Our reference: FOI 20/21-0739

GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

7 June 2021

Bob Buckley
Convenor
Autism Aspergers Advocacy Australia (A4)
By email: convenor@a4.org.au

Dear Bob Buckley

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 6 May 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).

The purpose of this letter is to provide you with a decision on your request.

Scope of your request
You have requested access to documents about the National Disability Insurance Scheme (NDIS). Specifically, you requested access to:

> *"…information relating to Mr Hoffman's claim in respect of autistic NDIS participants who are the largest distinct disability type in the NDIS. Please provide all information that the NDIA has that:*
> *1. shows each particular tool the NDIA will use to assess autistic NDIS participants has been "used all over the world for many years";*
> *2. shows each tool that the NDIA will use to assess autistic participants is validated for autistic people and its reliability and accuracy; and*
> *3. demonstrates Mr Hoffman received advice that justified his claim in relation to autistic NDIS participants."*

Points 1 and 2 of your request for information sought access to information about the assessment tools used to assess NDIS applicants and participants with a diagnosis of Autism Spectrum Disorder (ASD), during independent assessment pilots.

I note this information is publicly available on The independent assessment toolkit | NDIS and provides considerable information on how tools have been assessed.

Point 3 of your request sought access to information about the number of participants with a diagnosis of ASD, as referred to by NDIA CEO, Mr Martin Hoffman.

I note that Mr Hoffman's references are linked to statistics based on current NDIS participants. This information is open for public access on the NDIS website, and can be found within the NDIS Quarterly Report which states ASD is the largest current disability cohort for the Scheme.

Decision on access to documents
I am authorised to make decisions under the FOI Act. My decision on your request and the reasons for my decision are set out below.

The FOI Act does not impose an obligation on a Commonwealth entity to provide documents already in the public domain, or otherwise publicly accessible. I have therefore excluded publicly available documents.

I have identified one document, falling within Part 2 of the scope of your request.

The document was identified by conducting searches of NDIA's systems, using all reasonable search terms that could return documents relevant to your request, and consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

I have decided to:
- grant access to one document in full.

In reaching my decision, I took into account the following materials:
- your correspondence outlining the scope of your request;
- the nature and content of the documents falling within the scope of your request;
- the FOI Act;
- the FOI Guidelines;
- relevant case law concerning the operation of the FOI Act;
- consultation with relevant NDIA staff;
- factors relevant to my assessment of whether or not disclosure would be in the public interest; and
- the NDIA's operating environment and functions.

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

Rights of review
Your rights to seek a review of my decision, or lodge a complaint, are set out at **Attachment B**.

Should you have any enquiries concerning this matter, please do not hesitate to contact me by email at foi@ndis.gov.au.

Yours sincerely



Ausilia Woodhead
Assistant Director, FOI
Parliamentary, Ministerial & FOI Branch
Government Division

Attachment A

Schedule of Documents for FOI 20/21-0739

Document number	Page number	Description	Access Decision
1	1-186	Reliability, Validity and Usability of Assessment of Functioning Tools for Autism Spectrum Disorder and Neurodevelopmental Conditions in the Australian Context Report. Dated: January 2020.	**FULL ACCESS**

Attachment B

Your review rights

Internal Review
The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision, you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the review process, you should clearly outline your grounds for review (that is, the reasons why you disagree with the decision). Applications for internal review can be lodged by email to foi@ndis.gov.au or sent by post to:

Freedom of Information Section
Parliamentary, Ministerial & FOI Branch
Government 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