

Subject: Re: FOI 23/24-0201 – Your request for information – Request Consultation Process
[SEC=OFFICIAL]

From: "Bob Buckley (Co-convenor)" <convenor@a4.org.au>

Date: 31/10/2023, 5:53 pm

To: foi <foi@ndis.gov.au>

BCC: Kelly Parkes <kellyparkes@live.com.au>, Rhett Ellis <ellis.rhett@gmail.com>, Emily Cooper <emilyk.cooper95@gmail.com>, Rachel Worsley <worsleyrachel@gmail.com>, Mike Tozer <mjtozer@gmail.com>, "Alexandra (Convallaria)" <a.helen.alexandra@gmail.com>, Jennifer Havilah <jenhavilah@gmail.com>, David Edelman <davidedelman76@gmail.com>, Shannon Eeles <eeles.shannon@autismpartnership.com.au>, "Jenny Karavolos (Australian Autism Alliance co-chair)" <jenkaravolos@outlook.com>

Dear Misty

I received your letter on the 27/10/2023 following our discussion on 13/10/2023. I remain puzzled that you have formed "the view that the scope of your request is still too large for us to process".

As you observe in your letter. my original request was for

“all information held in any form about the development, design, approval and review of the NDIA's document titled *AAT Case Management Guide Applied Behavioural Analysis (ABA)*”

In our meeting, you advised that the *AAT Case Management Guide Applied Behavioural Analysis (ABA)* document was first published on 4/1/2023 and had never been reviewed. I therefore accept that the "review" part of my request is empty. That leaves only the development, design and approval part of the request.

In the meeting, it was suggested that there is some sort of problem with my phrase “all information held in any form”. In your letter, you suggest that I "Remove 'all information held in any form' from the scope of the request and list the types of documents you are seeking." I do not understand this. My request makes no sense if I remove this phrase. I thought about replacing the phrase with just the word "information", but I don't think that makes any difference. Besides, that is surely the purpose of the *Freedom of Information Act* under which I make the request.

The types of information I seek relates therefore to the development, design and approval of the case management guide that I referred to. I guess this information would primarily be documents that include email threads, but may be briefings and advice to inform people about the intent, purpose, content, options, decisions, impact reports, consultation, and approval processes. As I have minimal visibility of how the NDIA conducts such business, I really cannot guess your processes or the terminology you might use. Nor do I think this is expected or required by the *Freedom of Information Act*; if it is, then please indicate where in the *Act* it is defined so I can better understand what you need.

In your email, you mention the following types of documents:

- Any document that indicates the commencement of the development of the guide.
- Any document that is an email, brief or minute that seeks approval of the guide.
- Any document that consolidates internal feedback in relation to the drafted guide.

I regard these all as relevant information to my request. I am sorry, I do not know your terminology and process well enough to know whether those are the only relevant information. I am happy to receive only final email chains - I do not need duplicate emails.

Bob Buckley

Co-convenor, Autism Aspergers Advocacy Australia (A4)

website: <https://a4.org.au/>

Autism Aspergers Advocacy Australia, known as *A4*, is the national grassroots organisation advocating for autistic people, their families, carers and associates. A4 is internet based so that Australians anywhere can participate.

Recipients of correspondence from A4 are all subject to *Autism Aspergers Advocacy Australia's* policy on unanswered questions that is available at <https://a4.org.au/node/1419>.

A4 recognises and respects the traditional owners, elders past, present and emerging, of lands in Australia. Sovereignty was never ceded.

“The first step in solving any problem is recognising there is one.” Jeff Daniels as Will McEvoy in *The Newsroom*.

On 27/10/2023 4:53 pm, foi wrote:

Good afternoon Mr Buckley,

Firstly, thank you for taking the time to talk to Alice and I on 13 October 2023 and I apologise in my delayed response to you in relation to outcomes of this discussion. I have been working with Alice and my colleagues in relation to how best to assist and process your request.

Unfortunately, I am of the view that the scope of your request is still too large for us to process, even with the removal of the ancillary material and/or publicly facing and available documents.

It is for this reason that I am now formally writing to you under s.24AB of the FOI Act.

Please find attached formal correspondence for this process.

Kind Regards

Misty

She/Her

Assistant Director FOI

Parliamentary, Ministerial & FOI Branch

Government Division

National Disability Insurance Agency

I work Monday - Friday



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



From: foi <foi@ndis.gov.au>
Sent: Tuesday, October 10, 2023 10:25 AM
To: Bob Buckley (Co-convenor) <convenor@a4.org.au>
Cc: foi <foi@ndis.gov.au>
Subject: RE: FOI 23/24-0201 – Your request for information – Communication [SEC=OFFICIAL]

Morning Mr Buckley,
Thank you for your confirmation that you will be available at 11am AEDT to take a call from Alice and myself in relation to your FOI.

Kind Regards

Misty
She/Her
Assistant Director FOI
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
I work Monday - Friday



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From: Bob Buckley (Co-convenor) <convenor@a4.org.au>
Sent: Tuesday, October 10, 2023 9:00 AM
To: foi <foi@ndis.gov.au>
Subject: Re: FOI 23/24-0201 – Your request for information – Communication [SEC=OFFICIAL]

Hi

I am free at that time.

