



Ash Roth

Via email: foi+request-11947-7ccfa5e6@righttoknow.org.au

Dear Ash Roth

**Your Freedom of Information request –
 Charges and notification of third party consultation**

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 25 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘I am seeking copies of correspondence between the Department and The Australia Institute, and the Department and Greenpeace, on the topic of the reforms of the EPBC Act / the Nature Positive reforms, from 1 January 2024 onwards.’

Preliminary assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$221.83 calculated as follows:

Search and retrieval time: 10 hours at \$15.00 per hour	\$150.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$71.83
Consultation with one third party at 2 hours per party	\$40.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$221.83

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession 30 documents, totalling 65 pages relevant to your request.

Required action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- agree to pay the charge;
- wish to contend that the charge has been wrongly assessed or should be reduced or not imposed or both; or
- withdraw your request.

If you do not provide a written response in accordance with one of the above options within 30 days of receiving this notification, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$55.46. You may, of course, elect to pay the charge in full at this point.

Payment can be made by direct deposit to:

A/C Name: DCCEEW Departmental Account
Branch: London Circuit, Canberra
Bank: Reserve Bank
BSB: 092 009
A/C No. 147762
ABN No: 63 573 932 849

Please include the FOI reference number (LEX-78014) in the description/reference field when making payment and send an email with notification of payment to foi@dcceew.gov.au as soon as it has been made.

If you are not able to pay by direct deposit, please contact the department for assistance.

Option – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option – withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Address for correspondence

Please send all correspondence regarding your FOI request to the following address:

FOI Coordinator
Department of Climate Change, Energy, the Environment and Water
GPO Box 3090
Canberra ACT 2601

Or by email to foi@dcceew.gov.au.

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Third party consultation – business documents

Your request covers documents which may contain information concerning the business, commercial or financial affairs of an organisation, or a person's business or professional affairs. As such, the department is required to consult with the person or organisation concerned under section 27 of the FOI Act before making a decision on the release of those documents.

The consultation mechanism under section 27 applies when the department considers the person or organisation concerned may wish to contend that the requested documents are exempt because their release would disclose trade secrets or commercially valuable information or may adversely affect their business or financial affairs. The department will take into account any comments we receive from the person or organisation. However, the final decision on whether to grant you access to the documents requested rests with this department.

Third party consultation – documents affecting personal privacy

Your request also covers documents which contain the personal information of individuals. As such, the department is required to consult with those relevant third parties under section 27A of the FOI Act before making a decision on the release of those documents.

The consultation mechanism under section 27A applies when the department considers the individual or their representative may wish to contend that the requested documents are exempt for reasons of personal privacy. The department will take into account any comments we receive from these individuals. However, the final decision about whether to grant you access to the documents you requested rests with this department.

Time limits for processing your request

To inform the decision on release of documents, the FOI Act requires that the above third parties are consulted and provides a further time period for the consultation process. Subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 calendar days. Accordingly, this will give the department 60 calendar days within which to notify you of its decision on access to the documents.

Further assistance

If you have any questions, please email foi@dcceew.gov.au.

Yours sincerely



Anna-Liisa Lahtinen
Acting Branch Head
Policy and Legislation Branch
Nature Positive Taskforce

13 September 2024