



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

13 September 2024

Angelique

By email: foi+request-11907-520687a2@righttoknow.org.au

Dear Angelique

Freedom of Information request — Request consultation process

Thank you for your correspondence of 16 August 2024, in which you requested 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 have requested access to the following documents:

“...the following information from FOI23/24- 1189–

Please provide any and all documents that relate to NDIS use of time base of funding (both capacity and support work) and any policy, justification or memos surrounding NDIS using :

*40 weeks as basis for funding
46 weeks as basis for funding
48 weeks as basis for funding
52 weeks as basis for funding...”*

Practical refusal reason

In its current form, the scope of your request does not provide enough information about the documents you are seeking, as is reasonably necessary to allow us to identify them.¹

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request.²

I am authorised to make this decision under section 23(1) of the FOI Act.

Why I intend to refuse your request

I am writing to advise you that your request did not satisfy section 15(2)(b) of the FOI Act, as the terms of your request were too broad, and we were unable to identify the specific documents sought.

I note in your scope of request you referred to “both capacity and support work”. However, these terms are not distinct enough to enable sufficient searches to be carried out.

I advise that the term ‘capacity’ is a frequently used NDIS term, so any resulting search outcomes using this term will likely lead to a large number of documents. In addition, there

¹ Section 24AA of the FOI Act.

² Section 24AB of the FOI Act.

are various intensity levels for support work, therefore there is a likelihood of a large volume of documents being found for this terminology.

I acknowledge that it is the agency's requirement to assist an applicant to rectify their scope issues. However, there is an expectation that an applicant clearly describes the details of the documents they want to access, to allow a decision maker to identify the documents, and for the agency to be able to conduct searches for the documents.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

As part of the consultation process, you have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request
- b. make a revised request
- c. indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at foi@ndis.gov.au.

Alternatively, you can reply in writing to the following address:

Freedom of Information Section
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 27 September 2024, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Please do not hesitate to contact me if you have any questions.

Yours sincerely



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