



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77413

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges**

I refer to your revised request, received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 17 June 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Any correspondence and emails relating to Dr Jodi Edwards being awarded a \$300,000 grant in February 2024 to explore how Indigenous songlines have protected whales and dolphins over hundreds of years. Documents from June 2023 and July 2024.’

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 \$[281.75] calculated as follows:

Search and retrieval time: 5 hours at \$15.00 per hour	\$75.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$86.75
Consultation with 4 third parties at 2 hours per party	\$160.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$281.75

*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 19 documents with 73 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with one of the above options within 30 days of receiving this notification, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of 70.44. 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-77413) in the description/reference field when making payment, and send an email with notification of payment to foi@dceew.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 your organisation 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 or your organisation 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

You were advised in correspondence on 10 July 2024 that the department will need to undertake third party consultation for documents included in this 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

A handwritten signature in cursive script that reads "Lisa Nitschke".

Lisa Nitschke
Branch Head
Environment Information Australia, Environmental Economics Science and Reporting
24 July 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77549

s. 22(1)(a)(ii)
s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your revised request, on behalf s. 22(1)(a)(ii), dated 29 June 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Documents relating to the recent Australian Antarctic Divisions for the provision of Intercontinental Air Services as a precursor to a tender process explaining the reason for not running. tender process and reasons for awarding an extension to Skytraders including any non commercial in confidence correspondence between the Department and Skytraders. It is noted that the contract price has not been entered into the Austender website as is normal. Details of the total price of the extension is requested.

Excluding:

Specific details of any companies RFI response is not required.

Documents from 01 September 2023 to 28 June 2024’

On 22 July 2024, the department wrote to you and provided website links for the pricing for the contract price with Skytraders. On 23 July 2024, you responded,

‘I acknowledge that pricing information is now available on the Austender website. That information now does not need to be provided.

However, the rest of the request has not been fulfilled.

“Documents relating to the recent Australian Antarctic Divisions for the provision of Intercontinental Air Services as a precursor to a tender process explaining the reason for not running. tender process and reasons for awarding an extension to Skytraders including any non commercial in confidence correspondence between the Department and Skytraders.”

To be specific, I request all details including deliberations, evaluation of options, other offers etc that arrives at the decision to award a three year extension to Skytraders.’

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 \$127.27 calculated as follows:

Search and retrieval time: 6 hours at \$15.00 per hour	\$90.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$37.27
Consultation with 1 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	\$127.27

*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 11 documents with 41 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$31.82. 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-77549) 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 and/or your organisation 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 and/or your organisation 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

The relevant documents contain the personal information of one or more third parties, and information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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



Matt Filipowski
A/g Branch Head
Operations and Logistics Branch
Australian Antarctic Division
[26 July 2024]



Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

Ref: LEX-77696

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated 17 July 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'All correspondence, agendas and notes/minutes of meetings between Bowenville Developments Pty Ltd, or their agents, and the DCCEEW regarding:

- DA 10.2023.40579.1 Brooklyn Fields Stages 6-7, 114 Lot Subdivision, Brooklyn Drive, Thurgoona NSW 2640
- DA10.2022.39695.1 Brooklyn Fields Stages 6-15, 664 Lot Residential Subdivision, Brooklyn Drive, Thurgoona NSW 2640
- 'The Oaks' Residential Development at 360 Kerr Road, Thurgoona NSW 2640

Documents from 1 January 2022 to 17 July 2024.'

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 \$147.83 calculated as follows:

Search and retrieval time: 4 hours at \$15.00 per hour	\$60.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$47.83
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$147.83

*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 9 documents with 32 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$36.96. 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-77696) 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

The relevant documents contain the personal information of one or more third parties, and information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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

A handwritten signature in black ink, appearing to be 'JP', with a long horizontal stroke extending to the right.

