



6 December 2024

Bob Buckley

**By email:** [foi+request-12023-114f4a99@righttoknow.org.au](mailto: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).

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

### **Scope of your request**

In your application, you requested access to the following documents held by the NDIA:

*“...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, from 20 August 2022 to 20 August 2024.

### **Extension of time**

On 4 October 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, thus extending the due date for decision to 6 November 2024. I note 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 advise that you still retain your right to seek external review of this decision.

### **Request Consultation**

On 22 October 2024, I sent you an email with a letter initiating a consultation process under section 24AB of the FOI Act. In my letter I advised you that I intended to refuse access to your request on the grounds that processing your request would unreasonably and substantially divert the Agency's resources from its other operations. My letter detailed the reasons for my view.

On 26 October 2024 you responded to my consultation request, advising that you did not wish to revise the scope of your request and that you would like to proceed with your original scope.

### **Decision on access to documents**

Taking into consideration your response to the consultation process, I have decided to refuse your request on the ground that you have not revised the scope of your request so as to remove the reasons for a practical refusal.

I make this decision as a delegated decision maker under section 23(1) of the FOI Act.

### **Reasons for decision**

A detailed statement of reasons for my decision can be found at **Attachment A**.

### **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](mailto: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 24/25-0315**

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**Practical refusal reason**

*Relevant law – s24AA*

A practical refusal reason exists in relation to a request for documents if the work involved in processing the request would substantially and unreasonably divert the resources of an agency from its other operations<sup>1</sup>.

In determining whether processing a request would substantially and unreasonably divert the Agency's resources from its other operations, I am required to consider the resources that would have to be used for:

- identifying, locating and collating the documents within the Agency
- deciding whether to grant, refuse or defer access to a document including resources used for examining the document and consulting with any person or body in relation to the request
- making a copy or an edited copy of the document
- notifying the decision on the request

Upon receipt of your Freedom of Information request, I noted that consultations were required with multiple NDIA business areas. I initiated consults with the following NDIA business areas for documents relevant to your request:

- Children's Taskforce;
- Service Guidance Branch;
- Service Delivery Group
- Website Content and Publishing team;
- Co-Design and Engagement Branch;
- Technical Advice and Practice Improvement Branch; and
- Strategic Communications Division.

At the conclusion of consultations, the Children's Taskforce advised that their preliminary search for documents falling within scope of your request had returned more than 150 responsive documents (not including any attachments).

Given this number of documents, I estimated that there would be more than 750 pages worth of material that would potentially fall within the scope of your request (not including attachments). I also estimated that at a conservative estimate of two minutes reading per page, it would take an FOI officer more than 25 hours to review and collate the documents. This estimate did not include time taken to review the documents for sensitivities, to consider whether they were exempt from disclosure under the FOI Act and whether further consultations would be required.

On 22 October 2024, I emailed you a letter, initiating a section 24AB request for

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<sup>1</sup> 24AA(1)(a) of the FOI Act.

consultation. I formally advised you that processing your request in its current form would substantially and unreasonably divert the Agency's resources from its other operations. I provided you with information about the number of documents, estimated number of pages and the time it would take for a staff member to review the documents.

On 26 October 2024, you responded to my request for consultation, advising that you did not wish to revise your scope of request.

As you did not revise the scope of your request, I am satisfied that a practical refusal reason still exists and that the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations.

I therefore refuse your request on the basis of a 'practical refusal reason' under section 24AA of the FOI Act.

## **Your review rights**

### **Review by the Office of the Australian Information Commissioner**

The FOI Act 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](http://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](http://www.oaic.gov.au)

Post: GPO Box 5218, Sydney NSW 2001

Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.