

9 December 2024

Emily Lacey  
Right to Know

**By email:** [foi+request-12070-d3385589@righttoknow.org.au](mailto:foi+request-12070-d3385589@righttoknow.org.au)

Dear Emily Lacey

### Freedom of Information request — Notification of Decision

Thank you for your correspondence of 21 September 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).

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:

“...1. Knowledge Article “Log an activity or internal note” (Link: [2. Knowledge Article “Understand eligibility reassessment referral requirements” \(Link: \[3. Knowledge Article “What evidence of disability is required?” \\(Link: \\[Delivered by the  
National Disability  
Insurance Agency\\]\\(https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fndia.my.salesforce.com%2Farticles%2Fknowledge%2F109278793&data=05%7C02%7Cfoi%40ndis.gov.au%7C16abebb627bb4f87da5b08dcda30d17e%7Ccd778b65752d454a87cfb9990fe58993%7C0%7C0%7C638625150603396647%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C40000%7C%7C%7C&sdata=qsdpVf0sukB2zU4gC0c3VFvCCXogh8gSnHKSgKO9NBQ%3D&reserved=0, obtained from FOI 23.24-1405\\)</a></p></div><div data-bbox=\\)\]\(https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fndia.my.salesforce.com%2Farticles%2Fknowledge%2F229734077&data=05%7C02%7Cfoi%40ndis.gov.au%7C16abebb627bb4f87da5b08dcda30d17e%7Ccd778b65752d454a87cfb9990fe58993%7C0%7C0%7C638625150603386082%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C40000%7C%7C%7C&sdata=ldsAuMYq1zx1YLSMJ2UErgLELVucEjapckAAxdp3pRs%3D&reserved=0, obtained from FOI 23.24-1405\)</a></p></div><div data-bbox=\)](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fndia.my.salesforce.com%2Farticles%2Fknowledge%2F285329519&data=05%7C02%7Cfoi%40ndis.gov.au%7C16abebb627bb4f87da5b08dcda30d17e%7Ccd778b65752d454a87cfb9990fe58993%7C0%7C0%7C638625150603370264%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C40000%7C%7C%7C&sdata=f5cEkfvycCoMwnjcQhLNRMWfPeZ2uK1nQ%2F94aSwkqnk%3D&reserved=0, obtained from FOI 23.24-1405)</a></p></div><div data-bbox=)

4. Knowledge Article “Understand disability requirements” (Link: [5. Knowledge Article “Check treating professional details” \(Link: \[6. All “Knowledge Article - Check evidence for a decision” documents related to assessing eligibility.\]\(https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fndia.my.salesforce.com%2Farticles%2Fknowledge%2F192242422&data=05%7C02%7Cfoi%40ndis.gov.au%7C16abebb627bb4f87da5b08dcda30d17e%7Ccd778b65752d454a87cfb9990fe58993%7C0%7C0%7C638625150603416337%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C40000%7C%7C%7C&sdata=nmek5HUg25eSav16G%2BRngPxj1C4qJ9LbhZ1xnaP7AYM%3D&reserved=0, obtained from FOI 23.24-1405\)</a></p></div><div data-bbox=\)](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fndia.my.salesforce.com%2Farticles%2Fknowledge%2F285182367&data=05%7C02%7Cfoi%40ndis.gov.au%7C16abebb627bb4f87da5b08dcda30d17e%7Ccd778b65752d454a87cfb9990fe58993%7C0%7C0%7C638625150603406601%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C40000%7C%7C%7C&sdata=zBD5u8ojT2b%2FxpBR%2BcSLF7frFjErfGDOF%2FUtGx0u4ZE%3D&reserved=0, obtained from FOI 23.24-1405)</a></p></div><div data-bbox=)

*Note: Please provide the most recent version of each document, regardless of whether it is a draft or approved version...*

## Extension of time

On 04 October 2024, you declined a 30-day extension of time under section 15AA of the FOI Act.

Unfortunately, we have been experiencing processing delays and were not able to provide you with our decision by the due date. I apologise for the delay in releasing this decision to you. Consequently, we are deemed to have refused your application under section 15AC of the FOI Act.

In the interests of not causing any further delays, I have decided not to apply for an extension to the processing period from the Office of the Australian Information Commissioner (OAIC) under section 15AC of the FOI Act. However, your right to apply for an external review with the Office of the Australian Information Commissioner remains protected. Please see **Attachment B** for more information about your rights of review.

## 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.

I have identified 26 documents, which fall within the scope of your request.

The documents were identified by conducting searches of NDIA’s systems, using all reasonable search terms that could return documents relevant to your request, and consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

I have decided to grant access to 26 documents 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
- consultation with relevant NDIA staff

### **Release of documents**

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are 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](mailto:foi@ndis.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. M. S.', written in a cursive style.