Jennifer Pearson
Acting Branch Head
Environment Assessments NSW and ACT Branch
Nature Positive Regulation Division
26 July 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77547

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your revised request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 29 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘We request information held by DCCEEW relating to the granting of \$9.5m funding to CO2CRC for the purposes of the International CCUS Research Partnerships Program:

- a) Copies of written communications between January 1 2023 and September 11 2023, between DCCEEW and CO2CRC regarding the development of a closed non-competitive grant opportunity for CO2CRC.
- b) Minutes of meetings between DCCEEW and CO2CRC between January 1 2023 and September 11 2023, and copies of presentations or briefings presented at those meetings.
- c) Briefs and memos sent within the Department regarding CO2CRC or the International CCUS Research Partnerships Program, between January 1 2023 and September 11 2023.
- d) Any submissions, applications, program design and budget documents submitted by CO2CRC to DCCEEW in relation to the grant referred to in part (a), between January 1 2023 and March 29 2024.
- e) Agreements signed by DCCEEW and CO2CRC related to the grant.’

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 \$429.11 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	\$279.11
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	\$429.11

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

T +61 2 6274 1111
F +61 2 9094 2221

John Gorton Building
King Edward Terrace
Parkes ACT 2600

GPO Box 3090
Canberra ACT 2601

dceew.gov.au
ABN 63 573 932 849

I am advised that the department has in its possession 46 documents with 307 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$107.28. 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-77547) 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 your organisation 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 your organisation 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

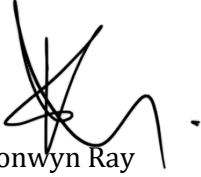
The relevant documents contain personal information of one or more third parties and information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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

A handwritten signature in black ink, appearing to be 'Bronwyn Ray', with a stylized flourish at the end.

Bronwyn Ray
Branch Head
Decarbonisation Initiatives
Net Zero Industries
02 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77680

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)
CC via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, on behalf of s. 22(1)(a)(ii) received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 16 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'We act for s. 22(1)(a)(ii) and make this freedom of information request on its behalf.

We refer to the *notification of referral decision – not controlled action if taken in a particular manner* [for Northern Midlands Solar Farm, Tasmania (EPBC 2024/09775)] made under sections 75 and 77A of the EPBC Act dated 03 May 2024, a copy of which is attached with this email.

Information Required

We request, on behalf of our client, all documents comprising the decision brief for the controlled action decision.

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 **\$382.43** calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$297.43
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$382.43

*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 with 395 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of **\$95.61**. 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-77680) 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 SOLVE 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 SOLVE 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

The relevant documents contain personal information of one or more third parties.

The relevant documents also contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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

A handwritten signature in black ink, appearing to read 'Rachel Short', written in a cursive style.

Rachel Short
Branch Head
Environment Assessments (Vic and Tas) and Post Approvals Branch
Nature Positive Regulation Division

6 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77748

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****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 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am seeking correspondence received by the Department from the Chamber of Minerals and Energy of Western Australia and the Queensland Resources Council relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

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 \$124.48, which is a conservative estimate and is calculated as follows:

Search and retrieval time: 6 hours at \$15.00 per hour	\$90.15
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$34.33
Consultation with 1 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	\$124.48

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

T +61 2 6274 1111
F +61 2 9094 2221John Gorton Building
King Edward Terrace
Parkes ACT 2600GPO Box 3090
Canberra ACT 2601dceew.gov.au
ABN 63 573 932 849

I am advised that the department has in its possession 6 documents (totalling 29 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$31.12. 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-77748) 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 your organisation 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 your organisation 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



Mahani Taylor
Branch Head
Nature Positive Law Reform and Standards Branch
Nature Positive Taskforce Division

8 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77748

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges decision

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

'I am seeking correspondence received by the Department from the Chamber of Minerals and Energy of Western Australia and the Queensland Resources Council relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

My decision

I have decided to **not to impose** the charge of \$124.48.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

Time periods of 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 applicant was notified of the charge until:

- the day after the charge (or deposit) is paid; or
- if applicable, where a subsequent review decision has been provided, the day after:
 - a charge or deposit has been paid; or
 - the applicant is notified of a decision to not impose the charge.

The department notified you in our preliminary assessment of charges that we would be undertaking third party consultations. Subsection 15(6) of the FOI Act extends the standard

statutory 30-day limit of 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 documents.

As I have decided to not to impose the charge, a decision is now due to you by 14 October 2024.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the Department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman.

Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

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

Yours sincerely



Mahani Taylor
Branch Head
Nature Positive Law Reform and Standards Branch
Nature Positive Taskforce Division

28th August 2024

Attachment A

REASONS FOR DECISION**What you requested**

'I am seeking correspondence received by the Department from the Chamber of Minerals and Energy of Western Australia and the Queensland Resources Council relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 25 July 2024;
- the preliminary assessment of charges dated 8 August 2024;
- other discussions and correspondence with you on 12 and 13 August 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to **not to impose** the charge of \$124.48. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 8 August 2024, I wrote to you to advise you that I had decided to impose a charge of \$124.48 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 6 hours at \$15.00 per hour	\$90.15
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$34.33
Consultation with 1 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	\$124.48

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

Your contentions

On 12 August 2024, you requested a waiver of the charge for processing your request under the FOI Act, on the grounds of public interest. Specifically, your correspondence provided:

'I wish to contend that the charge assessed for the below FOI (LEX-77748) should not be imposed due to public interest factors in favor of release of the documents. My reasons behind the suggestion that the documents are in the general public interest are listed below:

- The documents relate to a current matter of public debate. The requested documents relate to corporate engagement with Australia's Nature Positive Reforms, the second stage of which is currently before the Senate, and the third stage of which the Federal Government have committed to delivering at a to be determined time. Disclosure of the documents would likely assist and inform public comment or participation on the policy issue, particularly in regards to the government's planned [public consultation](#) on the exposure draft of the new environmental laws.
- Previous Freedom of Information [requests](#) (Reference number FOI/2024/109) related to this issue have revealed behind-the-scenes lobbying from industry to weaken the planned reform to Environmental Protection Biodiversity Conservation (EPBC) Act. Specifically, this lobbying has sought to ensure the exclusion of climate considerations in Australia's EPBC Act, which would force government to consider the emissions damage of high emitting projects when assessing a project.
- Transparency around such corporate behaviour is central to the wider public interest, at a time when the [Intergovernmental Panel on Climate Change](#) and the [International Energy Agency](#) have clearly outlined the need for no new fossil fuel projects to proceed if we are to avert dangerous levels of global warming.
- It is likely the documents contain further evidence of industry opposition to a climate trigger/to the introduction of climate considerations in the EPBC Act, and disclosure of such information is integral to informing the Australian public as to which industry members are actively engaged in advocacy seeking to delay Australia's transition to net-zero, a rapid and timely transition to which is needed to ensure a safe and habitable climate for Australian citizens.

I appreciate your consideration.'

Financial hardship

Under section 29(5)(a) of the FOI Act, I am required to consider whether payment of the charge would cause financial hardship to you.

Paragraph 4.101 of the Guidelines relevantly provides:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself and your family, or other people for whom you are responsible.

The Guidelines further provide that an applicant relying on the grounds of financial hardship would ordinarily be expected to provide some evidence of financial hardship, such as receipt of an income support payment or evidence of income, debts or assets. In this regard, I note that you have not made submissions relating to financial hardship.

As you have not provided evidence in relation to your financial status, I am not satisfied that the payment of the charge would cause financial hardship to you.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

The Guidelines further provide that there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions in relation to the current public debate into the department's Nature Positive reforms, including the planned public consultation process, and the relevance of this to the general public interest or a substantial section of the public. Specifically, I have noted that the documents relate to a matter of current public debate and policy issue, in which disclosure of the documents would better inform the public and assist in public debate or discussion. On this basis, I am satisfied that there is a public interest in the disclosure of the information. As such, I have decided not to impose a charge.

Conclusion

As set out above, I have decided not to impose the charge, as giving access to the documents that are captured by your request would be in the general public interest or the interest of a substantial section of the public.



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77776

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)**

**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 30 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘In relation to the Mt Arthur Coal Mine Modification 2, EPBC number 2024/09796, a copy of correspondence and records of meetings between the proponent (and its representatives and/or agents) and the Department of Climate Change, Energy, Environment and Water.

Please exclude publicly available documents.

Documents from 1 June 2024 to 30 July 2024.’

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 \$147.50, which is a conservative estimate and is calculated as follows:

Search and retrieval time: 7.5 hours at \$15.00 per hour	\$112.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$35.00
Consultation with 1 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	\$147.50

*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 8 documents (totalling 21 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$36.88. 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-77776) 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 your organisation 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 your organisation 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



Sarah Reachill
Acting Branch Head
Environment Assessments NSW and ACT Branch
Nature Positive Regulation Division

9 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77671

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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

I refer to your revised request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 2 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I understand that your role as the FOI Contact Officer is crucial in providing the necessary information. My requests are straightforward and do not, in fact, require the extensive work claim being used by the Department. I trust in your ability to facilitate meaningful responses to these requests for information. Perhaps I could rephrase my requests as follows.

