

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Friday, 21 August 2020 5:00 PM
To: Freedom of Information
Subject: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859

Dear Department of Industry, Innovation and Science,

This application is in regard to Question 2 of Addendum 6 of RFT No. PRI00003859:

<https://www.tenders.gov.au/Atm/DownloadAddenda/0b317934-f69d-0788-f528-4c1d80880ca4?addendaId=14561c55-93ed-0364-d1ed-bfd67dfbb4bc&docType=Addenda&fileName=Addendum%206%20-%20PRI-00003859.pdf&location=s3Restricted>

I am seeking all department correspondence that is related to this question. Please also include any document that considers the relevant issues (e.g. legal advice).

Please feel free to remove all duplicate documents.

Please feel free to remove the identity of the person making the inquiry, however please do not remove the original question as asked.

Please do not remove the names of any APS employees.

Kind regards,

Denis Jakota

Please use this email address for all replies to this request:
foi+request-6625-deac530b@righttoknow.org.au

Is FOI@industry.gov.au the wrong address for Freedom of Information requests to Department of Industry, Innovation and Science? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=department_of_industry_innovation_and_science

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information

From: Freedom of Information
Sent: Monday, 24 August 2020 3:15 PM
To: 'Denis Jakota'
Cc: Freedom of Information
Subject: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

Dear Denis

I refer to your FOI request below.

The link you have provided opens to a log on screen, we are not able to see which document you are referring to.

Could you please provide more information or the document with question 2 of Addendum 6 of RFT No. PRI00003859 to make sure we are searching the correct documents.

Until clarification is received, the department is unable to process your request and your request will be placed on hold until further notice.

Regards

Sasha

FOI Team

Legal, Audit and Assurance | Corporate & Digital GPO Box 2013, Canberra ACT 2601

Department of Industry, Science, Energy and Resources | www.industry.gov.au

Supporting economic growth and job creation for all Australians

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OFFICIAL

-----Original Message-----

From: Denis Jakota [mailto:foi+request-6625-deac530b@righttoknow.org.au]
Sent: Friday, 21 August 2020 5:00 PM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859

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This application is in regard to Question 2 of Addendum 6 of RFT No. PRI00003859:

RELEASED UNDER THE FOI ACT - DISER

<https://www.tenders.gov.au/Atm/DownloadAddenda/0b317934-f69d-0788-f528-4c1d80880ca4?addendaId=14561c55-93ed-0364-d1ed-bfd67dfbb4bc&docType=Addenda&fileName=Addendum%206%20-%20PRI-00003859.pdf&location=s3Restricted>

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Freedom of Information

From: Microsoft Outlook
To: Freedom of Information
Sent: Monday, 24 August 2020 3:15 PM
Subject: Delivered: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

Your message has been delivered to the following recipients:

[Freedom of Information \(FOI@industry.gov.au\)](mailto:FOI@industry.gov.au)

Subject: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

Freedom of Information

From: postmaster@test.tas.mpa.gov.au
To: 'Denis Jakota'
Sent: Monday, 24 August 2020 3:15 PM
Subject: Relayed: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

['Denis Jakota'](#)

Subject: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

RELEASED UNDER THE FOI ACT - DISER

Answer 1.

For the avoidance of doubt, to be a successful tenderer you must be, or must become, a company incorporated under the Corporations Act 2001 (the Act) with an Australian Company Number.

It is not sufficient to be, or to become, an entity incorporated under another piece of legislation or to be registered under the Act as a registered Australian body with an Australian Registered Body Number.

The department cannot provide advice on your eligibility for being incorporated under the Act. You should contact ASIC if you require any further information on becoming company incorporated under the Act.

Question 2.

If an applicant has or is employed or subcontracted with a Business Incubator would that Incubator still be eligible to apply for Regional Incubator funding?

Answer 2.

To be eligible to participate in the Regional Incubator Facilitator request for tender, all tenderers must meet the conditions of participation. These conditions do not preclude companies from tendering where they have received or intend to apply for the Incubator Support Initiative.

If a company was successful in the tender process for the Regional Incubator Facilitator role this would also not preclude the company from applying for the Incubator Support initiative.

-- Page 2 --

Eligibility of applications under the Incubator Support initiative is determined at the time of application in line with the eligibility criteria outlined in the Programme Guidelines available on business.gov.au.

If a company that is an incubator or provides incubator services was successful in the tender process, the company would need to ensure that the individual fulfilling the Regional Incubator Facilitator services:

- did not complete any work for the incubator, for example, but not limited to, delivery of programs and services, promotion of the incubator's services;
- is engaged solely to conduct Regional Incubator Facilitator services;
- and there is a clear and visible separation between the Regional Incubator Facilitator and the incubator.

In addition, the Regional Incubator Facilitator would not be able to provide assistance to the incubator or review it's applications in relation to the Incubator Support initiative. A different Regional Incubator Facilitator would be allocated to conduct these activities.

It is also noted that successful tenderers need to ensure compliance with the contract clauses, including those related to confidentiality and conflict of interest, and this would continue to apply in the described situation.

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Regards

Sasha

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Freedom of Information

From: Freedom of Information
Sent: Wednesday, 9 September 2020 1:58 PM
To: Greenwood, Emma
Cc: Freedom of Information; s47F
Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]
Attachments: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]; Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859

Dear Emma

New FOI request

The department has received the attached email correspondence from Denis Jakota.

Mr Jakota has requested access under the *Freedom of Information Act 1982* (FOI Act) to All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

Please find the attached correspondence for details.


I understand you are the Head of the Division most likely to hold the majority of the documents the subject of the FOI request (please let us know as soon as possible if this is not the case).

Could you please nominate a decision maker at the General Manager level, or above, at your earliest convenience but no later than **Friday 11 September 2020**.

Once the decision maker for this request is established, the FOI team will coordinate with the nominated Branch to begin the FOI process.

Should you have any queries or wish to discuss this matter please do not hesitate to contact me. My extension is 68423.

Kind regards

Sasha Pesic
Senior FOI Officer
Legal, Audit & Assurance Branch
 (02) 6102 8423 | s47F

Department of Industry, Science, Energy and Resources
Level 11, Industry House, Canberra City ACT 2600
GPO Box 2013, Canberra ACT 2601
www.industry.gov.au
ABN 74 599 608 295

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Sasha

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Freedom of Information

From: Greenwood, Emma
Sent: Wednesday, 9 September 2020 4:01 PM
To: Freedom of Information; Greenwood, Emma
Cc: s47F
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Hi Sasha,

Thank you for your email.

