



Our reference: FOI 24/25-0515

12 December 2024

Emily Lacey

By email: foi+request-12162-0f04077f@righttoknow.org.au

Dear Emily Lacey

Freedom of Information request — Request consultation process

Thank you for your correspondence of 12 October 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:

- “1. A copy of all internal NDIA “intranet” pages regarding the Technical Advisory Branch (TAB).*
- 2. All documents providing NDIA staff guidance on how to request advice from the TAB.*
- 3. All documents regarding “mandatory referral” to the TAB.*
- 4. All “TAB checklist” documents.*
- 5. All TAB referral/request submission templates and forms.*
- 6. All TAB advice/report templates and forms.”*

Practical refusal

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

I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its other operations due to its size and broad scope. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

I have initiated a preliminary consultation with the Technical Advisory Branch (TAB) who are the custodians of the documents you seek access to. They have advised that the potential for broadness and quantity of documents within scope of your request is mostly related to the first three points:

- “1. A copy of all internal NDIA “intranet” pages regarding the Technical Advisory Branch (TAB).*
- 2. All documents providing NDIA staff guidance on how to request advice from the TAB.*
- 3. All documents regarding “mandatory referral” to the TAB.*

Point 1 of your request

A search and preliminary consultation have identified the appropriate intranet site for the Technical Advice and Practice Improvement branch. This search has revealed an estimate of 11 main intranet pages, with an additional 150 sub-pages each having multiple links to associated intranet content and guidance material.

Point 2, 3, 4 and 5 of your request

The request for “all documents” can include internal practice instructions, guidance material, email and training material. Therefore, it is reasonable to assume that there would be a significant number of documents of varying types and formats that relate to or refer to NDIA staff guidance on how to request for advice, and mandatory referrals.

Based on the advice provided, I consider that there is more than 1500 pages worth of material that falls within the scope of your request as currently worded (not including attachments). At a conservative estimate of 1 minute per 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 will then need to be reviewed for any sensitivities and possible exemption under the FOI Act. I would also need to consider any further consultations and carry these out if required. A decision will then need to be made on each document, and a decision letter prepared. These steps will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

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 an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

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To reduce the scope of your request, you might like to consider the proposed rescope below:

- “1. A copy of the 11 main internal NDIA "intranet" pages regarding the Technical Advisory Branch (TAB).*
- 2. Knowledge Article titled Create a Technical Advice Case and Intranet content on Requesting Advice page*
- 3. Mandatory Advice Requests content on Intranet Page, including any linked intranet pages*
- 4. TAB Checklists on Intranet page*
- 5. TAB referral/request submission templates and forms.*
- 6. TAB advice/report templates and forms.”*

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request
- b. make a revised request
- c. indicate that you do not wish to revise the request.

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 the timeframe for processing your request.

You can contact me by email at foi@ndis.gov.au.

Alternatively, you can reply in writing to the following address:

Freedom of Information Section
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 18 December 2024, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

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Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read "K. M. J." with a large, stylized flourish at the end.

Kate (KIM 627)
Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

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