



Our ref: 67048

Alby P
Right to Know

By email: foi+request-6656-cbe380b5@righttoknow.org.au

Dear Alby

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence, received by the Department of Industry, Science, Energy and Resources (**the department**) on 11 September 2020, for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

A document with monthly data for the entrepreneur program incubator support initiative ('new and existing incubators') under the Freedom of Information Act 1982.

The document should be a spreadsheet with a monthly entry for each state since this program began including:

- *Number of regional applications lodged*
- *Number of metro applications lodged*
- *Total ISI regional funding eventually approved (after committee/minister consideration)*
- *Total ISI metro funding eventually approved (after committee/minister consideration)*
- *Total additional co-funding from state government sources for projects that were eventually approved*
- *Total additional co-funding from other Commonwealth government sources for projects that were eventually approved*

Decision

I am an authorised decision maker under section 23 of the FOI Act.

I am satisfied that reasonable searches have been conducted to locate documents relevant to your request but they do not exist. Therefore, I have decided to refuse your request in accordance with section 24A of the FOI Act on the grounds that the documents you have requested do not exist.

The information you have requested is not available in discrete form in written documents held by the department. The search and creation of this document would involve locating and manually extracting relevant information from all Incubator Support Initiative New and Existing Incubators (ISI NEI) applications, and then formatting the resulting data by month. It is estimated that this would require a review of more than 150 ISI NEI applications which would take approximately 75 hours to complete.

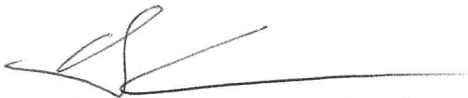
Therefore, creating such a document would take a significant amount of time and would substantially and unreasonably divert the resources of the department from its core functions.

Section 17(1)(c)(i) of the FOI Act provides that in instances where it appears from the request that the applicant is seeking information that is not available in discrete form in written documents of the agency, and the agency could produce a written document containing the information in discrete form by the use of a computer or other equipment ordinarily available to the agency, the agency shall deal with the request as if it were a request of access to a written document so produced and containing that information. However, in accordance with section 17(2) of the FOI Act, an agency is not required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.

If you are dissatisfied with any part of my decision, your review rights are set out in **Attachment A**.

Please do not hesitate to contact the FOI team at FOI@industry.gov.au if you require any further clarification.

Yours sincerely



Andrew Lewis
A/g General Manager
Entrepreneurs' Programme
1 ^{october} ~~September~~ 2020

Enclosures

Attachment A – Review Rights

REVIEW RIGHTS

Application for Internal Review

Section 54 of the FOI Act gives you the option to apply for a departmental internal review of my decision. If you make an application for internal review it will be conducted by an officer of the department (other than me) appointed by the Secretary of the department to conduct a review and make a completely fresh decision on the merits of the case.

Application for a review of the decision must be made within 30 days after the day of receipt of this letter, or within 15 days of receipt of the documents to which this decision relates (whichever is the longer period). You do not have to pay any fees or processing charges for an internal review, except for charges relating to the provision of any additional relevant material located as a result of the review (for example photocopying). While a specific form is not required, it would assist the decision maker if your application specifies the grounds on which you consider the decision should be reviewed.

Application for a review of a decision should be addressed to:

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

or by e-mail to: FOI@industry.gov.au.

Review by the Australian Information Commissioner

If any decision on internal review were not satisfactory to you, section 54L of the FOI Act gives you the right to apply for review of my decision by the Information Commissioner.

An application for review by the Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Information Commissioner.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Australian Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Australian Information Commissioner must be made in writing and can be lodged online using the Information Commissioner Complaint Application form on the Australian Information Commissioner's website at www.oaic.gov.au.

industry.gov.au

Industry House - 10 Binara Street, Canberra City, ACT 2601
GPO Box 2013 Canberra ACT 2601 ABN: 74 599 608 295