Andrew Lewis will be the decision maker.

Thanks,
s47F

s47F
Executive Assistant to Emma Greenwood
AusIndustry - Support for Business

s47F

OFFICIAL

From: Freedom of Information
Sent: Wednesday, 9 September 2020 1:58 PM
To: Greenwood, Emma
Cc: Freedom of Information ; s47F
Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Dear Emma

New FOI request

The department has received the attached email correspondence from Denis Jakota.

Mr Jakota has requested access under the *Freedom of Information Act 1982* (FOI Act) to All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

Please find the attached correspondence for details.

I understand you are the Head of the Division most likely to hold the majority of the documents the subject of the FOI request (please let us know as soon as possible if this is not the case).

Could you please nominate a decision maker at the General Manager level, or above, at your earliest convenience but no later than **Friday 11 September 2020**.

Once the decision maker for this request is established, the FOI team will coordinate with the nominated Branch to begin the FOI process.

RELEASED UNDER THE FOI ACT - DISER

Should you have any queries or wish to discuss this matter please do not hesitate to contact me. My extension is 68423.

Kind regards

Sasha Pesic

Senior FOI Officer

Legal, Audit & Assurance Branch

 (02) 6102 8423 ^{s47F}

Department of Industry, Science, Energy and Resources

Level 11, Industry House, Canberra City ACT 2600

GPO Box 2013, Canberra ACT 2601

www.industry.gov.au

ABN 74 599 608 295

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

Name of applicant: Denis Jakota – LEX 66859

Scope of request:

All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

PART 1 – Search for documents

To comply with the FOI Act, a thorough search for all relevant documents in the possession of the department must be undertaken. Please complete the following checklist to confirm that you have undertaken the necessary searches.

What is a document?

The definition of 'document' in the FOI Act is very broad and captures a wide range of material as set out below:

- a) any of, or any part of any of, the following things:
 - i. any paper or other material on which there is writing;
 - ii. a map, plan, drawing or photograph;
 - iii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - iv. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - v. any article on which information has been stored or recorded, either mechanically or electronically;
 - vi. any other record of information; or
- b) any copy, reproduction or duplicate of such a thing; or
- c) any part of such a copy, reproduction or duplicate;

The definition of a 'document' does not include material maintained for reference purposes that is otherwise publicly available or Cabinet notebooks.

Creating a document

Section 17 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.

An agency is not, however, required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.

It is up to the line area and decision maker to determine if a document can be created, and if it can, to determine if it is a reasonable request to do so.

Searches

Completed

1. Files and all other paper records including, but not limited to, documents:

- in filing cabinets;
- held by Records Management Unit or archived;
- in desk drawers;
- in bookshelves and cupboards;

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- in safes; and
- in personal folders and diaries.

2. All electronic records including, but not limited to, the following:

- emails;
- shared computer drives;
- voice mail messages;
- electronic storage devices (i.e. USBs; CDs/DVDs); and
- information stored on databases.

3. Any other necessary searches (please specify)

.....
.....
.....

4. Additional Comments (if any)

If your searches produced no documents you are required to provide an explanation below.

.....
.....
.....

RELEASED UNDER THE FOI ACT - DISER

PART 2 – Estimate of the number of documents and sensitivities

You must provide estimates in the below table where highlighted in yellow:

<p>Number of relevant files e.g. 2 paper files and 5 electronic files/folders = 7 files</p>	No. of files
<p>Total number of pages within the scope of the request Note: 1 page that is double sided = 2 pages</p>	No. of pages
<p>Number of documents You must include material you think may be exempt in this estimate.</p>	No. of documents
<p>Estimate of number of pages which are sensitive This means the pages which in your view are sensitive (i.e. you can envisage a harm that may flow from release of the pages) and which the FOI Team should review for consideration of whether they are exempt under the FOI Act and should be deleted in full.</p>	No. of pages
<p>Estimate of number of pages containing sensitivities This means the pages which in your view contain sensitivities (i.e. you can envisage a harm that may flow from release of some information contained on these pages) and which you would like the FOI Team to review for consideration of whether they contain information which is exempt under the FOI Act and should be deleted prior to release but with remaining portions released.</p>	No. of pages
<p>Total number of third parties to be consulted A third party is any individual, business, organisation or State department, agency or body whose information is contained in the documents and whose views will need to be sought as to possible release of their information under the FOI request. Note that other Commonwealth agencies are specifically excluded from this definition.</p>	No. of third parties
<p>Total time taken to complete the search by line area staff The total amount of time taken by all relevant staff to execute searches, retrieve documents, and compile information to be provided to the FOI team. The department is required to report quarterly and annual statistics relating to its processing of requests under the FOI Act to the Office of the Australian Information Commissioner. Part of this is to report on the total expenditure for processing of FOI requests.</p>	<p>In hours, eg. 2.75</p> <p>SES:</p> <p>APS 6 to EL 2:</p> <p>APS 1 to APS 5:</p>

I certify that I have undertaken, or caused to be undertaken, all reasonable searches (including the searches listed in Part 1 above).

I also certify that the information provided in Part 2 above is an appropriate and accurate estimate to the best of my knowledge.

Signature

Print name

Position

Branch/Group

Date: _____

UPON COMPLETION, PLEASE RETURN TO: FOI@industry.gov.au

Freedom of Information

From: Freedom of Information
Sent: Wednesday, 9 September 2020 5:40 PM
To: Lewis, Andrew
Cc: Freedom of Information
Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]
Attachments: LEX 66859 - FOI - Search minute.docx; RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]; Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859

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Please find the attached correspondence for details.

You have been nominated as the decision maker for this request. Could you please nominate a contact officer to liaise with the FOI team during the process.

For Your Action

Please consider this request and provide the FOI team the following at your earliest convenience but no later than Wednesday 16 September 2020:

- all relevant documents that fall within the scope of the request (with sensitivities marked); and
- a signed completed 'Search Minute' (attached).

If you are of the view that additional time will be required to retrieve the documents, please contact the FOI Team as soon as possible so that the processing of this request within the statutory timeframe may be managed.


