

21 October 2024

Ivy

By email: foi+request-12021-8e2944f3@righttoknow.org.au

Dear Ivy

Freedom of Information request - Notification of Decision

Thank you for your correspondence of 7 September 2024, seeking access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

The purpose of this letter is to notify you of my decision on your application.

Scope of your request

You requested access to the following:

"I am seeking release of any internal guidelines, operational guidelines or rules that have been created or in the process of being created that are to be implemented on October 3, 2024 in relation to the new NDIS Act that received Royal Assent on September 6, 2024.

Anything that relates in particular to Psychosocial disability would be appreciated."

I confirm your email dated 19 October 2024 where you clarified your scope:

"Internal guidelines, Operational guidelines, Practice Guides and Rules that have been created or in the process of being created that are to be implemented on October 3, 2024 that only relate to Psychosocial disabilities."

Extension of time

You agreed to a 30-day extension of time under section 15AA of the FOI Act, with 6 November 2024 the new date to provide you with a decision.

Search efforts

Searches were conducted by staff in the NDIA's Service Design and Guidance Branch for documents relevant to the scope of your request. The agency has updated a suite of internal and external resources to reflect changes that came into effect on October 3 2024, these documents have a broad application and are not specific to psychosocial disability.

As such, no documents have been located specific to the scope of your request.

I have set out the reasons for this outcome in **Attachment A** to this letter.

Decision on access to documents

I have decided to refuse access to the information you have requested on the basis that the documents are non-existent 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.

I have provided a detailed statement of the reasons for my decision in 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**.

If you have any enquiries about this matter, please contact me by email at foi@ndis.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. M. J.', with a stylized flourish at the end.

Kate (KIM627)

Senior Freedom of Information Officer
Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

**Statement of Reasons
FOI Application 24.25-0316**

Refused information

I have refused access to the information you requested under section 24A of the FOI Act on the basis that documents containing such information are unlocatable or do not exist.

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 NDIA's Service Design and Guidance Branch for documents relevant to the scope of your request.

The line area advised that there are no documents that are specific to psychosocial disabilities.

Conclusion

Based on the information I received from Service Design and Guidance Branch, I consider there are reasonable grounds to be satisfied that documents containing the information you seek do not exist. I therefore refuse access to the information under section a 24A of the FOI Act on the basis that the information is non-existent or 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 xxx@xxxx.xxv.au or sent by post to:

Freedom of Information Section
Complaints Management and 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 review within 60 days of receiving this letter.

You can apply to the OAIC for review 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 the NDIA took in relation to your request. The Ombudsman will consult with the OAIC before investigating a complaint about the handling of an FOI request.

You can make a complaint to the OAIC using the contact details identified above, or to the Ombudsman by:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your complaint should set out the grounds on which you consider the OAIC or the Ombudsman should investigate the NDIA's handling of your FOI request.