

## REQUEST FOR TENDER (RFT) NO. PRI00003859

#### **Regional Incubator Facilitators**

#### **ADDENDUM NUMBER 6**

## **Questions and Answers**

## As at 1 February 2018

- Question 1. Is an Incorporated Not For Profit, which has Annual Audits, eligible under the entry criteria? Could a Not For Profit with annual Auditing be considered as an applicant under this application process or is it strictly for a Registered Company with a ACN?
- 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.

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.



Our ref: 66441

Dear

## 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 30 June 2020, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

- 1) the incubator facilitator contract (CONTRACT) between TMINUS ACCELERATOR PTY LTD (TMINUS) and the Department (CN ID: CN3495925);
- 2) the notification of absence lodged to the Incubator Support Initiative (ISI) program delegate pursuant to section 10.4 of the CONTRACT on behalf of TMINUS by its director Daniel Smith (daniel.smith@industry.gov.au) for the time period spent in Boston, United States during the month of June 2018;
- 3) the activity report lodged to the ISI program delegate pursuant to section 5 of the CONTRACT on behalf of TMINUS by its director Daniel Smith for the month of June 2018; and
- 4) each statutory declaration lodged to the Department pursuant to section 21.1 of the CONTRACT by TMINUS director Daniel Smith.

#### **Background**

On 10 July 2020 you were notified that you were liable to pay a charge for the processing of your request in the amount of \$343.32. You were also advised at this time of the need to conduct a third party consultation in relation to your request.

On 13 July 2020 the department received a deposit in the amount of \$85.83 for the processing of your request. Subsequently, in accordance with section 15(6) of the FOI Act the time limit was extended by 30 days to allow for third party consultation.

#### **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 ten documents that are relevant to your request. These documents are described in the Schedule of Documents at **Attachment A.** 

#### industry.gov.au

#### FOR OFFICIAL USE ONLY



# DISCLOSURE OF PRIVATE INTERESTS STATEMENT Incubator Support initiative - Regional incubator Facilitators

The purpose of this declaration is to place on record any interests you may have that may conflict, or may be seen to conflict, with your role as a Regional Incubator Facilitator with Incubator Support Initiative. Completing this statement will enable you to comply with Clause 22.1(b) of your Regional Incubator Facilitator contract. The information in this declaration will be treated in accordance with the Information Privacy Principles (see Attachment A) and will only be used by Departmental officers in making decisions to allocate draft applications, applications and programme participants to you. During the course of your engagement as a Regional Incubator Facilitator with Incubator Support Initiative you will be asked to update this information on a regular basis and provide additional information about your interests in order for a determination to be made about whether a conflict of interest does exist and whether it is considered material or not.

In completing this declaration, you should include the interests of immediate family members, to the extent that you or they are aware of them. Immediate family includes spouse (including de facto spouse) and dependent children.

When naming a company in which you have an interest, please also include the names of holding companies and subsidiary companies if known.

It is not necessary to provide the value of any shareholdings or trusts in this declaration or any other details about your relationship to the company.

#### FOR OFFICIAL USE ONLY

Commonwealth of Australia STATUTORY DECLARATION Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

2 Set out matter declared to in numbered paragraphs

		<u> </u>		
I,¹ <i>(</i>	Regional incubate	or Facilitator name)		
Där	niel Lee Smith			<u>۔</u>
a/ar	(occup <b>ation</b> )			
Reg	ional Incubator F	acilitator		
of (a	nddress) <sup>522</sup>			
Mai	te the following de	claration under the S	Statutory Declarations	Act 1959:
l an may	n aware of my oblig be, or may be per	ations to disclose any a received as a conflict of i	and all of my personal in	nterests which are, n the Commonwealth.
navi oosi	e given in this Statution for the period of	itory Declaration, I unde	ract Entity) conflict with ertake to stand aside from the conflict is otherwise a y and Science.	m my Commonwealth
			oviding Regional Incuba de the following details	
	ests:2	DATOR PTT LTD provid	de the following details	about my personal
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	TMINUS ACCEL s22	ERATOR Pty Ltd		
2. §		a current market value	of more than \$10,000 v	vhich:
	are held by a tru beneficiary	ust, for which I or my im	nmediate family member	rs are a trustee or
•	are held by my	self-managed superant	nuation fund	
	Nil			
	The names of complirectorships	panies in which you or y	our immediate family m	embers hold
	s22			

