



Our ref: IEF18/1451

Ms Audrey Broinowski
Right to Know

By email: foi+request-4505-90b418ed@righttoknow.org.au

Freedom of Information Act – Notice of intention to refuse

Dear Ms Broinowski

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

“...all internal policy and internal working group papers relating to the departments interpretation and administration of the R&D Tax Incentive as it relates to the ICT Industry from 01 January - 01 May 2018”.

Under subsection 24(1) 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 55 hours of decision making and processing time is required to deal with this request. I also wish to advise that:

- I estimate that there are over 400 pages of documents relevant to your request as presently framed

In accordance with section 24(1)(a) and 24AB of the FOI Act, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

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. Although it is your responsibility to suggest ways that your request may be revised and narrowed, you may consider limiting your request to the internal assessment training resources as it relates to the ICT Industry and program guidance that direct reference the ICT Industry or software development R&D activities.

Should 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. Under subsection 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 subsection 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

Should you wish to discuss this matter further, please contact the FOI team on (02) 61028104.

Yours sincerely,



Joanne Mulder
General Manager
Business Equity and Incentive

2 May 2018