

## Section 11C

By Email: **Section 11C**

Dear **Section 11C**

### Freedom of information request No. 14/15-002

The purpose of this letter is to give you notice of my decision granting access to documents you requested under the *Freedom of Information Act 1982 (FOI Act)*.

I—David Fintan, Corporate Counsel and Branch Manager, Legal and Governance Branch, National Disability Insurance Agency (**NDIA**)—am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Your request was:

- A. Would you please provide the years of birth of all permanent employees working in the NDIA National Office in Geelong; and,
- B. Evidence of attempts made to ensure that the individuals hired were unemployed, as opposed to individuals who already had employment and were changing jobs.

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The information in Part A of your request was not available in a separate written document in discrete form at the time of your request. The NDIA has produced a written document containing the information in discrete form by the use of a computer. I have treated your request as if it were a request for access to that document in accordance with section 17 of the FOI Act. I have identified the relevant information by consulting with the appropriate areas of the NDIA.

I have decided to grant access to the document you requested in full, and I have **enclosed** a copy of this document at **Attachment A**.

In relation to Part B of your request, the NDIA has no documents providing such evidence. The NDIA is bound by the Australian Public Service (**APS**) Employment Principles under section 10A of the *Public Service Act 1999* (Cth) which includes the principle that decisions relating to the engagement and promotion of employees are based on merit.

I have also **enclosed** information about your rights of review under the FOI Act at **Attachment B**.

If you have any questions, please do not hesitate to contact me on (02) 6146 4378 or via email at [FOI@ndis.gov.au](mailto:FOI@ndis.gov.au).

Yours sincerely

**Section 11C**

David Fintan  
Corporate Counsel and Branch Manager  
Legal and Governance Branch  
12 August 2014

**Attachment A – NDIA National Office years of birth of ongoing (permanent) employees**

<b>Year of birth</b>	<b>Number of current ongoing employees employed in the NDIA National Office in Geelong as at 14 July 2014</b>
1947	1
1948	1
1950	1
1952	1
1955	1
1956	1
1957	2
1958	1
1959	3
1960	5
1961	3
1962	1
1963	6
1964	3
1965	2
1966	1
1967	7
1968	2
1970	4
1971	4
1972	2
1973	4
1974	2
1975	3
1976	5
1977	5
1978	1
1981	2
1982	8
1983	5
1984	7
1985	4
1986	6
1987	6
1988	6
1989	1

## **Attachment B – Your rights of review**

### **Internal review**

Section 54 of the *Freedom of Information Act 1982 (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 decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Public Law Section  
Legal and Governance Branch  
National Disability Insurance Agency  
GPO Box 700  
Canberra ACT 2601

Email: [FOI@ndis.gov.au](mailto:FOI@ndis.gov.au)

### **External Review by the Australian Information Commissioner**

Section 54L of the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply directly to the Australian Information Commissioner (**AIC**) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
In person: Level 3, 175 Pitt Street  
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

### **The Commonwealth Ombudsman**

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.