



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

Our ref: LEX 67646

Menzies
Right to Know

By email: foi+request-6942-1841c106@righttoknow.org.au

Dear Menzies

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 2 December 2020 for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

MassChallenge was awarded this ad hoc grant through the Entrepreneurs' Programme (GRANT)

Daniel Smith was the Australian country manager/facilitator of MassChallenge until October 2019 (ENGAGEMENT)

Throughout this time, Daniel Smith was delivering the Incubator Support Initiative (ISI) grant program to Incubators/Accelerators under the Entrepreneurs' Programme (EP) as managed by-

- Charlotte Tressler - AusIndustry Support for Business (AISB) Head of Division;
- Emma Greenwood - EP General Manager, later a/g AISB Head of Division; and
- Andrew Lewis - a/g EP General Manager; and
- Zoe Naden - ISI Manager/Delegate (OFFICIALS).

REQUEST

For each of the OFFICIALS, I am requesting the date of the earliest email correspondence that was received from anyone for any reason and that alludes to (a) the GRANT and/or (b) the ENGAGEMENT.

To be clear, I am requesting only the dates such email correspondence (a and b) as received by each of the OFFICIALS.

On 5 January 2021, you clarified that you were only seeking the earliest date of email correspondence received by the officers named in your original request.

Background

On 1 January 2021 the statutory timeframe in which to process your request expired. Consequently, your request was deemed refused by the department and you were notified of this on 5 January 2021. You were also advised that the department still intends to provide you with a decision in relation to your FOI request, and were asked to clarify the scope of your request.

On 5 January 2021 you agreed to refine the scope of your request (as set out above).

On 1 February 2021, the Office of the Australian Information Commissioner granted the department an extension under section 15AC of the FOI Act for the processing of your FOI request until 24 February 2021.

industry.gov.au

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

Decision

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

I am satisfied that all reasonable searches have been undertaken for documents relevant to your request. I am advised that the department has in its possession three documents that are relevant to your request. These documents are described in the Schedule of Documents at **Attachment A**.

I have decided to grant access to the three documents in part. I have found that the requested documents contain material which is exempt under section 22 of the FOI Act, as the documents contain material that is irrelevant to your request.

The reasons for my decision are set out below, as required by section 26 of the FOI Act, in Part A of the Annexure.

If you are dissatisfied with my decision, your review rights are set out in Part B of the Annexure.

Yours sincerely



Claire Forsyth
General Manager
Business Outreach & Engagement

16 February 2021

Enclosures

Annexure (Part A – Statement of Reasons and Part B – Review Rights)
Attachment A – Schedule of Documents

Annexure
Part A – Reasons for Decision (section 26 FOI Act)
Request: Menzies – 2 December 2020 (LEX 67646)
Decision Maker: Claire Forsyth, General Manager, Business Outreach & Engagement

1. Evidence/Material on which my findings were based

1.1 In reaching my decision, I relied on the following information and documentary evidence:

- the FOI Act;
- the contents of the documents described in Attachment A;
- your correspondence setting out the particulars of your request;
- consultation with departmental officers as to the nature of the documents; and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

2. Section 22 – Deletion of irrelevant material

2.1 Under section 22 of the FOI Act, the department may delete material from documents that it considers irrelevant to the scope of your request.

2.2 As per our correspondence of 9 December 2020, the department considers the names and contact details of APS staff below the SES level to be irrelevant unless informed otherwise. Accordingly, this information has been deleted under section 22 of the FOI Act.

2.3 Further, I have identified material within the documents that does not relate to the scope of your request. In your request (as revised), you asked for the date of the earliest email correspondence received by Charlotte Tressler, Emma Greenwood, Andrew Lewis and Zoe Naden, that alludes to the 'grant' or the 'engagement'. I have decided to release the relevant email dates and recipients to you. The remaining information contained in the documents falls outside the scope of your request, and has been deleted as irrelevant under section 22 of the FOI Act.

3. Publication

3.1 Section 11C of the FOI Act requires agencies to publish documents released through an FOI request on our website within 10 days of release, except in certain circumstances including when the documents contain personal or business information that would be unreasonable to publish.

3.2 The documents being released to you contain information that would be unreasonable to publish. As a result, a redacted copy of the documents will be published on our disclosure log within 10 days of it being released to you.

Part B – 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.

Request for Access under the *Freedom of Information Act 1982 (Cth)*
Department of Industry, Science, Energy and Resources
FOI Applicant: Menzies
SCHEDULE OF DOCUMENTS

Doc No	Description of document	Pages	Decision	Reasons
1.	Email chain	1-2	Release in part	Removed irrelevant material under section 22
2.	Email chain	3-5	Release in part	Removed irrelevant material under section 22
3.	Email chain	6-10	Release in part	Removed irrelevant material under section 22