Should you have any queries or wish to discuss this matter please do not hesitate to contact the FOI team on Ext 68423.

Kind regards

Sasha Pesic

Senior FOI Officer

Legal, Audit & Assurance Branch

 (02) 6102 8423 | ^{s47F}

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

Name of applicant: Denis Jakota – LEX 66859

Scope of request:

All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

PART 1 – Search for documents

To comply with the FOI Act, a thorough search for all relevant documents in the possession of the department must be undertaken. Please complete the following checklist to confirm that you have undertaken the necessary searches.

What is a document?

The definition of 'document' in the FOI Act is very broad and captures a wide range of material as set out below:

- a) any of, or any part of any of, the following things:
 - i. any paper or other material on which there is writing;
 - ii. a map, plan, drawing or photograph;
 - iii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - iv. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - v. any article on which information has been stored or recorded, either mechanically or electronically;
 - vi. any other record of information; or
- b) any copy, reproduction or duplicate of such a thing; or
- c) any part of such a copy, reproduction or duplicate;

The definition of a 'document' does not include material maintained for reference purposes that is otherwise publicly available or Cabinet notebooks.

Creating a document

Section 17 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.

An agency is not, however, required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.

It is up to the line area and decision maker to determine if a document can be created, and if it can, to determine if it is a reasonable request to do so.

Searches

Completed

1. Files and all other paper records including, but not limited to, documents:

- in filing cabinets;
- held by Records Management Unit or archived;
- in desk drawers;
- in bookshelves and cupboards;

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- in safes; and
- in personal folders and diaries.

2. All electronic records including, but not limited to, the following:

- emails;
- shared computer drives;
- voice mail messages;
- electronic storage devices (i.e. USBs; CDs/DVDs); and
- information stored on databases.

3. Any other necessary searches (please specify)

.....
.....
.....

4. Additional Comments (if any)

If your searches produced no documents you are required to provide an explanation below.

.....
.....
.....

RELEASED UNDER THE FOI ACT - DISER

PART 2 – Estimate of the number of documents and sensitivities

You must provide estimates in the below table where highlighted in yellow:

<p>Number of relevant files e.g. 2 paper files and 5 electronic files/folders = 7 files</p>	No. of files
<p>Total number of pages within the scope of the request Note: 1 page that is double sided = 2 pages</p>	No. of pages
<p>Number of documents You must include material you think may be exempt in this estimate.</p>	No. of documents
<p>Estimate of number of pages which are sensitive This means the pages which in your view are sensitive (i.e. you can envisage a harm that may flow from release of the pages) and which the FOI Team should review for consideration of whether they are exempt under the FOI Act and should be deleted in full.</p>	No. of pages
<p>Estimate of number of pages containing sensitivities This means the pages which in your view contain sensitivities (i.e. you can envisage a harm that may flow from release of some information contained on these pages) and which you would like the FOI Team to review for consideration of whether they contain information which is exempt under the FOI Act and should be deleted prior to release but with remaining portions released.</p>	No. of pages
<p>Total number of third parties to be consulted A third party is any individual, business, organisation or State department, agency or body whose information is contained in the documents and whose views will need to be sought as to possible release of their information under the FOI request. Note that other Commonwealth agencies are specifically excluded from this definition.</p>	No. of third parties
<p>Total time taken to complete the search by line area staff The total amount of time taken by all relevant staff to execute searches, retrieve documents, and compile information to be provided to the FOI team. The department is required to report quarterly and annual statistics relating to its processing of requests under the FOI Act to the Office of the Australian Information Commissioner. Part of this is to report on the total expenditure for processing of FOI requests.</p>	<p>In hours, eg. 2.75</p> <p>SES:</p> <p>APS 6 to EL 2:</p> <p>APS 1 to APS 5:</p>

I certify that I have undertaken, or caused to be undertaken, all reasonable searches (including the searches listed in Part 1 above).

I also certify that the information provided in Part 2 above is an appropriate and accurate estimate to the best of my knowledge.

Signature

Print name

Position

Branch/Group

Date: _____

UPON COMPLETION, PLEASE RETURN TO: FOI@industry.gov.au

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Friday, 21 August 2020 5:00 PM
To: Freedom of Information
Subject: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859

Dear Department of Industry, Innovation and Science,

This application is in regard to Question 2 of Addendum 6 of RFT No. PRI00003859:

<https://www.tenders.gov.au/Atm/DownloadAddenda/0b317934-f69d-0788-f528-4c1d80880ca4?addendaId=14561c55-93ed-0364-d1ed-bfd67dfbb4bc&docType=Addenda&fileName=Addendum%206%20-%20PRI-00003859.pdf&location=s3Restricted>

I am seeking all department correspondence that is related to this question. Please also include any document that considers the relevant issues (e.g. legal advice).

Please feel free to remove all duplicate documents.

Please feel free to remove the identity of the person making the inquiry, however please do not remove the original question as asked.

Please do not remove the names of any APS employees.

Kind regards,

Denis Jakota

Please use this email address for all replies to this request:
foi+request-6625-deac530b@righttoknow.org.au

Is FOI@industry.gov.au the wrong address for Freedom of Information requests to Department of Industry, Innovation and Science? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=department_of_industry_innovation_and_science

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information

From: Lewis, Andrew
Sent: Thursday, 10 September 2020 9:24 AM
To: Freedom of Information
Cc: s47F Incubator Support Programme Management
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Thanks Sasha

s47F will be the contact officer.

Andrew Lewis | A/g General Manager
Entrepreneurs' Programme
Strengthen, Grow. Innovate. Commercialise

Entrepreneurs' Programme Branch
AusIndustry – Support for Business
s47F

Department of Industry, Science, Energy and Resources | www.business.gov.au



Australian Government
Department of Industry, Science,
Energy and Resources

Business

For Coronavirus information and business support visit business.gov.au



OFFICIAL

From: Freedom of Information
Sent: Wednesday, 9 September 2020 5:40 PM
To: Lewis, Andrew
Cc: Freedom of Information
Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Dear Andrew

New FOI request

The department has received the attached email correspondence from Denis Jakota.

Mr Jakota has requested access under the *Freedom of Information Act 1982* (FOI Act) to all correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859..

Please find the attached correspondence for details.

You have been nominated as the decision maker for this request. Could you please nominate a contact officer to liaise with the FOI team during the process.