I am not sure what we can discuss. You've already had most of the extension that was denied; by then, there will only be one more week left to achieve the extension you were denied.

Bob Buckley
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website: <https://a4.org.au/>

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“The first step in solving any problem is recognising there is one.” Jeff Daniels as Will McEvoy in *The Newsroom*.

On 9/10/2023 1:01 pm, foi wrote:

Third times the charm – how about 11am AEDT Friday 13 October?

Kind Regards

Misty

She/Her

Assistant Director FOI

Parliamentary, Ministerial & FOI Branch

Government Division

National Disability Insurance Agency

I work Monday - Friday



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From: Bob Buckley (Co-convenor) <convenor@a4.org.au>

Sent: Monday, October 9, 2023 12:41 PM

To: foi <foi@ndis.gov.au>

Subject: Re: FOI 23/24-0201 – Your request for information – Communication [SEC=OFFICIAL]

Sorry. I'm busy all day tomorrow (10/10)

Bob Buckley

Co-convenor, Autism Aspergers Advocacy Australia (A4)

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“The first step in solving any problem is recognising there is one.” Jeff Daniels as Will McEvoy in *The Newsroom*.

On 9/10/2023 12:38 pm, foi wrote:

Afternoon Mr Buckley,
Does 12.30pm AEDT tomorrow, Tuesday 10 October 2023 suit you?

Kind Regards

Misty
She/Her
Assistant Director FOI
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
I work Monday - Friday



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From: Bob Buckley (Co-convenor) <convenor@a4.org.au>
Sent: Monday, October 9, 2023 12:29 PM
To: foi <foi@ndis.gov.au>
Subject: Re: FOI 23/24-0201 – Your request for information – Communication [SEC=OFFICIAL]

Hi

since I responded, I accepted another event from 3-4pm today.
Please choose another time.

Bob Buckley

Co-convenor, Autism Aspergers Advocacy Australia (A4)

website: <https://a4.org.au/>

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“The first step in solving any problem is recognising there is one.” Jeff Daniels as Will McEvoy in *The Newsroom*.

On 9/10/2023 12:16 pm, foi wrote:

Good Afternoon Mr Buckley,
Thank you for your response.

Alice and myself will telephone you at 3pm AEDT

We look forward to speaking to you then.

Kind Regards

Misty

She/Her

Assistant Director FOI

Parliamentary, Ministerial & FOI Branch

Government Division

National Disability Insurance Agency

I work Monday - Friday



Delivered by the
National Disability
Insurance Agency



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From: Bob Buckley (Co-convenor) <convenor@a4.org.au>

Sent: Monday, October 9, 2023 9:42 AM

To: foi <foi@ndis.gov.au>

Subject: Re: FOI 23/24-0201 – Your request for information – Communication [SEC=OFFICIAL]

Hi

Either time today is OK.

Bob Buckley

Co-convenor, Autism Aspergers Advocacy Australia (A4)
website: <https://a4.org.au/>

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“The first step in solving any problem is recognising there is one.” Jeff Daniels as Will McEvoy in *The Newsroom*.

On 6/10/2023 11:26 am, foi wrote:

Good morning Mr Buckley,

In order to better assist both you and the agency, my colleague Alice from the Administrative Appeals Branch and myself would like to discuss your FOI request with you.

Alice and I will be available to discuss this matter on the following times if any of them are suitable for you:

1. Monday **9th October** : 12.30-1.30pm AEDT or 3.00-5.00pm AEDT
2. Tuesday **10th October** 12.00-1:30pm AEDT
3. Friday **13th October** any time after 10.30am AEDT

I look forward to hearing from you with a confirmed preferred contact time and number.

Kind Regards

Misty
She/Her
Assistant Director FOI
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
I work Monday - Friday



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From: Bob Buckley - A4 Co-convenor
<convenor@a4.org.au>
Sent: Wednesday, October 4, 2023 1:18 AM
To: OAIC - FOI DR <foidr@oaic.gov.au>
Cc: foi <foi@ndis.gov.au>
Subject: Re: RQ23/04927- FOI Extension of Time decision
[SEC=OFFICIAL]

Dear Mr Hanaee

Thank you.

What happens now?

Bob Buckley
Co-convenor, Autism Aspergers Advocacy
Australia (A4)
website: <http://a4.org.au/>

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owners, elders past, present and emerging, of lands in Australia. Sovereignty was never ceded.

Recipients of correspondence from A4, especially politicians and government officials, are all subject to A4's policy on unanswered questions: see <http://a4.org.au/node/1419>.

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On 3/10/23 2:47 pm, OAIC - FOI DR wrote:

Our reference: RQ23/04927
Agency reference: FOI 23/24-0201

Bob Buckley

By email: convenor@a4.org.au

CC: foi@ndis.gov.au

FOI Extension of Time decision

Dear Mr Buckley,

Please find attached an FOI Extension of time decision relating to your FOI request with the National Disability Insurance Agency. A copy of this decision has been provided to the NDIA today.

Kind regards,
Thomas Hanaee

 **Assistant Review Adviser**
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