

7 February 2025

Natasha Radcliffe

By email: foi+request-12304-cdd31ce7@righttoknow.org.au

Dear Natasha Radcliffe

Freedom of Information request - Notification of Decision

Thank you for your correspondence of 7 November 2024, requesting 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 have requested access to the following documents:

"...I am requesting access under the Freedom of Information Act 1982 (FOI Act), to the most recent version of the following document:

- "Practice Guide - Nutrition Supports", as referred to in the "Practice Guide – Disability-Related Health Supports" which is referred to in "Practice Guide - Determine Reasonable and Necessary Supports".

I acknowledge that the "Practice Guide – Disability-Related Health Supports" has been released via an FOI Request from an unrelated party, however, the links within this document are dead, hence my request for access to "Practice Guide - Nutrition Supports".

Please note that I am requesting the internal document "Practice Guide - Nutrition Supports" which is not publicly available on the NDIS or NDIA websites..."

Timeframe

On 14 November 2024, you agreed to a 15-day extension of time under section 15AA of the FOI Act, making 22 December 2024 the new date to provide you with a decision on access.

On 20 December 2024, I asked for your agreement to a further 15-day extension of time under section 15AA of the FOI Act, making the new due date 6 January 2025. I requested you respond by 22 December 2024. However, as we did not receive a response from you, an extension of time was not possible and the previous due date for decision on access, being 22 December 2024, remained.

I acknowledge that this time has lapsed and as a result we are deemed to have refused your request under section 15AC of the FOI Act. The effect of this is that you do not have a right seek an internal review of my decision. However, I confirm that you retain your right to seek external review by the Office of the Australian Information Commissioner (OAIC).

I note that despite this, I have continued processing your request and I extend my apologies for the delay in providing you with a decision on access.

Informal Consultation process

On 12 December 2024, I informed you that the guidance material regarding Nutrition Supports was publicly available and provided a link to this information. I also requested that you withdraw your FOI request, as it could be processed through administrative access, and asked for your response by 18 December 2024.

Since I did not receive a response, I sent a follow-up email on 20 December 2024. You replied on 23 December 2024, stating that you did not consent to withdraw your FOI request.

Search efforts

The staff in NDIA's Service Guidance and Practice branch conducted a search for documents and from the searches, one (1) responsive document was identified.

Decision on access to documents

I have decided to grant full access to the one (1) document.

I made this decision as an authorised FOI decision maker under section 23(1) of the FOI Act.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, is attached.

Further Information

The Service Guidance and Practice branch has informed us that the links in the 'Practice Guide – Nutrition Supports' are non-functional because this guide has been superseded by the 'Operation Guidelines - Nutrition Supports including meal preparation'. Therefore, because of this, the 'Practice Guide – Nutrition Supports' and the links within, are no longer utilized by NDIA staff.

The guidance material for Nutrition Supports including meal preparation is publicly available and can be accessed through the following link:

[Nutrition supports including meal preparation | NDIS.](#)

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.

Yours sincerely



Wendy (WNN633)

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

Schedule of Documents for FOI 24/25-0734

Document number	Page number	Description	Access Decision
1	1-16	Practice Guide – Nutrition Supports v4.0 Date: 02 July 2020	FULL ACCESS

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 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 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.