than those presented in the Agency's annual financial statements.

For the purposes of calculating the Operating Expenses Ratio, the operating expenses for the Agency for each of the initial 6 quarters of operations are as follows (reported on both a quarterly and a year to date basis):

	SEP-13 \$'000	DEC-13 \$'000	MAR-13 \$'000	JUN-13 \$'000	SEP-14 \$'000	DEC-14 \$'000
OPERATING EXPENSES (QUARTER)	21,049	29,919	28,902	47,591	40,991	38,670
OPERATING EXPENSES (YEAR-TO-DATE)	21,049	50,968	79,871	127,461	40,991	79,661

The Agency's annual financial statements for the first year of operation (which includes the first four quarters shown above) have been prepared and audited by the Australian National Audit Office and are publicly available in the Agency's 2013-2014 Annual Report <<http://www.ndis.gov.au/document/925>>. Information in relation to the 2014-15 financial year has not yet been subject to audit.

Attachment B – Your rights of review

Internal review

Section 54 of the *Freedom of Information Act 1982 (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 decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Public Law Section
Legal and Governance Branch
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601

Email: FOI@ndis.gov.au

External Review by the Australian Information Commissioner

Section 54L of the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply directly to the Australian Information Commissioner (**AIC**) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.