	4. Business partnerships of which you are a partner						
	Nil						
	5. Any other interests you may wish to declare, not listed elsewhere (e.g. interests of the Contract Entity)						
	Nil						
	In completing this statement, I declare that the inbest of my knowledge.	nformation I have provided is correct to the					
	l understand that a person who intentionally mai declaration is guilty of an offence under section and I believe that the statements in this declarate \$22	11 of the Statutory Declarations Act 1959.					
3 Signature of the person making the declaration	Signed: <sup>3</sup>						
	(Company Name)TMINUS ACCELERATOR PTY LTD						
	(Name of Specified personnel) Daniel Lee Sn	nith					
4 Place where signing occurred	Declared at <sup>4 522</sup>						
5 Day 6 Month and year	On <sup>5</sup> (dd)29 of <sup>6</sup> (month) _March	(yyyy) <u>2018</u>					
	×						
7 Signature of	Before me, s22						
he person before whom he declaration	Signed:7						

#### FOR OFFICIAL USE ONLY

8 Full name,
qualification or
occupation
and the
address of the
person before
who the
declaration is
made (in

printed letter)

8 (Witness	full	name

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years - see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 — see section 5A of the Statutory Declarations Act 1959.

# A statutory declaration under the Statutory Declarations Act 1959 may be made

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor Legal practitioner Dentist Optometrist Medical practitioner Nurse Patent attorney Pharmacist **Physiotherapist Psychologist** Trade marks attorney Veterinary surgeon

- (2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the

Consular Fees Act 1955)

Bailiff

Bank officer with 5 or more continuous years of service Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

#### Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
- (c) exercising his or her function in that place

#### Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and

#### Freedom of Information

From: Dan Smith s22

**Sent:** Wednesday, 18 April 2018 10:21 PM **To:** Incubator Support Programme Management

Subject: Re: Regional Incubator Facilitator - External Activities and Commitments & Declaration of Interests

[DLM=For-Official-Use-Only]

Hi s22

Please find my completed list. I listed past employment (with entities that will potentially apply for a grant) and one potential relationship issue, is this the right place to list those?

Thanks, Dan

On 18 April 2018 at 10:21, Incubator Support Programme Management < Incubator Support. Programme Management @industry.gov.au > wrote:

Hello RIFs,

As discussed last week we need to collect details around your extracurricular activities, commitments and interests as part of your contracts.

Can you please fill in the attached template with the following information:

- Relationship details of the entity which the relationship is with
- Nature details of the engagement for example company director, mentor
- Occurrence details of the occurrence of the activity for example on an ad-hoc basis
- If the activity will occur inside or outside ISI contract hours
- If the activity is paid or unpaid

The Department will then consider the existing activities and notify you if there are any conflicts you need to be aware of.

If you could please provide this information by COB 26 April 2018 that would be great.

## CORRESPONDENCE REGARDING FOI 66441 STATUTORY DECLARATION (S 22) REDACTIONS (P 4-7 ABOVE)

From: Freedom of Information FOI@industry.gov.au & Subject: RE: Release of documents - 66441 [SEC=OFFICIAL]

Date: 26 August 2020 at 4:07 pm

To:

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

Dear

I refer to your correspondence

I am able to provide you with the following information:

## 1. MassChallenge

In relation to your FOI request 66441, you asked if the redactions pursuant to section 22 applied to the statutory (and subsequent) declarations pertain to MassChallenge. I can confirm that none of these redactions apply to MassChallenge.

Kind regards

#### **FOI Team**

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

**Department of Industry, Science, Energy and Resources** | <u>www.industry.gov.au</u>

Supporting economic growth and job creation for all Australians

**Legal In Confidence** - This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify me immediately and delete copies of this transmission together with any attachments.

From:

Subject: Freedom of Information Request No. 6

Date: 26 August 2020 at 5:48 pm

To: Freedom of Information FOI@industry.gov.au

#### Dear FOI team,

I am making this request under the Freedom of Information (FOI) Act to the Department of Industry, Science, Energy and Resources (Department).

With this request, please include all documents (other than redundant copies) by Daniel Smith that make mention of MassChallenge (or "Mass Challenge"). For avoidance of doubt, please include any declarations of interests by Daniel Smith that include these words and were not released as part of FOI 66441.

