



Australian Government
**Department of Industry, Science,
Energy and Resources**

Our ref: 66929

Alby P
Right to Know

By email: foi+request-6657-ec00493c@righttoknow.org.au

Dear Alby

Freedom of Information Act – Notice of intention to refuse

I refer to your request received by the Department of Industry, Science, Energy and Resources (the department) on 29 August 2020, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

*“...this grant listed on the grant-connect website -
<https://www.grants.gov.au/?event=public.GA.show&GAUUIID=FEE82B1D-01D5-C7E7-024928E740DAC655>*

Please provide these documents if they are available:

- *Draft application*
- *Draft feedback by AusIndustry*
- *Final application that was approved*
- *List of all staff who provided help or feedback to the applicant in preparation.”*

Section 17 – Information not available in discrete form

In relation to the last item of your request *“List of all staff who provided help or feedback to the applicant in preparation”*, I am satisfied that reasonable searches have been conducted to locate documents relevant to this item but no such document exists.

The information you have requested in the last item of your request is not available in discrete form in written documents held by the department. To compile this information would require a substantial search to be conducted from multiple sources and document repositories. Once the data is located, it would then need to be compiled and examined for duplicates in order to create a document containing the information you have requested. 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.

Therefore, a document has not been created in relation to the last item of your request, and accordingly this item has not been considered in relation to the remaining information in this notice.

Section 24 – Power to refuse request

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 44 hours of decision making and processing time is required to deal with this request. I also wish to advise that:

- I estimate that there at least 15 documents and in excess of 206 pages relevant to your request as presently framed;
- There is at least one third party identified in the relevant documents and consultation will be required prior to considering possible release of many of the documents falling within the scope of the request.
- There are additional areas where searches have not been completed which are likely to have additional relevant documents and therefore the total number of relevant documents is likely to be higher than the estimate; and
- Many of the documents you are seeking contain sensitive information that requires more decision making time, thus adding to the voluminous nature of your request.

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 particular topics or particular timeframes.

However, you may wish to consider the following suggestions to revise the scope of your FOI request (please note that these are suggestions only and do not guarantee the practical refusal reason/s will no longer exist):

- Exclude item 1 of your request: the draft application. The majority of pages from the draft application contain sensitive information that require more decision making time. Further, all of these pages would require consultation with the third party, which adds to the voluminous nature of your request;
- Exclude item 4 of your request: list of staff. A document containing this information does not exist, and the department is not required to create a document where in doing so, it would substantially and unreasonably divert the resources of the department from its other operations;

- Consider describing the information you are seeking so that the department may better assist you with your request.

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.

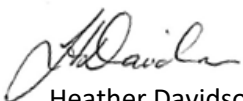
Your written response should be addressed to:

FOI Coordinator
Department of Industry, Science, Energy and Resources
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 by email at FOI@industry.gov.au.

Yours sincerely



Heather Davidson
A/g Senior FOI Officer
Legal, Audit & Assurance
10 September 2020