



Our ref: 67829

Denis Jakota  
via Right to Know

By email: [foi+request-6920-3e3c3a4f@righttoknow.org.au](mailto:foi+request-6920-3e3c3a4f@righttoknow.org.au)

Dear Denis

**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 4 January 2021, and subsequent correspondence to clarify the scope of your request, for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

*"...seeking documents containing formal approvals by duly authorised department officers for all periods of leave under the contract <https://www.tenders.gov.au/Cn/Show/8cb79da9-ae66-ae9-9b21-6d078b8b7d37>*

*The approvals should at the very least contain the name of the officer who approved the leave request, the time-period approved, and the date of approval.*

*These will typically be filed in a HR system (as opposed to passing comments in email correspondence).*

*Please do not remove the names of any APS employees."*

*Scope clarification 19/01/2021: No email correspondence is required.*

**Decision**

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

The relevant electronic databases, files and corporate file lists in the department have been searched for the documents you have requested, and following these searches I am satisfied that all reasonable steps have been taken to locate the documents relevant to your request but they do not exist.

Regional Incubator Facilitators were contracted to the department and did not have access to the departmental HR system.

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.

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](mailto:FOI@industry.gov.au) if you require any further clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Claire Forsyth', written in a cursive style.

Claire Forsyth  
General Manager  
Business Outreach & Engagement

3 February 2021

## **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](mailto: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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

An application form is available on the website at [www.oaic.gov.au](http://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](http://www.oaic.gov.au).

#### **industry.gov.au**

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