RELEASED UNDER THE FOI ACT - DISER

For Your Action

Please consider this request and provide the FOI team the following at your earliest convenience but no later than Wednesday 16 September 2020:

- all relevant documents that fall within the scope of the request (with sensitivities marked); and
- a signed completed 'Search Minute' (attached).

If you are of the view that additional time will be required to retrieve the documents, please contact the FOI Team as soon as possible so that the processing of this request within the statutory timeframe may be managed.

Should you have any queries or wish to discuss this matter please do not hesitate to contact the FOI team on Ext 68423.

Kind regards

Sasha Pesic

Senior FOI Officer

Legal, Audit & Assurance Branch

 (02) 6102 8423 | ^{s47F}

Department of Industry, Science, Energy and Resources

Level 11, Industry House, Canberra City ACT 2600

GPO Box 2013, Canberra ACT 2601

www.industry.gov.au

ABN 74 599 608 295

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OFFICIAL

Freedom of Information

From: Incubator Support Programme Management
Sent: Wednesday, 16 September 2020 1:31 PM
To: Pesic, Sasha
Cc: Incubator Support Programme Management
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Sasha

Hi Sasha – I'm just realising that I did not receive the scoping minute for this request, as it went straight to Andrew

Are you able to resend to me please? And, are you somewhat flexible on the due date for this one? We have cleared four requests back to the FOI team this morning and a day or two would be welcome.

Cheers, ^{s47F}

OFFICIAL

From: Lewis, Andrew
Sent: Thursday, 10 September 2020 9:24 AM
To: Freedom of Information
Cc: ^{s47F} Incubator Support Programme Management
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

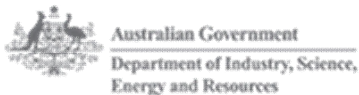
Thanks Sasha

^{s47F} will be the contact officer.

Andrew Lewis | A/g General Manager
Entrepreneurs' Programme
Strengthen. Grow. Innovate. Commercialise

Entrepreneurs' Programme Branch
AusIndustry – Support for Business
^{s47F}

Department of Industry, Science, Energy and Resources | www.business.gov.au



Business

For Coronavirus information and business support visit business.gov.au



OFFICIAL

From: Freedom of Information
Sent: Wednesday, 9 September 2020 5:40 PM
To: Lewis, Andrew <^{s47F}>

RELEASED UNDER THE FOI ACT - DISER

Cc: Freedom of Information <FOI@industry.gov.au>

Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Dear Andrew

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Should you have any queries or wish to discuss this matter please do not hesitate to contact the FOI team on Ext 68423.

Kind regards

Sasha Pesic

Senior FOI Officer

Legal, Audit & Assurance Branch

☎ (02) 6102 8423 | ✉ **s47F**

Department of Industry, Science, Energy and Resources

Level 11, Industry House, Canberra City ACT 2600

GPO Box 2013, Canberra ACT 2601

www.industry.gov.au

ABN 74 599 608 295

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OFFICIAL

Freedom of Information

From: s47F
Sent: Thursday, 17 September 2020 1:12 PM
To: Pesic, Sasha
Cc: Incubator Support Programme Management; s47F
Subject: FW: Addendum number 6! [SEC=OFFICIAL:Sensitive]
Attachments: question re Regional Incubator Facilitators; Qu regarding Tender PRI00003859; Addendum RIF Procurement 6.doc

Hi Sasha

Thanks for your time on the phone, as mentioned I'm searching for legal advice mentioned in the below email.

Legal advice would have been requested 30 or 31 January 2018 and advice sent by Legal on 31 Jan 2018 to s47F or ISIFacilitator inbox. Regarding Regional Incubator Facilitators tender question.

Thanks
s47F

OFFICIAL:Sensitive

From: s47F
Sent: Wednesday, 31 January 2018 11:35 AM
To: s47F
Cc: ISIFacilitator
Subject: Addendum number 6! [SEC=UNCLASSIFIED]

Hi s47F

Sixth addendum for review at this [link](#). I've attached the original emails (and the legal advice for the first question) as well.

For the incubator employing RIF question there is a section highlighted in yellow which I'm undecided if we need in or not. Let me know what you think.

I was thinking that we should wait to see if any other questions come in today before sending this one off to Procurement for publishing so we can just add to it as needed. That ok with you?

Cheers,
s47F

s47F

A/g Assistant Manager
Accelerating Commercialisation Strategy
AusIndustry – Innovation Programmes

s47F

Internet: business.gov.au

Department of Industry, Innovation and Science
Level 5, 341 George St, Sydney NSW 2000
GPO Box 2013, Canberra ACT 2601
ABN 74 599 608 295



UNCLASSIFIED

Freedom of Information

From: s47F
Sent: Thursday, 17 September 2020 2:22 PM
To: Pesic, Sasha
Subject: Incubator advice [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]
Attachments: Request for advice - Incubator Support initiative [DLM=Sensitive:Legal]

Hi Sasha,

As discussed, I can't find the absolute final advice that s47F sent to s47F but this is pretty close.

Let me know if you need anything else!

S
4

Administrative Officer
Legal, Audit and Assurance Branch
Corporate and Digital Division
s47F

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OFFICIAL:Sensitive
Legal privilege

Freedom of Information

From: s47F
Sent: Thursday, 17 September 2020 2:23 PM
To: Pesic, Sasha
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Hi Sasha

Sorry, that's all I have to go on.

s47

OFFICIAL:Sensitive

From: Pesic, Sasha
Sent: Thursday, 17 September 2020 1:50 PM
To: s47F
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Thanks s47

Do you have a LEX number or a TRIM, Content Manager ref number? Will make the search easier and quicker if you do.

Cheers

Sasha

OFFICIAL:Sensitive

From: s47F
Sent: Thursday, 17 September 2020 1:12 PM
To: Pesic, Sasha <s47F >
Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; Js47F >
Subject: FW: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Hi Sasha

Thanks for your time on the phone, as mentioned I'm searching for legal advice mentioned in the below email.

Legal advice would have been requested 30 or 31 January 2018 and advice sent by Legal on 31 Jan 2018 to s47F s47F or ISIFacilitator inbox. Regarding Regional Incubator Facilitators tender question.