Our ref: 66894

Dear

#### 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 26 August 2020, in which you sought access under the *Freedom of Information Act* 1982 (the FOI Act) to the following:

All documents (other than redundant copies) by [contractor] that make mention of [third party].

#### Background

On 8 September 2020 you were notified that you were liable to pay a charge for the processing of your request in the amount of \$33.87. You were also advised at this time of the need to conduct a third party consultation in relation to your request.

On 9 September 2020 the department received payment in full in the amount of \$33.87 for the processing of your request. Subsequently, in accordance with section 15(6) of the FOI Act the time limit was extended by 30 days to allow for third party consultation.

On 14 October 2020 the department was granted a 30 day extension under section 15AB of the FOI Act for the processing of your FOI request by the Office of the Australian Information Commissioner (OAIC).

#### 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 two 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 two documents in part.

I have found that the requested documents contain material which is exempt under:

I Industry House – 10 Binara Street, Canberra City, ACT 2601 GPO Box 2013 Canberra ACT 2601 ABN:74 599 608 295 Error! Unknown document property name.



# Attachment A

# **Decision Sheet – Extracurricular Activities**

Facilitator	Activity / Company	Relationship	Nature	Occurrence	Inside / Outside ISI hours	Paid / Unpaid	Programme Management Comments	Programme Delegates' Decision (please circle)
s47F	s47G	Contractor	l am contracted to	Expires June 30.	Outside	Paid	s47F made the team	Approved 1
de de la companya de			deliver their	Travel 18-27			aware of this during	Not
of popularion and the second			accelerator s47G	June. Core work			the tender process and	approved
Sistematical				is completed.			it was considered not	
	approximate the second	The state of the s		Very minimal			to be an issue. s47F	
		The second secon		work through			will be taking leave	
				to travel date. I			from 18-27 June.	
procedurateurs				will manage this				
				after hours in		growth and a finding and a fin	Programme	
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a distribution of the second o				may be an odd		in the state of th	consider this to be a	
saa-ruary rood		*		meeting in the			conflict and	
			10 m	day but it will			recommend approval	
				be minimal.		and the second s	of the activity.	

s22



## **MINUTE - INNOVATION PROGRAMMES**

#### s47F

Programme Delegate Incubator Support Initiative

#### REGIONAL INCUBATOR FACILITATORS – EXTRACURRICULAR ACTIVITIES

#### Recommendation

#### That you:

- a. note the process undertaken to gather updated extracurricular activities from the Regional Incubator Facilitators; and
- b. Sign the decision sheet at **Attachment A**.

#### **Background**

In accordance with the Regional Incubator Facilitators' (RIFs) service contracts, the RIFs are required to disclose their extracurricular activities and request approval from the Programme Delegate.

In April 2018, the Incubator Support team sent each individual RIF a form for disclosure of extracurricular activities. All RIF have responded to the request.

All extracurricular activities are listed in Attachment A.

#### **Next steps**

Upon noting the process undertaken above to collect updated extracurricular activity information that you review **Attachment A** and provide approval for new extracurricular activities as appropriate.

### **Attachments**

- Attachment A – Decision Sheet extracurricular activities

#### s47F

#### Manager

Accelerating Commercialisation and Incubator Support Initiative Programme Management

## 8 June 2018



Home ☑ > Grants, assistance & other support ☑ > Entrepreneurs' Programme ☑ > Incubator Support - New & Existing Incubators ☑ > Regional Incubator Facilitators



# Regional Incubator Facilitators

Last updated: 08/06/2018



### **Daniel Smith - Eastern SA and Western VIC**

Daniel Smith is an experienced facilitator of business start-up programs including those at the South Australian Chamber of Commerce, universities and international accelerators. Most recently Daniel was the Australian Country Manager for one of the largest start-up accelerators in the world. He is a Churchill Fellow and studied entrepreneurial support programs for young people throughout the UK and USA in 2011.

He has volunteered as a judge for various start-up programs and competitions including The University of Adelaide's eChallenge, Australia and France and the NASA Space Apps Challenge.

Daniel has a strong affinity for regional Australia having worked in horticultural and viticultural support roles early in his career as well as running a cut flower export business.

#### Freedom of Information

s22

**OFFICIAL: Sensitive** 

From: s47F

**Sent:** Monday, 16 December 2019 12:22 PM **To:** s47F @industry.gov.au>

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

**Subject:** Re: Clarification of s47G role [DLM=Sensitive]

Sensitive

Hi s47F

I was contracted by \$47G from August 2016 through June 2018. I then remained as a local contact in a voluntary capacity until October 2019 but performed no work during this period.

