



Our ref: IEF18/1452

Mr Ethan Glew
Right to Know

By email: foi+request-4504-f0b94d8b@righttoknow.org.au

Dear Mr Glew

Freedom of Information Act – Notice of intention to refuse

I refer to your correspondence received by the Department of Industry, Innovation and Science (the department) on 16 April 2018, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

“...all documents used by the department (including industry submissions) relating to the review and update of the guidance publication "ICT and the R&D Tax Incentive" dated Jan 2017.

In accordance with section 24AB(2) of the FOI Act, I am writing to provide you with notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process.

Under section 24AA(1)(a)(i) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to this request. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

My view is based on a conservative estimate that over 125 hours of decision making and processing time is required to deal with this request. It is estimated that there are approximately 48 documents consist of over 300 pages which are relevant to your request. In addition, there are over 40 third parties to be consulted.

Request consultation process

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a practical refusal reason no longer exists.

It may be of interest to you that there are two published documents that the department could provide under administrative release.

These documents are being used in part to develop the software development guidance refresh and outline of how the new guidance was developed. The two documents were:

- ICT and the R&D Tax Incentive
- Getting software development R&D Tax Incentive claims right.

If you wish to revise your request, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at FOI@industry.gov.au.

As provided by section 24AB(6) of the FOI Act, you must, before the end of the 14-day consultation period, do one of the following by written notice to the department:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

In accordance with section 24AB(8) of the FOI Act, the 14-day consultation period is to be disregarded in calculating the processing period for the request.

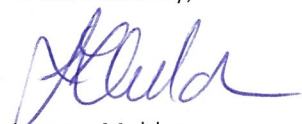
Your written response should be addressed to:

FOI Coordinator
Department of Industry, Innovation and Science
GPO Box 2013
CANBERRA ACT 2601

Or by email to: FOI@industry.gov.au

If you wish to discuss this matter further please email the FOI team at foi@industry.gov.au

Yours sincerely,



Joanne Mulder
General Manager
Business Equity and Incentive

2 May 2018