

30 July 2024

Gabriel O

By email: foi+request-11579-5cc91bf2@righttoknow.org.au

Dear Gabriel O

Freedom of Information request - Notification of Decision

Thank you for your correspondence of 28 June 2024, 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 notify you of my decision on your application.

Scope of your request

You have requested access to the following 12 documents:

Autistic burnout
Management of auditory differences in people with autism
ABA for adults with autism Autism
Spectrum Disorder – stocktake
Therapy and Sensory items (Weighted/autism focused)
CBT for children with ASD
EMDR for ASD and OCD
Later life diagnoses of ASD and developmental delay
ASD diagnoses
Sensory based therapy
Assistance animal therapy and assistance animals
Association between Ehlers-Danlos and ASD

Search efforts

Searches for documents were conducted by the NDIA's Technical Advisory Branch (TAB) and 11 documents responsive to your application were located.

Decision on access to documents

I have decided to grant access in part to all 11 documents and refuse access to 1 document on the basis that that the document is non-existent or unlocatable under section 24A of the FOI Act.

Please see my detailed statement of reasons at **Attachment A**.

I made this decision as an authorised FOI decision maker under section 23(1) of the FOI Act.

Access to edited copies with exempt or irrelevant material deleted

I have identified that Documents 1-11 contain material that is irrelevant to your request. The irrelevant material relates to names NDIA staff which is information you have agreed to out

of scope from your request. This means that although I have decided to provide full access to the information contained within the documents, the removal of the irrelevant information under section 22 of the FOI Act means the documents are a partial release.

I have considered whether it is possible to delete the irrelevant material from the documents and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the documents with the irrelevant material removed.¹

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are attached.

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 foi@ndis.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jennifer', written in a cursive style.

Jennifer(JFD472)

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

¹ Section 22 of the FOI Act.

**Statement of Reasons
FOI23/24-1400**

I have refused access to one of the documents you have requested on the basis that the document is unlocatable or does not exist under section 24A of the FOI Act.

Relevant law

Under the FOI Act, a person has a right to be given access to documents of an agency. However, the right of access is subject to limitations, including grounds for refusal of access. Section 24A of the FOI Act states that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

Searches for documents

On 24 July 2024, I was advised by our Technical Advisory Branch (TAB) that the NDIA does not hold a research paper named *Association between Ehlers-Danlos and ASD*, despite it appearing on the list of research documents recently released. TAB advised that this was an administrative error, and I note this will be amended in due course.

Based on the information I have received from TAB, I am satisfied that the research paper in question was identified in error and does not exist.

Conclusion

Therefore, I refuse access to the information under section a 24A of the FOI Act.

Schedule of Documents for FOI 23/24-1400

Document number	Page number	Description	Access Decision	Comments
1	1-11	Autistic Burnout 12 March 2024	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
2	12-25	Effective management of auditory differences in people with autism (<i>Management of auditory differences in people with autism</i>) 16 February 2023	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
3	26-31	Applied Behaviour Analysis for adults with ASD (<i>ABA for adults with Autism</i>) 14 February 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
4	32-42	ASD Stocktake of Resources (<i>Spectrum Disorder – stocktake</i>) 19 July 2019	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
5	43-57	Updated Literature Review: Sensory products/weighted items for participants with Autism (<i>Therapy and Sensory items - Weighted/autism focused</i>). 14 May 2020	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
6	58-61	Cognitive Behaviour Therapy for Emotional Regulation in Children with Autism (<i>CBT for children with ASD</i>)	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act

Document number	Page number	Description	Access Decision	Comments
7	62-67	Eye movement desensitisation and response therapy for people with Autism Spectrum Disorder and Obsessive Compulsive Disorder (<i>EMDR for ASD and OCD</i>) 1 November 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
8	68-82	ASD and DLD diagnoses after 6 years old (<i>Later life diagnoses of ASD and developmental delay</i>) 15 February 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
9	83-102	Diagnoses of Autism Spectrum Disorder using the DSM-5 (<i>ASD Diagnoses</i>) 10 December 2021	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
10	103-116	Sensory-based therapy 29 September 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
11	117-125	Animal Assistance Therapy and Assistance Animals 14 April 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this 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 foi@ndis.gov.au or sent by post to:

Freedom of Information Section
Complaints Management and FOI Branch
General Counsel 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, 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
Post: GPO Box 5218, Sydney NSW 2001
Email: 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

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.