My role during the contracted period was to arrange their bridge program for startups in Australia and the USA (Boston).

s47G has no connection with the Incubator Support Initiative and there is no conflict of interest with

Kind regards, \$47F

Regional Incubator Facilitator Incubator Support Initiative Entrepreneurs' Programme

Mobile: s47F

Email: s47F @industry.gov.au Internet: www.business.gov.au/

# LEGAL www.csiro.au

IIIII

GPO Box 1700 Canberra ACT 2601 **Telephone** (02) 6276 6431 • **ABN** 41 687 119 230

Email: foi@csiro.au

2 November 2020

Our ref: FOI 2020/49

Dear

## FREEDOM OF INFORMATION REQUEST - DECISION - FOI2020/49

#### Your request

On 3 September 2020, you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

the contract between CSIRO and TMINUS Accelerator Pty Ltd (regional incubator facilitator), and

all declarations of interest (including statutory declarations) by Daniel Smith, and
 documents containing reasons for TMINUS / Daniel's transfer from the Department of Industry, Science, Energy and Resources to CSIRO

I have identified 4 documents in relation to your FOI request.

Please note that document 4 is subject to third party review rights, meaning that the third party has objected to the release of the document in its entirety. Document 4 will not be released to you, until the third party review rights have been exhausted.

### **Decision maker**

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your application.

## Decision

I have decided that exemptions apply to parts of the relevant documents. The relevant provision/exemption provisions include:

Section 47F – Personal Information Section 22 – Irrelevant material Section 47G(1)(a) – Business and Professional Affairs

# **Daniel Smith**

s 22

## Career

## Self employed

AusIndustry Regional Incubator Facilitator – WA, SA, VIC, TAS (April 2018 – present) s 47F, s 47G(1)(a)

## MassChallenge

Country Manager - Australia (August 2016 - September 2019)

• Led state then national accelerator program establishment.

## **Flinders University**

Business Engagement Manager (April 2015 – August 2016)

#### **Business SA**

Various roles (November 2007 - April 2015)

• Manager – Product Development (2014 – 2015), Business Development Manager – Small Business Programs (2011 – 2013), and Manager – SA Young Entrepreneur Scheme (2007 – 2011).

## **DLS Horticulture Pty Ltd**

Proprietor (July 1998 – November 2007)

• Growth and export of cut flowers, and delivery of technical services to the viticulture industry.

# Qualifications

Bachelor of Science (Molecular Genetics), University of Adelaide (1997)
Bachelor of Science (Honours) (Genetics and Plant Breeding), Flinders University (1998)
Graduate Diploma in Business Enterprise, University of Adelaide (2001)

# **Professional Development**

Certificate IV in Small Business Management, TAFE SA, (1999)

## **Awards and Achievements**

- Finalist 'Best Youth Entrepreneurship Project' The ICC World Chambers Competition, Qatar 2013
- Churchill Fellow Study tour of the USA and UK to investigate Entrepreneurial Programs for Young People (2010). Report: www.churchilltrust.com.au/fellows/detail/3483/Daniel+SMITH
- National Young Scientist Award DAFF, June 2001 bud dissection research to assist grape growers with yield/quality targeting, commercialised into a professional service.

# THE MASSCHALLENGE MODEL

#### WHY ENTREPRENEURS?

Entrepreneurs are at the heart of the creative innovation economy: they find and solve the world's biggest problems using limited resources. But starting a business is extremely challenging and risky, and entrepreneurs can't do it alone.

At MassChallenge, we believe great ideas are everywhere, but opportunity is not. We envision a creative and inspired society in which everyone is empowered to turn their brilliant ideas into gamechanging businesses.



#### WHY NOW?

The need for innovation is unending: new challenges constantly need to be addressed through new, innovative solutions. Obstacles to innovation like unstable economic markets, barriers to capital, and weak ecosystems can create friction for entrepreneurs which — in turn — slows the pace of change.

Organizations like MassChallenge and our supportive innovation



Headquartered in the United States with locations in Boston, Israel, Mexico, Rhode Island, Switzerland, and Texas, MassChallenge strengthens the global innovation ecosystem by accelerating high-potential startups across all industries, from anywhere in the world — for zero-equity taken.



