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ndis.gov.au

10 June 2021

Bob Buckley
Convener
Autism Aspergers Advocacy Australia (A4)

By email: convenor@a4.org.au

Dear Bob Buckley

Freedom of Information request — Request consultation process

Thank you for your correspondence of 15 April 2021 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 documents about the National Disability Insurance Scheme (NDIS). Specifically, you requested access to:

“...In its Mar 2021 [Consultation paper: Interventions for children on the autism spectrum](#), the NDIA cites advice from the NDIA Independent Advisory Council’s (IAC) to the NDIA Board, a document called [Promoting best practice in Early Childhood Intervention in the NDIS](#).

- 1. On or around the 14/10/2020, various members of NDIA Board and NDIA staff received [a document](#) describing concerns about the IAC’s advice (above) relating to early intervention for autistic children. Please provide all the information the NDIA has about how the NDIA processed (or not) the document and the concerns raised in the document about the IAC’s advice/document.*
- 2. Please provide copies of documents and information that the NDIA received showing concerns from others about the IAC’s advice (above)?*
- 3. Please provide all information the NDIA has about discussions, considerations or actions resulting from, related or relevant to the concerns raised about the IAC’s advice (above).”*

On 14 May 2021, we contacted you regarding the scope of your request. Due to the large amount of material falling within scope and the subjective nature of the scope’s criteria, we were unable to identify the documents you were requesting and processing would likely be a substantial and unreasonable diversion of resources. We recommended the following scope:

“...A copy of the email sent by A4 on 15 October 2020 with the subject line ‘misinformation and untruths’ and subsequent internal NDIA correspondence within the email chain”

On 17 May 2021, you provided the following response:

“In relation to points 2 and 3 in our request ...

On point 2, you claim "It is not possible to determine if a submission is 'showing concerns' without manually reviewing all individual submissions and applying a subjective opinion on what constitutes concerns". Since you feel "it is not possible" to process the information you found as requested, we remove the "showing concern" aspect of point 2: please include electronic copies of all the "hundreds of emails [that] have been sent to the NDIA" about the IAC's [Promoting best practice in Early Childhood Intervention in the NDIS](#) advice that you found in your search. I expect we can identify all the ones "showing concern" for ourselves. And we may well find other elements of these communications of interest.

Similarly with point 3: please remove the words "the concerns raised about" from our request.

We think it is unlikely that privacy concerns would protect information in this context.

We expect that the normal privacy protection processes for FoI would be applied.

We most certainly do not want to limit the scope to material related to our email of the 15/10/2020. But we are interested in the internal handling of the email you found especially since, until your email below, we have not seen even an acknowledgement of anyone in the associated with the NDIA having received that email."

Practical refusal

I am authorised to make decisions under the FOI Act.

I am writing to advise that 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.

Why I intend to refuse your request –

You have indicated that you are willing to remove the terms "showing concern" and "the concerns raised about" from the scope of your request.

Using this amended scope, we have conducted a preliminary search for documents which are likely to be relevant to your request. This search has revealed that the NDIA is in possession of more than 350 individual pieces of correspondence matching the scope of your request, plus attachments.

Based on a preliminary examination of a sample of 5% of the documents found in this search, I consider that:

- there were 42 attachments contained within a random selection of 18 documents, totalling 2,060 pages;
- based on this, the total amount of pages of all the documents within the scope of the request is likely to exceed 41,200; and
- allowing one minute per page, it would take more than 686 hours to review and collate the documents.

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.

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; or
- 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

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

Freedom of Information Section
Parliamentary, Ministerial & FOI Branch
Communications & Engagement Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by **5:00pm 23 June 2021**, 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



Ausilia Woodhead
Assistant Director
Parliamentary, Ministerial & FOI Branch