

30 October 2024

Bob Buckley  
Right to know

By email: [foi+request-11722-c0e755d9@righttoknow.org.au](mailto:foi+request-11722-c0e755d9@righttoknow.org.au)

Dear Bob Buckley

## Freedom of Information request — Notification of Decision

Thank you for your correspondence of 21 July 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).

### Scope of your request

After consultation with you on 29 July 2024, you clarified the scope of your request was to the following documents:

*“Document 7 in FOI 23.24-0029 describes itself as:*

*National Disability Injsurance (sic) Agency 2023. Behaviourally based intervention for children on the autism spectrum: Asystematic (sic) review and dose-response meta-analysis’. Prepared by E Ghezzi, A Lampit.*

*Please provide, under the provision of the Freedom on (sic) Information Act, all documents relating to the contents, development, and disposition of this document.”*

After you clarified your request, I began consultation with the Agency’s Evidence and Practice Leadership Branch (EPL Branch). On 9 August 2024, I received advice from a research support officer within EPL Branch to the effect that the branch had made preliminary searches for documents falling within the scope of your request. On this basis, the branch estimated there were likely to be more than 117 documents within scope. The officer’s view was that processing your request would significantly divert the resources of the branch from its other functions.

On that basis, I began a request consultation process with you, requesting that you narrow the scope of your request. On 13 September 2024, you refined the scope so that you were only seeking access to documents created between November 2022 and May 2023.

On 18 September 2023, I met with one of the authors of the paper referred to in your request. He advised me that the information provided by the research support officer was inaccurate. The 117 documents referred to by that officer are not documents held by the Agency. Rather they are independent research papers covered by copyright and locked behind pay walls.

The author of the paper also advised me that each of the 117 documents referred to by the research support officer were cited in the report you reference in your request. This report was provided to you on 22 August 2023 in the context of FOI 23/24-0029.

### **Timeframe**

We have been experiencing processing delays and were not able to provide our decision to you by the due date. Consequently, we are deemed to have refused your application under section 15AC of the FOI Act. Despite this, I have continued to process your request. I apologise for the delay in providing you with this decision.

### **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 decided to refuse your request for access under section 24A of the FOI Act. The reasons for my decision are set out below.

In reaching my decision, I took the following into account:

- your correspondence outlining the scope of your request the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- consultation with relevant officers of the NDIA
- the NDIA's operating environment and functions.

### **Reasons for decision - Refuse a request for access (section 24A)**

Section 24A of the FOI Act provides 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.

As set out above, I have made enquiries with relevant NDIA staff. These enquiries have revealed that the NDIA is not in possession of documents matching the scope of your request. All documents considered in the creation of this document are cited in the report provided to you in FOI 23/24- 0029, which was subsequently published on your website:

[Behaviourally based interventions in children on the autism spectrum: A systematic review and dose-response meta-analysis | Autism Aspergers Advocacy Australia \(a4.org.au\). To assist you, I advise:](#)

1. All the articles considered in the analysis are provided in Table B1 of the report. Full references are provided in the Appendix References list (from page 155)
2. All the results data extracted from individual studies (not just the synthesis of evidence across studies) is provided in pages 76-121. There is no further data that exists to share.
3. Any additional information from individual studies is provided in study reports. These are copyrighted and are available from the publishers of the respective academic journals.

I am satisfied that all reasonable steps have been taken to locate the documents you have requested and that the documents do not exist. I have, therefore, decided to refuse access to your request in accordance with section 24A(1)(b)(ii) of the FOI Act.

### **Rights of review**

Your rights to seek a review of my decision, or lodge a complaint, are set out at **Attachment A**.

Should you have any enquiries concerning this matter, please do not hesitate to contact me by email at [foi@ndis.gov.au](mailto:foi@ndis.gov.au).

Yours sincerely



**Cooper (CHH674)**  
Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
General Counsel Division