O Boston

Israel

FinTech (in Boston)

HealthTech (in Boston)

- 9 ACCELERATOR PROGRAMS
  - Australia
- AustraiChina
- Colombia
  - France

- 14 BRIDGE TO MC PROGRAMS
- Poland
- Republic of Ireland
- Russia
- Spain









**2018 BY THE NUMBERS** 









## MassChallenge

February 13, 2019 · 🌣

Talk about MASSIVE IMPACT: in 2018, @MassChallenge accelerated 450 #startups from 54 countries that:

- Raised \$1B+ in funding
- ☑ Generated \$500M+ in revenue
- Created 40K+ jobs

Learn more about our 2018 #startups and our work to date strengthening the global #innovation ecosystem in our annual Global Impact Report:

https://readymag.com/MassChallenge/Impact2018/



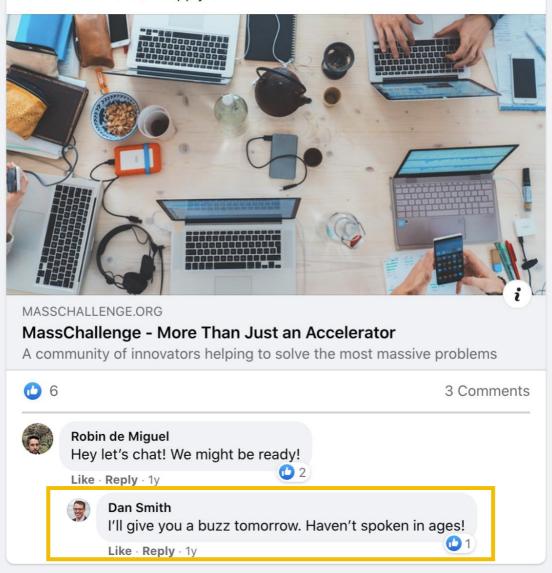
Retrieved on 10 August 2020





MC International Applications are open again. Here is a message from HQ:

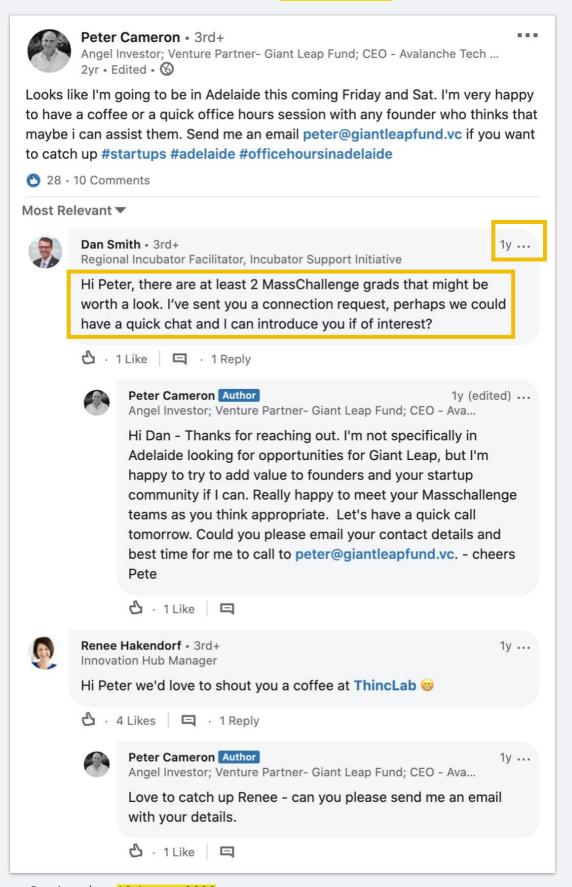
It's the most wonderful time of the year: Applications are now open for 2019 MassChallenge programs in Boston, Rhode Island, Switzerland & Texas! Don't miss this incredible opportunity to take your #startup to the next level. Learn more and apply at:



Retrieved on 10 August 2020



# **NETWORKING** FOR MASSCHALLENGE – **AFTER** JUNE 2018



Retrieved on 10 August 2020

From: Incubator Support Programme Management Incubator Support. Programme Management@industry.gov.au

Subject: Further information regarding Incubator Support Regional Incubator Facilitators [SEC=OFFICIAL]

Date: 23 December 2020 at 3:51 pm

To:

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

#### Dear

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
IncubatorSupport.ProgrammeManagement@industry.gov.au

business.gov.au/EP



