

Our reference: FOI 24/25-1105



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21 February 2025

Mark Pietsch  
Right to Know

By email: [foi+request-12733-d5418c7f@righttoknow.org.au](mailto:foi+request-12733-d5418c7f@righttoknow.org.au)

Dear Mark Pietsch

### **Freedom of Information request — Request consultation process**

Thank you for your correspondence of 14 January 2025, 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. Internal emails, memos, or directives sent to or from the senior NDIA staff internally or externally between January 2022 and present that reference:*

*“Growth Targets”*

*“Growth Caps”*

*“Cost Savings”*

*in relation to NDIS participant numbers, scheme cost or plan utilisation.*

*2. Minutes of meetings, briefing notes, or reports prepared for or by senior NDIA executives that discuss:*

*Strategies to manage participant growth*

*Measures to cap funding growth*

*Cost-saving initiatives and their projected impacts on service delivery or participant outcomes...”*

### **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. 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.

Delivered by the

National Disability  
Insurance Agency

### **Why I intend to refuse your request**

We have conducted preliminary searches of the NDIA's systems, using all reasonable search terms that could return documents relevant to your request. In addition, we have consulted with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request, including staff who are knowledgeable about how to conduct searches of the NDIA's systems.

Those searches indicate that the NDIA has more than **306,229** documents that may be relevant to your request. This outcome shows that the terms of your request do not provide sufficient information to allow us to identify the specific documents that you are seeking.

On my reasonable estimate, I consider that there is more than **600,000** pages worth of material that may fall within the scope of your request as currently worded. At a conservative estimate of 1 minute per page, this would take an FOI officer more than **10,000** hours to simply review and collate the documents.

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 and scheduled, we will need to consider any consultations and carry these out if required, a decision will need to be made on each document, and a decision letter prepared. This 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**

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.

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

- A reduced date range (i.e. three months)
- Names or position titles of the specific senior staff that relate to the scope of your request.
- Exclude Emails

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.

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](mailto: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 **7 March 2025**, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'Cooper', written in a cursive style.

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