### **Kate (KIM627)**

Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
Government Division

## Schedule of Documents for FOI 24/25-0368

Document number	Page number	Description	Access Decision	Comments
1	1-11	Knowledge Article - Log an activity or internal note Date: 2024.10.09	<b>FULL ACCESS</b>	
2	12-20	Knowledge Article – When to refer the participant for an eligibility reassessment Date: 2024.10.09	<b>FULL ACCESS</b>	
3	21-30	Knowledge Article – What evidence of disability is required Date: 2024.10.09	<b>FULL ACCESS</b>	
4	31-39	Knowledge Article - Understand disability requirements Date: 2024.10.09	<b>FULL ACCESS</b>	
5	40-46	Knowledge Article - Check treating professional details Date: 2024.10.09	<b>FULL ACCESS</b>	
6	47-53	Knowledge Article - Check eligibility – age and residence requirements Date: 2024.10.09	<b>FULL ACCESS</b>	

Document number	Page number	Description	Access Decision	Comments
7	54-60	Knowledge Article - Check eligibility - DIS – disability caused by an impairment  Date: 2024.10.09	<b>FULL ACCESS</b>	
8	61-67	Knowledge Article - Check eligibility – DIS – likely permanence  Date: 2024.10.09	<b>FULL ACCESS</b>	
9	68-74	Knowledge Article - Check eligibility – DIS – NDIS supports for life  Date: 2024.10.09	<b>FULL ACCESS</b>	
10	75-81	Knowledge Article - Check eligibility – DIS – significant functional impact  Date: 2024.10.09	<b>FULL ACCESS</b>	
11	82-89	Knowledge Article - Check eligibility – DIS – social and economic impact  Date: 2024.10.09	<b>FULL ACCESS</b>	
12	90-96	Knowledge Article - Check eligibility - EI – Developmental delay  Date: 2024.10.09	<b>FULL ACCESS</b>	

Document number	Page number	Description	Access Decision	Comments
13	97-105	Knowledge Article - Check eligibility - EI - hearing loss 0-25 years of age  Date: 2024.10.09	<b>FULL ACCESS</b>	
14	106-112	Knowledge Article - Check eligibility – EI – Impairment is likely permanent  Date: 2024.10.09	<b>FULL ACCESS</b>	
15	113-119	Knowledge Article - Check eligibility – EI – likely to improve or reduce deterioration of functional capacity or strengthen informal supports  Date: 2024.10.09	<b>FULL ACCESS</b>	
16	120-126	Knowledge Article - Check eligibility – EI – likely to reduce future support needs  Date: 2024.10.09	<b>FULL ACCESS</b>	
17	127-133	Knowledge Article - Check eligibility - EI - Supports will be NDIS supports  Date: 2024.10.09	<b>FULL ACCESS</b>	
18	134-141	Knowledge Article - Check eligibility - List A condition  Date: 2024.10.09	<b>FULL ACCESS</b>	



<b>Document number</b>	<b>Page number</b>	<b>Description</b>	<b>Access Decision</b>	<b>Comments</b>
19	142-149	Knowledge Article - Check eligibility - List B condition Date: 2024.10.09	<b>FULL ACCESS</b>	
20	150-157	Knowledge Article - Check eligibility - List D condition Date: 2024.10.09	<b>FULL ACCESS</b>	
21	158-167	Knowledge Article - Check eligibility – Terminal illness Date: 2024.10.09	<b>FULL ACCESS</b>	
22	168-175	Knowledge Article - Understand early intervention requirements Date: 2024.10.09	<b>FULL ACCESS</b>	
23	176-188	Knowledge Article - Finalise eligibility reassessment decision Date: 2024.10.09	<b>FULL ACCESS</b>	
24	189-205	Knowledge Article - Understand procedural fairness and eligibility reassessment requirements Date: 2024.10.09	<b>FULL ACCESS</b>	
25	206-226	Knowledge Article - Make an access decision – post legislation changes Date: 2024.10.09	<b>FULL ACCESS</b>	

Document number	Page number	Description	Access Decision	Comments
26	227-247	Knowledge Article - Make an access decision – prelegislation changes  Date: 2024.10.09	<b>FULL ACCESS</b>	



## **Your review rights**

As this matter was a deemed refusal, internal review of this decision is not an option. However, if you have concern with any aspect of this decision, please contact the NDIA FOI team by email [foi@ndis.gov.au](mailto:foi@ndis.gov.au) or by post:

Freedom of Information Section  
Complaints Management & 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 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.