Thanks
s47

OFFICIAL:Sensitive

From: s47F
Sent: Wednesday, 31 January 2018 11:35 AM
To: s47F @industry.gov.au <s47F@industry.gov.au>
Cc: ISIFacilitator <ISIFacilitator@industry.gov.au>
Subject: Addendum number 6! [SEC=UNCLASSIFIED]

Hi s47F

Sixth addendum for review at this [link](#). I've attached the original emails (and the legal advice for the first question) as well.

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I was thinking that we should wait to see if any other questions come in today before sending this one off to Procurement for publishing so we can just add to it as needed. That ok with you?

Cheers,
s47F

s47F
A/g Assistant Manager
Accelerating Commercialisation Strategy
AusIndustry – Innovation Programmes

Ps47F

Internet: business.gov.au

Department of Industry, Innovation and Science
Level 5, 341 George St, Sydney NSW 2000
GPO Box 2013, Canberra ACT 2601
ABN 74 599 608 295



Australian Government
Department of Industry,
Innovation and Science

Business

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UNCLASSIFIED

Freedom of Information

From: s47F
Sent: Thursday, 17 September 2020 2:29 PM
To: Pestic, Sasha
Subject: RE: Incubator advice [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Oh yes, if it helps them, the LEX was 60543.

S

s47F
Administrative Officer
Legal, Audit and Assurance Branch

OFFICIAL:Sensitive
Legal privilege

From: Pestic, Sasha
Sent: Thursday, 17 September 2020 2:27 PM
To: s47F |
Subject: RE: Incubator advice [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Thanks s47F

Will pass that on, might have to advise that we cannot locate the document and see if the line area has more luck with it.

Cheers

Sasha

OFFICIAL:Sensitive
Legal privilege

From: s47F
Sent: Thursday, 17 September 2020 2:22 PM
To: Pestic, Sasha s47F
Subject: Incubator advice [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi Sasha,

As discussed, I can't find the absolute final advice that s47F sent to s47F but this is pretty close.

Let me know if you need anything else!

S

s47F
Administrative Officer
Legal, Audit and Assurance Branch
Corporate and Digital Division
s47F

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Freedom of Information

From: s47F
Sent: Thursday, 17 September 2020 3:10 PM
To: Pestic, Sasha
Cc: s47F Incubator Support Programme Management
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Hi Sasha

Thanks for that. I've had a read through and looks like that was answering a different question.

The question was:

"if an applicant has or is employment or subcontract with a Business Incubator would that Incubator still be eligible to apply for Regional Incubator funding?"

It seems there must have been a few request to legal at the same time on the tender. Do you think they could have a look for any advice to do with this question?

Thanks
s47

OFFICIAL:Sensitive

From: Pestic, Sasha
Sent: Thursday, 17 September 2020 2:26 PM
To: s47F
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

No worries, they have located the attached email (well email in the attached email), but again no actual attached legal advice, but provides more details in the body of the emails.

OFFICIAL:Sensitive

From: s47F
Sent: Thursday, 17 September 2020 2:23 PM
To: Pestic, Sasha s47F >
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Hi Sasha

Sorry, that's all I have to go on.

s47

OFFICIAL:Sensitive

From: Pestic, Sasha
Sent: Thursday, 17 September 2020 1:50 PM
To: s47F <s47F@industry.gov.au>
Subject: RE: Addendum number 6! [SEC=OFFICIAL:Sensitive]

RELEASED UNDER THE FOI ACT - DISER

Thanks s47

Do you have a LEX number or a TRIM, Content Manager ref number? Will make the search easier and quicker if you do.

Cheers

Sasha

OFFICIAL:Sensitive

From: s47F

Sent: Thursday, 17 September 2020 1:12 PM

To: Pestic, Sasha <s47F >

Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s47F >

Subject: FW: Addendum number 6! [SEC=OFFICIAL:Sensitive]

Hi Sasha

Thanks for your time on the phone, as mentioned I'm searching for legal advice mentioned in the below email.

Legal advice would have been requested 30 or 31 January 2018 and advice sent by Legal on 31 Jan 2018 to s47F s47F or ISIFacilitator inbox. Regarding Regional Incubator Facilitators tender question.

Thanks
s47

OFFICIAL:Sensitive

From: s47F

Sent: Wednesday, 31 January 2018 11:35 AM

To: s47F

Cc: ISIFacilitator <ISIFacilitator@industry.gov.au>

Subject: Addendum number 6! [SEC=UNCLASSIFIED]

Hi s47 ,

Sixth addendum for review at this [link](#). I've attached the original emails (and the legal advice for the first question) as well.

For the incubator employing RIF question there is a section highlighted in yellow which I'm undecided if we need in or not. Let me know what you think.

I was thinking that we should wait to see if any other questions come in today before sending this one off to Procurement for publishing so we can just add to it as needed. That ok with you?

Cheers,
s47F

s47F

A/g Assistant Manager
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Internet: business.gov.au

Department of Industry, Innovation and Science
Level 5, 341 George St, Sydney NSW 2000
GPO Box 2013, Canberra ACT 2601
ABN 74 599 608 295



UNCLASSIFIED

Freedom of Information

From: s47F
Sent: Thursday, 24 September 2020 9:39 AM
To: Freedom of Information
Cc: Incubator Support Programme Management
Subject: FW: for GM approval 66859 Draft Search Minute FOI Request - Denis Jakota [SEC=OFFICIAL:Sensitive]
Attachments: 66859.pdf

Signed search minute attached.

s4

OFFICIAL:Sensitive

From: Lewis, Andrew
Sent: Thursday, 24 September 2020 9:16 AM
To: s47F
Subject: RE: for GM approval 66859 Draft Search Minute FOI Request - Denis Jakota [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

From: s47F
Sent: Tuesday, 22 September 2020 4:12 PM
To: Lewis, Andrew <s47F>
Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>
Subject: FW: for GM approval 66859 Draft Search Minute FOI Request - Denis Jakota [SEC=OFFICIAL:Sensitive]
Importance: High

Andrew, search minute attached for your review and signature, documents attached are FYI (not redacted and will not be provided yet) which respond to FOI which sought:

All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

FYI – this addendum was in relation to a question during the original tender process for the RIFs in 2018.

