

s 22

From: Freedom of Information
Sent: Thursday, 24 September 2020 9:05 PM
To: s 22
Cc: Freedom of Information
Subject: FW: Freedom of Information requests [SEC=OFFICIAL]

Hi s 22

For your information, Mr Jakota has requested his query be referred to the relevant line area.

Thanks
s 22

From: Denis Jakota [mailto:d.jakota74@gmail.com]
Sent: Thursday, 24 September 2020 11:35 AM
To: Freedom of Information
Subject: Re: Freedom of Information requests [SEC=OFFICIAL]

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On Tue, Sep 22, 2020 at 4:40 PM Freedom of Information <FOI@industry.gov.au> wrote:

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A/g Principal Legal Counsel | Small Business, FOI and
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Legal, Audit and Assurance Branch

Department of Industry, Science, Energy and Resources

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From: Freedom of Information
Sent: Tuesday, 17 November 2020 9:32 AM
To: Ellie Abrat
Cc: Denis Jakota; Freedom of Information
Subject: RE: Fwd: Freedom of Information requests [SEC=OFFICIAL]

Ellie

I understand that the relevant program area are finalising a response to Denis.

He should receive correspondence in the near future.

As you would appreciate, the continued FOI requests about this matter are consuming a large amount of time and resources from the area that is attempting to prepare the response.

s 22

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From: Ellie Abrat [mailto:ellie.abrat@ausacl.org]
Sent: Friday, 13 November 2020 11:28 PM
To: s 22
Cc: Denis Jakota
Subject: Re: Fwd: Freedom of Information requests [SEC=OFFICIAL]

Greetings s 22

I'm chasing up on behalf of Denis with regard to his 22 September inquiry beneath.

Who should we contact to seek clarity around the department's position?

Faithfully,
Ellie



Ellie Abrat Volunteer
Civic engagement

 email ellie.abrat@ausacl.org  tel +61 2 8598 8506

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On 13-11-2020 22:04, Denis Jakota wrote:

Last msg to s 22

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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.

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 its applications in relation to the Incubator Support initiative. A different Regional Incubator Facilitator would be allocated to conduct these activities.

Response:

Regional Incubator Facilitators (RIFs) are not required to refrain from external incubator activity. However, RIFs are required to declare and avoid any conflicts of interest in carrying out their duties. These obligations are specified in the contracts under which the RIFs were engaged.

The cited question and answer were published during the RIF tender process and describe a situation where a RIF might have an interest in an applicant that applies or had applied for an Incubator Support Initiative (ISI) grant. It describes how a conflict of interest would be avoided in that situation.

In order to carry out their roles effectively to provide advisory and facilitation support to ISI applicants, RIFs must have strong expertise in the Incubator ecosystem. In order to maintain the level of knowledge and expertise required, the department was aware and supportive of RIFs continuing professional activity in the incubator ecosystem outside of their contracted role with the department, subject to this activity being declared and approved via the Declaration of Interest process. If there were interests that conflicted with the RIFs ability to provide impartial advice to potential ISI applicants, the department required the RIF to declare this prior to an application being referred to them, at which point an alternative RIF would be allocated to that applicant.

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To: Freedom of Information; s 22
Cc: s 22 ; Incubator Support Programme Management
Subject: FW: Further information regarding Incubator Support Regional Incubator Facilitators [SEC=OFFICIAL]

Hi

For info for your records, email sent to Mr Jakota.

Thanks
s 22

OFFICIAL

From: Incubator Support Programme Management
Sent: Wednesday, 23 December 2020 2:51 PM
To: d.jakota74@gmail.com
Cc: Incubator Support Programme Management s 47E(d)
Subject: Further information regarding Incubator Support Regional Incubator Facilitators [SEC=OFFICIAL]

Dear Mr Jakota

We are aware that you have raised a number of queries in relation to Incubator Support Regional Incubator Facilitators (RIFs) and their activities through Freedom of Information requests. Please find below further detail in relation to FOI request 66859 regarding Question 2 of Addendum 6 of RFT No. PRI00003859 and activities undertaken by RIFs.

Individuals who are RIFs may engage in extracurricular activities that support the innovation ecosystem with external companies, i.e. companies or organisations other than the individual's employer. RIFs must declare and avoid any conflicts of interest in carrying out their duties. These obligations are specified in the contracts under which the RIFs were engaged.

The cited question and answer noted in the FOI request were published during the RIF tender process and describe a situation where a RIF might have an interest in, or be employed by, a successful tenderer that applies or had applied for an Incubator Support Initiative (ISI) grant. It describes how a conflict of interest would be managed in that situation.

In order to effectively provide advisory and facilitation support to ISI applicants, RIFs must have strong expertise in the incubator ecosystem. In order to maintain the level of knowledge and expertise required, the department was aware and supportive of RIFs continuing to provide professional services in the incubator ecosystem outside of their contracted role with the department, subject to this activity being declared and approved via the Declaration of Interest process. If there were interests that conflicted with the RIFs ability to provide impartial advice to potential ISI applicants an alternative RIF would be allocated to that applicant.

