

27 November 2024

Bob Buckley

By email: foi+request-12124-6b198b8e@righttoknow.org.au

Dear Bob Buckley

Freedom of Information request — Notice of Decision

Thank you for your correspondence of 2 October 2024 (**your correspondence**), 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 provide you with a decision on your request.

Scope of your request

You have requested access to the following documents:

“The new “Supports that are ‘NDIS supports’” list released on 1/10/2024 indicates under “Early intervention supports for early childhood” that “therapy provided by ... speech pathologists” is an “NDIS support” for children which includes autistic children.

Please provide, under the provisions of the FoI Act 1982, all evidence held by the NDIA that shows explicitly that speech pathology “achieves better long-term outcomes for” autistic children than either doing nothing or so-called treatment-as-usual (TAU). Or any other information that justifies including “speech pathology” on the list of NDIS supports.”

Extension of time

On 23 October 2024, you agreed via email to a 30-day extension of time under section 15AA of the FOI Act, making 1 December 2024 the new date to provide you with a decision on access.

Searches conducted

The NDIA’s Technical Advice & Practice Improvement Branch, Service Guidance Division, Evidence and Practice Division and Policy Division conducted searches and did not locate any documents relevant to the scope of your request.

Decision

I am the authorised officer pursuant to section 23(1) of the FOI Act to make a decision on this FOI request.

I have decided to:

- Refuse access to documents pursuant to 24A of the FOI Act on the grounds that the documents do not exist or cannot be located.

A statement of reasons for this decision are set out in **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.

Yours sincerely



Patrick (PHO293)

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

**Statement of Reasons
FOI 24/25-0439**

REFUSAL UNDER 24A

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

Relevant Law

Under the FOI Act, a person has a right to be give 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 request, I identified the need to make enquiries with the NDIA's Technical Advice & Practice Improvement Branch, Service Guidance Division, Evidence and Practice Division and Policy Division for documents relevant to your scope.

Based on the search results from the relevant business areas and consultation with subject matter experts, I am satisfied that documents relevant to the scope of your request do not exist.

I therefore refuse access to the information under section 24A of the FOI Act on the basis that the information cannot be found 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.

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 foi@ndis.gov.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 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.