As always, due today.

s4

OFFICIAL:Sensitive

From: Incubator Support Programme Management
Sent: Tuesday, 22 September 2020 10:05 AM
To: s47F <industry.gov.au>
Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>; s47F <s47F@industry.gov.au>

RELEASED UNDER THE FOI ACT - DISER

Subject: FW: for GM approval 66859 Draft Search Minute FOI Request - Denis Jakota [SEC=OFFICIAL:Sensitive]

Importance: High

Hi s4

Drawing your attention back to this one – which is with regard to a procurement question. The draft search minute needs to be signed by Andrew, and is due. Sasha would like us to get it to him today.

I have reviewed and believe the identified attached documents are what the department holds in relation to this request, and that the scoping minute is correct.

Kind regards

s4

OFFICIAL:Sensitive

From: s47F

Sent: Saturday, 19 September 2020 5:37 PM

To: s47F <s47F@industry.gov.au>; s47F <s47F@industry.gov.au>

Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>

Subject: 66859 Draft Search Minute FOI Request - Denis Jakota [SEC=OFFICIAL:Sensitive]

Hi s47F

Please see attached the draft search minute for FOI request 66859. I have also attached the relevant documents (not marked up, these have not been consider for redaction yet).

Having re-read the correspondence, the legal advice mentioned in the email of 31/1/2018 actually pertains to the first question in the addendum and this is mentioned in the email.

This search minute is due to the FOI on Monday 21 September.

Thanks

s47

OFFICIAL:Sensitive

From: Pestic, Sasha

Sent: Wednesday, 16 September 2020 3:51 PM

To: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>

Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Hi s47

See attached.

OFFICIAL

From: Incubator Support Programme Management

Sent: Wednesday, 16 September 2020 3:43 PM

To: Pestic, Sasha s47F <s47F@industry.gov.au>; Incubator Support Programme Management

<IncubatorSupport.ProgrammeManagement@industry.gov.au>

Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Hi Sasha

RELEASED UNDER THE FOI ACT - DISER

Can you please send us the original FOI email request as well, we don't seem to have it.

Thanks
s47

OFFICIAL

From: Pesic, Sasha
Sent: Wednesday, 16 September 2020 1:36 PM
To: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Hi s4

Search minute attached, let's make it Monday 21 September 2020. And if you need more time just let me know by Monday.

Cheers

Sasha

OFFICIAL

From: Incubator Support Programme Management
Sent: Wednesday, 16 September 2020 1:31 PM
To: Pesic, Sasha <s47F>
Cc: Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>
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OFFICIAL

From: Lewis, Andrew
Sent: Thursday, 10 September 2020 9:24 AM
To: Freedom of Information <FOI@industry.gov.au>
Cc: s47F <s47F@industry.gov.au>; s47F <s47F@industry.gov.au>; Incubator Support Programme Management <IncubatorSupport.ProgrammeManagement@industry.gov.au>
Subject: RE: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Thanks Sasha

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Andrew Lewis | A/g General Manager
Entrepreneurs' Programme
Strengthen. Grow. Innovate. Commercialise

Entrepreneurs' Programme Branch
AusIndustry – Support for Business
s47F

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Australian Government
Department of Industry, Science,
Energy and Resources

Business

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OFFICIAL

From: Freedom of Information
Sent: Wednesday, 9 September 2020 5:40 PM
To: Lewis, Andrew <s47F>
Cc: Freedom of Information <FOI@industry.gov.au>
Subject: New FOI Request - Denis Jakota - LEX 66859 [SEC=OFFICIAL]

Dear Andrew

New FOI request

The department has received the attached email correspondence from Denis Jakota.

Mr Jakota has requested access under the *Freedom of Information Act 1982* (FOI Act) to all correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859..

Please find the attached correspondence for details.

You have been nominated as the decision maker for this request. Could you please nominate a contact officer to liaise with the FOI team during the process.

For Your Action

Please consider this request and provide the FOI team the following at your earliest convenience but no later than Wednesday 16 September 2020:

- all relevant documents that fall within the scope of the request (with sensitivities marked); and
- a signed completed 'Search Minute' (attached).

If you are of the view that additional time will be required to retrieve the documents, please contact the FOI Team as soon as possible so that the processing of this request within the statutory timeframe may be managed.

Should you have any queries or wish to discuss this matter please do not hesitate to contact the FOI team on Ext 68423.

Kind regards

Sasha Pesic

Senior FOI Officer

Legal, Audit & Assurance Branch

☎ (02) 6102 8423 | ✉ s47F

Department of Industry, Science, Energy and Resources

Level 11, Industry House, Canberra City ACT 2600

GPO Box 2013, Canberra ACT 2601

www.industry.gov.au

ABN 74 599 608 295

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OFFICIAL



Australian Government
Department of Industry, Science,
Energy and Resources

Name of applicant: Denis Jakota – LEX 66859

Scope of request:

All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

PART 1 – Search for documents

To comply with the FOI Act, a thorough search for all relevant documents in the possession of the department must be undertaken. Please complete the following checklist to confirm that you have undertaken the necessary searches.

What is a document?

The definition of 'document' in the FOI Act is very broad and captures a wide range of material as set out below:

- a) any of, or any part of any of, the following things:
 - i. any paper or other material on which there is writing;
 - ii. a map, plan, drawing or photograph;
 - iii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - iv. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - v. any article on which information has been stored or recorded, either mechanically or electronically;
 - vi. any other record of information; or
- b) any copy, reproduction or duplicate of such a thing; or
- c) any part of such a copy, reproduction or duplicate;

The definition of a 'document' does not include material maintained for reference purposes that is otherwise publicly available or Cabinet notebooks.

Creating a document

Section 17 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.

An agency is not, however, required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.

It is up to the line area and decision maker to determine if a document can be created, and if it can, to determine if it is a reasonable request to do so.

Searches

Completed

1. Files and all other paper records including, but not limited to, documents:

✓

- in filing cabinets;
- held by Records Management Unit or archived;
- in desk drawers;
- in bookshelves and cupboards;

- in safes; and
- in personal folders and diaries.

2. All electronic records including, but not limited to, the following: ✓

- emails;
- shared computer drives;
- voice mail messages;
- electronic storage devices (i.e. USBs; CDs/DVDs); and
- information stored on databases.

3. Any other necessary searches (please specify) N/A

.....
.....
.....

4. Additional Comments (if any) ✓

If your searches produced no documents you are required to provide an explanation below.
The legal advice referred to in the email date 31 January 2018 from the line area refers to question 1 of the addendum and is not relevant to this request.

