



Australian Government
Department of Industry, Science,
Energy and Resources

Our ref: LEX 68410

Mr Denis Jakota
Right to Know

By email: foi+request-7157-9c0630ff@righttoknow.org.au

Dear Mr Jakota

Freedom of Information Act – Notice of intention to refuse

I refer to your request received by the Department of Industry, Science, Energy and Resources (**the department**) on 17 March 2021, in which you sought access under the *Freedom of Information Act 1982* (**FOI Act**) to the following:

"Please make available only page 1 of the Eligibility and Completeness Checklist (that includes criteria 1. a & b) for all incubator support initiative 'new and existing' applications that were assessed as ineligible (rather than just incomplete on page 5).

You may find page 1 of the Eligibility and Completeness Checklist as page 14 in the PDF here: <https://protect-au.mimecast.com/s/ZjDBCZYM1MI2Lr7Luz299v?domain=righttoknow.org.au>

Please remove all personal and business information including that of third parties as only the ticked checkboxes are required without the applicants' details."

Under subsection 24(1) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to this request. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

My view is based on a conservative estimate that over 50 hours of decision making and processing time is required to deal with this request. I also wish to advise that:

- I estimate that there are over 15 documents and approximately 90 pages relevant to your request as presently framed;
- there are at least 15 third parties identified in the relevant documents and consultation will be required prior to considering possible release of many of the documents falling within the scope of the request;
- there are additional areas where searches have not been completed which are likely to have additional relevant documents and therefore the total number of relevant documents is likely to be higher than the estimate; and
- most of the documents you are seeking contain sensitive information that requires more decision making time, thus adding to the voluminous nature of your request.

In accordance with section 24(1)(a) and 24AB of the FOI Act, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

Request consultation process

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a 'practical refusal reason' no longer exists. Although it is your responsibility to suggest ways that your request may be revised and narrowed, you may wish to consider the following suggestions (please note that these are suggestions only and do not guarantee the practical refusal reason/s will no longer exist):

- limiting your request to particular timeframes; and/or
- narrowing the subject matter and context of the ineligible applications sought, rather than all incubator support initiative 'new and existing' applications that were assessed as ineligible.

Should you wish to revise your request, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at FOI@industry.gov.au.

Under subsection 24AB(6) of the FOI Act, you must, before the end of the 14-day consultation period, do one of the following by written notice to the department:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection(6) before the end of the consultation period.

In accordance with subsection 24AB(8) of the FOI Act, the 14-day consultation period is to be disregarded in calculating the processing period for the request.

Your written response should be addressed to:

FOI Coordinator
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

Or by email to: FOI@industry.gov.au

Should you wish to discuss this matter further, please contact the FOI team by email at FOI@industry.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sasha Pesic', with a vertical line extending downwards from the end of the signature.

Sasha Pesic
Senior FOI Officer
Legal, Audit & Assurance

16 April 2021