



2 July 2024

Rob Stewart

By email: foi+request-11434-bd0eca78@righttoknow.org.au

Dear Rob Stewart

Freedom of Information request - Request consultation process

Thank you for your correspondence of 20 June 2024, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

Processing timeframes

A 30-day statutory period for processing your request commenced from 21 June 2024, in accordance with section 15(5)(b) of the FOI Act. Therefore the due date for a decision on access is 22 July 2024.

This period may be extended if we need to consult with third parties or for other reasons. We will advise you if this happens.

The purpose of this letter is to invite you to engage in a request consultation process on the scope of your request, in order to avoid a section 24AA practical refusal. The Agency submits that this consultation is required as the scope of your request is currently too broad to process.

Scope of your request

You have requested access to the following documents held by the NDIA:

I seek any and all documents relating to any programs, initiatives or pilots that relate to the particular subject matter of austerity measures - for example, cost cutting. Sustainability is not a good keyword to use to search. The initiatives are likely to be the use of the Disabled Support for Older Adults program as a pilot to test cost cutting in the NDIS, or the use of stated supports in some areas. I am looking for any evidence that the NDIA has previously implemented changes to the NDIS that have impacted on choice and control for people with disability and reduced their supports and services.

Practical refusal reason

In its current form, your request does not provide enough information about the documents you are seeking as is reasonably necessary to allow us to identify them.¹

¹ 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.²

Why I intend to refuse your request

I am writing to advise you that your request does not satisfy section 15(2)(b) of the FOI Act, as the terms of your request are too broad, therefore and we are unable to identify the specific documents sought by you. We now seek further information from you about the documents you are requesting access to.

I note in your email of 20 June 2024 that you stated that “sustainability is not a good keyword search” and I advise that equally “austerity measures” is equally too broad for the agency to commence searches for documents. You also refer to programs or initiatives “that have impacted on choice and control...”. However, I note this is subjective and open to interpretation, it is also not a searchable scope but rather appears as a request for the FOI team to investigate, interpret and provide outcomes. This is not the role of the FOI process.

I acknowledge that it is the agency’s requirement to assist an applicant to rectify their scope issues. However, there is an expectation that an applicant clearly describes the documents they want to access, to allow a decision maker to identify the documents, and for the agency to be able to conduct searches for the documents. Regarding your scope, in its current form, you are asking the agency to identify programs or initiatives rather than seeking access to information about specific programs or initiatives.

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. 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 assist you further with clarifying your scope, is there a particular program or initiative you would like to refer to as the subject matter of your scope. I note that I am not aware of the ‘Disabled Support for Older Adults program’ referenced by you below, however if you want to use this as your scope, we can potentially conduct an agency search and advise if such a program exists, and then further refine to ensure specificity. Alternatively, there may be a program or programs you are aware of that you can specify to assist the agency in locating documents.

As part of the consultation process, 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
- 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.

² Section 24AB of the FOI Act

You can contact me by email at foi@ndis.gov.au.

Alternatively, you can reply in writing to the following address:

Freedom of Information Section
Government, Risk & Legal – Complaints Management
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 16 July 2024, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Jennifer". The signature is written in a cursive style with a large, looping initial 'J'.

Jennifer(JFD472)
Senior Freedom of Information Officer
Government, Risk & Legal – Complaints Management and FOI
General Counsel Division