.....
.....

RELEASED UNDER THE FOI ACT - DISER

PART 2 – Estimate of the number of documents and sensitivities

You must provide estimates in the below table where highlighted in yellow:

<p>Number of relevant files e.g. 2 paper files and 5 electronic files/folders = 7 files</p>	3
<p>Total number of pages within the scope of the request Note: 1 page that is double sided = 2 pages</p>	7
<p>Number of documents You must include material you think may be exempt in this estimate.</p>	3
<p>Estimate of number of pages which are sensitive This means the pages which in your view are sensitive (i.e. you can envisage a harm that may flow from release of the pages) and which the FOI Team should review for consideration of whether they are exempt under the FOI Act and should be deleted in full.</p>	0
<p>Estimate of number of pages containing sensitivities This means the pages which in your view contain sensitivities (i.e. you can envisage a harm that may flow from release of some information contained on these pages) and which you would like the FOI Team to review for consideration of whether they contain information which is exempt under the FOI Act and should be deleted prior to release but with remaining portions released.</p>	7
<p>Total number of third parties to be consulted A third party is any individual, business, organisation or State department, agency or body whose information is contained in the documents and whose views will need to be sought as to possible release of their information under the FOI request. Note that other Commonwealth agencies are specifically excluded from this definition.</p>	0
<p>Total time taken to complete the search by line area staff The total amount of time taken by all relevant staff to execute searches, retrieve documents, and compile information to be provided to the FOI team. The department is required to report quarterly and annual statistics relating to its processing of requests under the FOI Act to the Office of the Australian Information Commissioner. Part of this is to report on the total expenditure for processing of FOI requests.</p>	<p>7 hours</p> <p>SES: 1 hour</p> <p>APS 6 to EL 2: 6 hours</p> <p>APS 1 to APS 5:</p>

I certify that I have undertaken, or caused to be undertaken, all reasonable searches (including the searches listed in Part 1 above).

I also certify that the information provided in Part 2 above is an appropriate and accurate estimate to the best of my knowledge.



Signature

Andrew Lewis
Print name

A/g General Manager
Position

EP Branch
Branch/Group

Date: 24/9/20

UPON COMPLETION, PLEASE RETURN TO: FOI@industry.gov.au

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Thursday, 24 September 2020 11:28 AM
To: Freedom of Information
Subject: RE: Freedom of Information request - Question 2 of Addendum 6 of RFT No. PRI00003859 [SEC=OFFICIAL]

Dear Freedom of Information,

In my request on 21 August, I provided extensive information to locate the relevant subject matter including the RFT number, the addendum number and the Question number. I also included a URL to the document hosted by AusTender (a government resource hosting department documents providing every opportunity to log on and download the document).

While unnecessary, on 24 August I also provided the entire document content that contains the subject matter of Question 2.

Your decision for this FOI request was due 3 days ago.

Kind regards,

Denis Jakota

-----Original Message-----

Dear Denis

I refer to your FOI request below.

The link you have provided opens to a log on screen, we are not able to see which document you are referring to.

Could you please provide more information or the document with question 2 of Addendum 6 of RFT No. PRI00003859 to make sure we are searching the correct documents.

Until clarification is received, the department is unable to process your request and your request will be placed on hold until further notice.

Regards

Sasha

FOI Team

Legal, Audit and Assurance | Corporate & Digital GPO Box 2013, Canberra ACT 2601

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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this communication is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone and delete copies of this transmission together with any attachments.

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foi+request-6625-deac530b@righttoknow.org.au

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<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information

From: Freedom of Information
Sent: Saturday, 26 September 2020 2:28 PM
To: 'Denis Jakota'
Cc: Freedom of Information
Subject: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Denis

I refer to your FOI request of 24 August 2020 to the Department of Industry, Science, Energy and Resources (the department) for access to correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

Due to delays with the search and retrieval for the relevant documents, your request has been deemed refused, as the department has not provided you a decision within the statutory timeframe.

Current status of your FOI request

The department still intends to issue you a decision in relation to your FOI request. I anticipate this will be by 16 October 2020

I will keep you updated as the matter progresses.

If you have any questions, please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance | Corporate & Digital
GPO Box 2013, Canberra ACT 2601

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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OFFICIAL

Freedom of Information

From: Microsoft Outlook
To: Freedom of Information
Sent: Saturday, 26 September 2020 2:28 PM
Subject: Delivered: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Your message has been delivered to the following recipients:

[Freedom of Information \(FOI@industry.gov.au\)](mailto:FOI@industry.gov.au)

Subject: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Freedom of Information

From: postmaster@test.tas.mpa.gov.au
To: 'Denis Jakota'
Sent: Saturday, 26 September 2020 2:28 PM
Subject: Relayed: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

['Denis Jakota'](#)

Subject: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Monday, 28 September 2020 11:15 AM
To: Freedom of Information
Subject: Re: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Freedom of Information,

Please release the FOI reference number for this request.

Kind regards,

Denis Jakota

-----Original Message-----

Dear Denis

I refer to your FOI request of 24 August 2020 to the Department of Industry, Science, Energy and Resources (the department) for access to correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

Due to delays with the search and retrieval for the relevant documents, your request has been deemed refused, as the department has not provided you a decision within the statutory timeframe.

Current status of your FOI request

The department still intends to issue you a decision in relation to your FOI request. I anticipate this will be by 16 October 2020

I will keep you updated as the matter progresses.

If you have any questions, please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance | Corporate & Digital

GPO Box 2013, Canberra ACT 2601

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foi+request-6625-deac530b@righttoknow.org.au

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<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Monday, 28 September 2020 11:36 AM
To: Freedom of Information
Subject: Re: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Freedom of Information,

Further to my previous inquiry and request for FOI reference number, please provide more specific advice as to why this request has been refused.

You cited "search and retrieval" - please confirm that it was not the search but instead the retrieval, and provide the reason as to why the documents were not able to be retrieved.

I will announce it here publicly that the document appears to have been removed from AusTender after I submitted my request. I had provided the content of the document in full and it is established that the Department had authored it AND that the document appears to be now unaccessible via AusTender. Therefore I can only take it that the document was indeed located.

