

24 July 2024

Gabriel O

By email: foi+request-11580-95fb47c0@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 documents:

Copies of the Technical Advisory Branch's (TAB) research documents with the following titles:

- *Sexual services and sexualised behaviours of concern*
- *Sexual activity supports*
- *Disability sex education supports by state and*
- *Benefits of sexual activity in women*

Search efforts

Searches for documents were conducted by the Technical Advisory Branch (TAB) and 4 documents responsive to your application were located.

Decision on access to documents

I have decided to grant partial access to all 4 documents.

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

Access to edited copies irrelevant material deleted

I have identified that the documents contain material that is irrelevant to your request. The irrelevant material relates to surnames of NDIA staff. This 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.

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

Schedule of Documents for FOI 23/24-1401

Document number	Page number	Description	Access Decision	Comments
1	1-62	Sexual Activity Supports Date: 10 July 2020	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
2	63-76	Sex education and sex therapy services Date: 25 August 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
3	77-85	Sexual services and sexulised behaviours of concern Date: 9 December 2022	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act
4	86-96	Benefits of sexual activity for women Date: 20 May 2024	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
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, 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.