

7 February 2025

David Wright

By email: foi+request-11959-09e532f1@righttoknow.org.au

Dear David Wright

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 28 August 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).

I apologise for the delay in processing your request.

The purpose of this letter is to provide you with a decision on your request.

Scope of your request

You have requested access to the following documents:

“Please provide the following information about all law firms engaged by the NDIA in 2023-2024 for matters to which the NDIA was a Respondent at the Administrative Appeals Tribunal (AAT):

- 1) A list of all law firms engaged.*
- 2) The number of AAT matters each law firm was engaged for.*
- 3) The total of all payments made by the NDIA to each of these law firms, giving the total figure paid to each law firm and also a combined total figure of all payments.”*

Timeframe

On 25 September 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making 30 October 2024 the new date to provide you with a decision on access.

Unfortunately, this time has lapsed and as a result we are deemed to have refused your request under section 15AC of the FOI Act. Despite this, 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

Searches for documents were conducted by the NDIA Legal Practice and Capability Branch and I have been advised that 1 document relevant to the scope of request, was located.

Results of third-party consultations

As advised in my email to you on 17 October 2024, I consulted under section 27 and 27A of the FOI Act with multiple third parties who I reasonably believe might have concerns about the disclosure of some of the matter contained within the documents. You provided your consent to the release of your name as applicant to the third party on the same day.

On 21 January 2024, I confirm I received a response from all the third parties, and they advise that they have no objections to the disclosure of the documents provided for consultation.

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.

Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to produce a document containing the information you requested. I have, therefore, treated your request as if it were a request for access to this document in accordance with section 17(1)(c) of the FOI Act.

I have decided to grant access to 1 document in full.

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

- your correspondence outlining the scope of your request
- the nature and content of the documents falling within the scope of your request
- the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- factors relevant to my assessment of whether or not disclosure would be in the public interest

Release of documents

The document for release, as referred to in the Schedule of Documents at **Attachment A**, is 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.

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 24/25-0252

Document number	Page number	Description	Access Decision	Comments
1	1-1	Law Firms engaged by NDIA from 2023 to 2024 Date: Not applicable	FULL ACCESS	Document created under section 17 of the FOI Act

Your review rights

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.