It appears that the same legal officers who provided obscene legal advice (whereby it is somehow possible for an incubator employee to facilitate a grant program for incubators) at the outset of the incubator support initiative program, and who subsequently provided misleading advice in breach of legal directives to an aggrieved ISI applicant on two occasions, have now refused to release the documents to cover up their misconduct.

If this is not the case then reply to this correspondence and advise that it isn't so. In doing so, I will remind you of your legal obligations under the public service act to put beyond doubt the mental element that is required under the criminal code and if you persist in misleading the public I will report you to the Australian Federal Police.

Kind regards,

Denis Jakota

-----Original Message-----

Dear Denis

I refer to your FOI request of 24 August 2020 to the Department of Industry, Science, Energy and Resources (the department) for access to correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

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Current status of your FOI request

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The department still intends to issue you a decision in relation to your FOI request. I anticipate this will be by 16 October 2020

I will keep you updated as the matter progresses.

If you have any questions, please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance | Corporate & Digital

GPO Box 2013, Canberra ACT 2601

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If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Monday, 28 September 2020 11:51 AM
To: Freedom of Information
Subject: RE: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Freedom of Information,

Please also refrain from responding anonymously to this request and include your first name or at the very least your initials.

Kind regards,

Denis Jakota

-----Original Message-----

The FOI reference number is in the subject line.

Regards

FOI Team

Legal, Audit and Assurance | Corporate & Digital GPO Box 2013, Canberra ACT 2601

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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Freedom of Information

From: Freedom of Information
Sent: Monday, 28 September 2020 12:38 PM
To: 'Denis Jakota'
Cc: Freedom of Information
Subject: RE: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Denis

The request has not been refused, the decision is seen as a deemed refusal on the basis we have not provided the decision by the due date, as mentioned in my email to you the decision should be issued on or before 16 October.

The search and retrieval has taken longer than expected due to making sure we have found all the relevant documents. We are also experiencing a high volume of requests for the same subject matter and this is putting pressure on the relevant line area to conduct searches in a timely manner.

Happy to discuss this further over the phone if you could provide a contact number.

I cannot make comment on other matters you have raised in your email as we only process FOI request and aren't involved in what is happening in specific matters across the department.

Regards

Sasha Pesic
Senior FOI Officer
Legal, Audit & Assurance Branch

Department of Industry, Science, Energy and Resources Level 11, Industry House, Canberra City ACT 2600 GPO Box 2013, Canberra ACT 2601 www.industry.gov.au ABN 74 599 608 295

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OFFICIAL

-----Original Message-----

From: Denis Jakota [mailto:foi+request-6625-deac530b@righttoknow.org.au]
Sent: Monday, 28 September 2020 11:36 AM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Re: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Freedom of Information,

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RELEASED UNDER THE FOI ACT - DISER

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I will announce it here publicly that the document appears to have been removed from AusTender after I submitted my request. I had provided the content of the document in full and it is established that the Department had authored it AND that the document appears to be now unaccessible via AusTender. Therefore I can only take it that the document was indeed located.

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I will keep you updated as the matter progresses.

If you have any questions, please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance | Corporate & Digital

GPO Box 2013, Canberra ACT 2601

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Freedom of Information

From: Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>
Sent: Monday, 28 September 2020 12:49 PM
To: Freedom of Information
Subject: RE: Deemed refusal - LEX 66859 [SEC=OFFICIAL]

Dear Sasha,

Most recent responses to this FOI request were anonymous and given that legal counsel from your branch have meddled in similar requests with other applicants, I apprehend similar conduct in this case.

Thanks for clarifying and I'll await retrieval.

Kind regards,

Denis Jakota

-----Original Message-----

Denis

The request has not been refused, the decision is seen as a deemed refusal on the basis we have not provided the decision by the due date, as mentioned in my email to you the decision should be issued on or before 16 October.

The search and retrieval has taken longer than expected due to making sure we have found all the relevant documents. We are also experiencing a high volume of requests for the same subject matter and this is putting pressure on the relevant line area to conduct searches in a timely manner.

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Sasha Pesic
Senior FOI Officer
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Denis Jakota - IEF20/6023 (question 2)

Denis Jakota - IEF20/6023 (question 2)

LEX ID	66859	Type of Work	Legal Work
Instructing Officer	Decision Maker: Andrew Lewis/Contact Officer: s47F	On-going - Completed	On-going
Description	Denis Jakota - LEX 66859	Estimated Costs - Charges	0.00
Matter's Owner	FOI - Sasha Pesic	Start Date	21 August 2020
2C Section - Name	FOI - s47F	End Date	
Group - Division - Branch	Industry, Science, Energy and Resources - AusIndustry - Support for Business	Contract End Date	
Outsourced	In-house	Access level	Unrestricted
Outsource Reason		Date created	24 August 2020
Matter's Owner Section	FOI	Last updated	30 September 2020
3C Name			

Status

21/08/2020, received request from applicant.
 24/08/2020, clarification email sent to applicant, matter on hold until resolved.
 03/09/2020, further clarification sought, on hold until resolved.
 09/09/2020, email sent to HoD to establish DM, response due 11 September 2020.
 09/09/2020, search minute sent, response due 16 September 2020
 18/09/2020, line area advised requires a few more days to finalise search, response due 24 September 2020.
 26/09/2020, applicant advised of deemed refusal, decision due on or before 16 October 2020.

Contacts/Description Denis Jakota <foi+request-6625-deac530b@righttoknow.org.au>

Background Summary:
 All correspondence relating to Question 2 of Addendum 6 of RFT No. PRI00003859.

Full scope:
 "This application is In regard to Question 2 of Addendum 6 of RFT No. PRI00003859:

<https://www.tenders.gov.au/Atm/DownloadAddenda/0b317934-f69d-0788-f528-4c1d80880ca4?addendaId=14561c55-93ed-0364-d1ed-bfd67dfbb4bc&docType=Addenda&fileName=Addendum%206%20-%20PRI-00003859.pdf&location=s3Restricted>

I am seeking all department correspondence that is related to this question. Please also include any document that considers the relevant issues (e.g. legal advice)."

File notes

Date	Type	Matter's Owner	FOI Timeframe
24 Aug 2020	FOI Clock - Start	Sasha Pesic	
24 Aug 2020	FOI Clock - Stop	Sasha Pesic	
Clock stopped.			
21 Aug 2020	FOI Clock - Start	s47F	30
Clock started			