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22 October 2024

Bob Buckley

By email: foi+request-12023-114f4a99@righttoknow.org.au

Dear Bob Buckley

Freedom of Information request — Request consultation process

Thank you for your correspondence of 7 September 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:

“...all information relating to the preparation, publication, and disposition of this webpage and the document linked under [“quality support for children”](#), including but not limited to:

- * internal correspondence within the NDIA about the preparation, contents and publication of this information (emails, briefing notes etc).*
- * correspondence between the NDIA and the NDIS Quality and Safeguards Commission about the preparation, contents, disposition, and publication of this material.*
- * correspondence between the NDIA and any other external party about this information ... definitely including sector engagement, consultation, advice, co-design or coproduction.*
- * internal approval and review of this information .*
- * copies of all internal working drafts of the information .*
- * any information about why AHPRA is referenced but NASRHP is not.”*

Revision of scope

On 21 September 2024, you agreed to narrow the date range of your request to a 2-year period, being from 20 August 2022 to 20 August 2024.

Internal Consultation

On the basis of the revised scope, I initiated a preliminary search for documents by the NDIA’s Children’s Taskforce . Following the preliminary search, Children’s Taskforce advised me:

- The inclusion of a timeframe in the revised request has not reduced the number of responsive documents; and

- The preliminary search has returned more than 150 responsive documents, not including any attachments.

Based on the advice provided, I consider that there are more than 750 pages worth of material that falls within the scope of your request as currently worded (not including the attachments). At a conservative estimate of spending two minutes reading each page, this would take an FOI officer more than 25 hours to simply review and collate the documents.

I note that the documents that are assessed as being within scope of the request would then need to be reviewed for any sensitivities and possible exemption under the FOI Act. I would also need to consider whether any further consultations were required and carry these out. A decision about disclosure would need to be made on each document, and a decision letter prepared. These steps would significantly increase the hours that it would take for an FOI officer to process your request.

Practical refusal reason

As a result of my enquiries, I am satisfied that the work involved in processing the request in its current form would substantially and unreasonably divert the resources of the Agency from its other operations.¹

I therefore intend to refuse your request on the basis of a 'practical refusal reason' under section 24AA of the FOI Act. A practical refusal reason exists if either (or both) of the following applies:

- a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Agency from its other operations; and/or
- b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires an FOI applicant to provide such information concerning the document/s they are seeking access to, to enable the Agency to be able to identify it or them

In reaching this view, I have taken account of

- the internal advice from Children's Taskforce, who are the subject matter experts within the NDIA.

However, before I make a final decision, I am writing to provide you with an opportunity to revise your request.² This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

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

Request consultation process

In circumstances where an Agency is considering a practical refusal, it is required to undertake a request consultation process under section 24AB of the FOI Act. The purpose of this letter is to initiate that process. You now have 14 days to do one of the following:

¹ Section 24AA of the FOI Act.

² Section 24AB of the FOI Act.

- withdraw your request;
- make a revised request; or
- indicate that you do not wish to revise the request (in which case the current scope of your request will stand).

If you do not do one of the three things listed above during the consultation period, your request will be processed on the basis of the current scope, and it is likely to be refused on the basis that processing it would represent a substantial and unreasonable diversion of the Agency's resources.

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 calculating the timeframe for processing your request.

If you wish to discuss this process, please contact me by email at foi@ndis.gov.au.

If you do not contact me within this period, that is by 6 November 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

A handwritten signature in black ink that reads "Wendy". The signature is written in a cursive, flowing style.

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