Kind regards

Incubator Support Programme Management

AusIndustry - Support for Business | Entrepreneurs' Programme Branch | Incubator Support Programme Management

Department of Industry, Science, Energy and Resources

s 47E(d)

business.gov.au/EP



Australian Government
Department of Industry, Science,
Energy and Resources

AusIndustry
Entrepreneurs' Programme

OFFICIAL

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s 47E(d)
Subject: Further information regarding Incubator Support Regional Incubator Facilitators

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AusIndustry - Support for Business | Entrepreneurs' Programme Branch | Incubator Support Programme Management

Department of Industry, Science, Energy and Resources
s 47E(d)

business.gov.au/EP



Australian Government
Department of Industry, Science,
Energy and Resources

AusIndustry
Entrepreneurs' Programme

From: Denis Jakota [<mailto:d.jakota74@gmail.com>]
Sent: Thursday, 22 October 2020 11:31 AM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Re: Freedom of Information requests [SEC=OFFICIAL]

Hi s 22

Am I to expect a response from the Entrepreneurs' Programme directly or from the legal branch? I'm planning to follow up but I have no frame of reference as to who to contact.

Kind regards,
Denis

On Tue, Sep 29, 2020 at 9:28 AM Freedom of Information <FOI@industry.gov.au> wrote:

Hi Denis

I have forwarded your query.

The query wasn't forwarded to a legal line area, but rather to the line area with responsibility for the Entrepreneur's Programme (the branch is simply called

'Entrepreneurs' Programme').

Thanks

s 22

From: Denis Jakota [<mailto:d.jakota74@gmail.com>]
Sent: Monday, 28 September 2020 9:32 PM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Re: Freedom of Information requests [SEC=OFFICIAL]

Hi s 22

Can you please confirm if you have forwarded my query to the relevant legal line area and if so, what is the name of the area involved (or where on the org. chart is the area)?

Kind regards,

Denis

On Thursday, September 24, 2020, Denis Jakota <d.jakota74@gmail.com> wrote:

Hi s 22

Please do forward my question to the relevant area and thanks for being open with this.

Kind regards,

Denis

On Tue, Sep 22, 2020 at 4:40 PM Freedom of Information <FOI@industry.gov.au> wrote:

Hi Denis

Apologies, I'm not in a position to answer your question. Our job is just to process FOI requests – we aren't involved in any of the broader work of the department.

If you would like, I will forward your question to the relevant area in the department. They may be able to provide you with relevant information (although I do caution that it can sometimes take a short while to receive a response, as the department's standard turnaround time for correspondence is 20 business days).

I don't object to you providing my below comments in online forums.

Regards

s 22

From: Denis Jakota [mailto:d.jakota74@gmail.com]
Sent: Tuesday, 22 September 2020 3:14 PM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Re: Freedom of Information requests [SEC=OFFICIAL]

Thanks s 22

About my foi request.. is it not the case that these facilitators should refrain from private incubator activity? (I'm going by this [document here](#).) If not, please let me know so I can retract my comments. Also would it be ok if I share your comments in forums investigating the incubator program? Thanks for explaining.

Kind regards,

Denis

On Mon, Sep 21, 2020 at 12:40 PM Freedom of Information <FOI@industry.gov.au> wrote:

Hi Denis

The department made a 'bulk' request to Right to Know to remove an individual's name from a number of FOI requests which are being published on the Right to Know website.

While your requests weren't the ones of primary concern, there was an implication in your request that the individual was doing something which was not condoned by the department.

Of most concern were other emails on the website which were making certain claims or implications that were just really going beyond what was necessary to describe the documents requested under FOI. The nature of some of the allegations were quite serious and were very specifically targeted at the individual. It was these allegations which I described to Ben were inaccurate and were just going a 'bit too far'.

Regards

s 22

From: Denis Jakota [mailto:d.jakota74@gmail.com]
Sent: Friday, 18 September 2020 12:51 PM
To: Freedom of Information <FOI@industry.gov.au>
Subject: Re: Freedom of Information requests [SEC=OFFICIAL]

Hi s 22

Thanks for getting back to me. I am wondering why the information was removed. Ben explained that it is alleged that some of what I (and others) wrote may be inaccurate, and I am hopeful you may be able to clarify what was said to be inaccurate.

Kind regards,

Denis

On Fri, Sep 18, 2020 at 12:13 PM Freedom of Information <FOI@industry.gov.au> wrote:

Good afternoon Denis

Ben, from the Right to Know website, has let me know that you had some questions about us asking Ben to remove some information from the requests.

Feel free to send through your questions and we will get back to you.

Regards

s 22

s 22

A/g Principal Legal Counsel | Small Business, FOI and Privacy

Legal, Audit and Assurance Branch

Department of Industry, Science, Energy and Resources

T: s 22

I do not work Wednesdays.

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