

13 November 2024

M West

**By email:** [foi+request-11755-1e29bb48@righttoknow.org.au](mailto:foi+request-11755-1e29bb48@righttoknow.org.au)

Dear M West

### **Freedom of Information request — Notification of Decision**

Thank you for your correspondence of 24 July 2024, seeking access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

### **Scope of your request**

You originally requested access to the following documents:

*“Any and all documents, including but not limited to emails, memos, reports, presentations, and meeting minutes, that contain information about or reference to a “Nothing before February 2024 campaign” or “Nothing before 2024 campaign” within the National Disability Insurance Agency (NDIA).*

*I understand that this term is known within the NDIA, and I am seeking to obtain information about the nature, purpose, and scope of this campaign.*

*The time frame for this request is from 1 January 2022 to the date of this application”.*

### **Request Consultation**

On 15 August 2024, I sent you correspondence initiating a consultation process under section 24AB of the FOI Act. In my letter I advised that I intended to refuse access to your request on the grounds that the work involved in processing it would substantially and unreasonably divert the resources of the Agency from its other operations.

On 27 August 2024, you revised the scope of your request to the following:

*“All emails (and any attached documents) that contain information about or reference to a “Nothing before February 2024 campaign” or “Nothing before 2024 campaign”—*

*Sent by or on behalf of:*

- *The NDIA CEO; or*
- *Any of the NDIA Deputy CEOs*

*And sent to:*

- *The majority of NDIA employees; or*
- *All of the employees in any one NDIA division or branch.*

*The time frame for this request is from 1 January 2023 to the date of this application. (24 July 2024)."*

I confirmed with you on 29 August 2024, that this revised scope had negated the reason for a practical refusal decision under s24AB of the FOI Act.

### **Extension of time**

On 6 September 2024, you agreed to a 14-day extension of time under section 15AA of the FOI Act, making 20 September 2024 the new date to provide you with a decision on access.

Since I anticipated needing more time to process your request, I sought your agreement to a further 10-day extension of time, which you agreed to on 19 September 2024, thus, moving the new date to provide you with a decision to 30 September 2024.

As your request was in the final processing stages, I emailed you on 30 September 2024 and sought a further 6-day extension of time.

I confirm you responded that day, agreeing to only a 4-day extension of time, making the 4 October 2024 the new date to provide you with a decision. I acknowledge that this time has lapsed and as a result we are deemed to have refused your request under section 15AC of the FOI Act.

I have continued to process your application. I apologise for the delay and confirm that you retain your right to seek external review of this decision.

### **Search Efforts**

Staff in the NDIA's Service Delivery Group conducted searches for documents and advised they had located 4 documents relevant to the scope of your request.

### **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 grant access to each of the 4 documents in part.

Access to edited copies with exempt or irrelevant material deleted (section 22)

I have identified that Documents 1 to 4 contain material that is irrelevant to your request. The irrelevant material can be described as the names and contact details of NDIA staff, internal email addresses and information which does not relate to the Nothing Before February 2024 campaign.

In accordance with section 22 of the FOI Act, 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 exempt and irrelevant material removed.

**Release of documents**

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

**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](mailto:foi@ndis.gov.au).

Yours sincerely

A handwritten signature in cursive script that reads "Wendy".

**Wendy (WNN633)**  
Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
General Counsel Division

## Schedule of Documents for FOI 24/25-0101

Document number	Page number	Description	Access Decision	Comments
1	1-2	<b>Email</b> Subject: Info: 'Nothing before February 24' initiative  Date: 29 April 2024	<b>PARTIAL ACCESS</b>	Irrelevant material removed under section 22 of the FOI Act
2	3-6	<b>Email</b> Subject: A message from the CEO   For Agency staff and partners  Date: 27 May 2024	<b>PARTIAL ACCESS</b>	Irrelevant material removed under section 22 of the FOI Act
3	7-10	<b>Email</b> Subject: For info: Service Delivery group update  Date: 7 June 2024	<b>PARTIAL ACCESS</b>	Irrelevant material removed under section 22 of the FOI Act
4	11-12	<b>Email</b> Subject: A message from the CEO   For Agency staff and partners  Date: 17 June 2024	<b>PARTIAL ACCESS</b>	Irrelevant material removed under section 22 of the FOI Act

## Your review rights

### Review by the Office of the Australian Information Commissioner

The FOI Act 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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.