

6 September 2024

Bob Buckley

By email: foi+request-11756-1af0d758@righttoknow.org.au

Dear Bob Buckley

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 25 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

You have requested access to the following documents:

... all information and communication about:

- 1. the creation of the NDIA autism stakeholder subcommittee*
- 2. recruitment, selection/appointment and maintenance of the membership of the NDIA autism stakeholder subcommittee*
- 3. the operation of the NDIA autism stakeholder subcommittee*
- 4. agendas, minutes, briefings and materials shown to the NDIA autism stakeholder subcommittee or any subcommittees.*
- 5. advice and recommendations made by the NDIA autism stakeholder subcommittee*
- 6. processing or disposition of advice and recommendations made by the NDIA autism stakeholder subcommittee*
- 7. the ending or dissolution of the NDIA autism stakeholder subcommittee*

Timeframe

On 22 August 2024, you agreed to a 15-day extension of time under section 15AA of the FOI Act, making 9 September 2024 the new date to provide you with a decision on access.

Search efforts

Searches for documents were conducted by the Co-design and engagement branch and I have been advised that no responsive documents relevant to the scope of request, were located.

Decision on access to documents

In summary, I have decided to refuse access to the information you have requested on the basis that the documents are non-existent or unlocatable pursuant to section 24A of the FOI Act.

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

A detailed statement of reasons explaining my decision is **Attachment A** to this decision notice.

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 cursive script that reads "Wendy".**Wendy (WNN633)**

Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

**Statement of Reasons
FOI Application FOI 24/25-0103**

Refused information

I have refused access to the information you have requested on the basis that the documents are unlocatable or do 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

After reviewing the scope of your FOI application, I identified the need to make enquiries with the Co-design and engagement branch for documents relevant to the scope of your request.

I note you have specifically requested access to all documents relevant to the NDIA autism stakeholder subcommittee and I advise that I have been informed by Co-design and engagement branch that there is no established group which goes by the name of NDIA Autism Stakeholder Subcommittee.

Conclusion

Based on the information I have received from the Co-design and engagement branch; I consider there are reasonable grounds to be satisfied that the documents are unlocatable or do not exist.

I therefore refuse access to the information under section a 24A of the FOI Act on the basis that the information does not exist.

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original 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 & 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.