

9 December 2024

Bob Buckley

**By email:** [foi+request-12127-a73c4be1@righttoknow.org.au](mailto:foi+request-12127-a73c4be1@righttoknow.org.au)

Dear Bob Buckley

### **Freedom of Information request - Notification of Decision**

Thank you for your correspondence of 2 October 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 documents:

*The new "Supports that are 'NDIS supports'" list released on 1/10/2024 indicates under "Early intervention supports for early childhood" that "evidence-based early childhood intervention supports for children 0-9 years" including "a key worker for a child's family" is an "NDIS support" for children ... including autistic children.*

*Please provide, under the provisions of the FoI Act 1982, information held by the NDIA that*

*a) defines what "a key worker" is, and*

*b) shows that "key workers" achieve "better long-term outcomes for" autistic children than either doing nothing or so-called treatment-as-usual (TAU).*

*I am only interested in information that shows outcomes explicitly for autistic children. I am not interested in information for children with other disability types or that assumes general results apply for autistic children.*

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

### **Expiration of time**

A 30-day statutory period for processing your request commenced from 2 October 2024, in accordance with section 15(5)(b) of the FOI Act. The due date for a decision on access was 2 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 confirm that you retain your right to seek external review of this decision.

**Search efforts**

Staff in the NDIA's Service Guidance Branch conducted searches, and no documents relating to the scope of your request were identified. I have set out the reasons for this outcome in **Attachment A** to this letter.

**Decision on access to documents**

In summary, I have decided to refuse access to the information you have requested on the basis that the documents are non-existent or unlocatable 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](mailto:foi@ndis.gov.au).

Yours sincerely

**Lia (LML799)**

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

**Statement of Reasons  
FOI Application 24.25-0444**

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**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 Guidance Branch for documents relevant to the scope of your request.

In response, NDIA conducted a search of its information holdings including:

- Confluence – a NDIA service that allows for the sharing and storage of information,
- The NDIA's intranet, and
- The NDIS Guidelines.

These searches used relevant search terms including, inter alia, 'treatment', 'outcomes', 'key' and 'key worker'.

I am satisfied that all reasonable searches were conducted in accordance with section 24A of the FOI Act.

These enquiries have revealed that the NDIA does not hold any documents that meet the scope of your request.

Regarding point a) of your request, the definition of a 'key worker' can be found on the NDIS website [Glossary | NDIS](#).

**Conclusion**

Based on the information I received from the Service 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 24A of the FOI Act on the basis that the information does not exist.

## **Your review rights**

### **Internal Review**

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 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](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 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](mailto: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.