S. 47F(1)

Please respond meaningfully to these very simple and easy requests that do not, in fact, require very much at all in the way of resource application from the Department, contrary to the claims made in your recent letter (attached). Indeed, for the Department to claim the 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act exemptions is disingenuous in the extreme and can only be seen as a misuse of the relevant sections to obfuscate and avoid accountability in contravention of the original intentions of the Act.

I am confident that the information I have requested can be provided as per the above declarations. I appreciate your attention to these matters.'

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 \$120.69 calculated as follows:

Search and retrieval time: 2 hours at \$15.00 per hour	\$30.00
Decision-making time: \$20.00 per hour, Examining pages, redacting and scheduling documents	\$50.69
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$120.69

*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 8 documents in its possession relevant to your request, totalling 67 pages.

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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$25.00, you are required to pay a deposit of \$30.17. 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-77671) in the subject field, 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 your organisation 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 your organisation 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 me at 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.

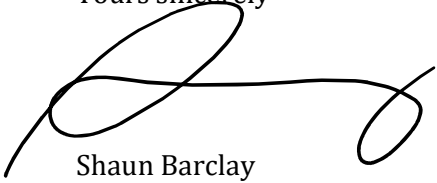
Publication of information in the FOI disclosure log

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.

Further assistance

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

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a smaller loop at the end.

Shaun Barclay
Branch Head
Kakadu and Cultural Heritage Branch
Parks Australia
12 August 2024



Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

Ref: LEX-77756

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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 26 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am seeking correspondence received by the Department from the Australian Energy Producers and Association of Mining and Exploration Companies relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

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 \$59.17, which is a conservative estimate and is calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$14.17
Consultation with 1 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	\$59.17

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

T +61 2 6274 1111
F +61 2 9094 2221

John Gorton Building
King Edward Terrace
Parkes ACT 2600

GPO Box 3090
Canberra ACT 2601

dceew.gov.au
ABN 63 573 932 849

I am advised that the department has in its possession 2 documents (totalling 12 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20. 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-77756) 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 your organisation 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 your organisation 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



Mahani Taylor
Branch Head
Nature Positive Law Reform and Standards Branch
Nature Positive Taskforce Division

12 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77756

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges decision

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 26 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am seeking correspondence received by the Department from the Australian Energy Producers and Association of Mining and Exploration Companies relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

My decision

I have decided to **not to impose** the charge of **\$59.17**.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

Time periods of 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 applicant was notified of the charge until:

- the day after the charge (or deposit) is paid; or
- if applicable, where a subsequent review decision has been provided, the day after:
 - a charge or deposit has been paid; or
 - the applicant is notified of a decision to not impose the charge.

The department notified you in our preliminary assessment of charges that we would be undertaking third party consultations. Subsection 15(6) of the FOI Act extends the standard statutory 30-day limit of 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 documents.

As I have decided to not to impose the charge, a decision is now due to you by 10 October 2024.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the Department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman.

Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

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

Yours sincerely



Mahani Taylor
Branch Head
Nature Positive Law Reform and Standards Branch
Nature Positive Taskforce Division

28th August 2024

REASONS FOR DECISION

What you requested

'I am seeking correspondence received by the Department from the Australian Energy Producers and Association of Mining and Exploration Companies relating to reforms to the Environment Protection and Biodiversity Conservation Act (EPBC Act). This request for documents is confined to emails (and attached documents) or letters on letterhead from these associations to the Department between January 1st 2024 and June 1st 2024, and excludes publicly available documents and any documents of an administrative nature.

I am particularly interested in communications that make reference to the inclusion of a climate trigger or climate considerations into the EPBC Act. If it would help to refine the scope, I would be open to adjusting this request to seek documents that contain these keywords eg. "climate trigger", "climate considerations" and "climate change considerations"

Documents from 1 January 2024 to 1 June 2024.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 26 July 2024;
- the preliminary assessment of charges dated 12 August 2024;
- other discussions and correspondence with you on 13 August 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided **not to impose** the charge of **\$59.17**. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 12 August 2024, I wrote to you to advise you that I had decided to impose a charge of \$59.17 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$14.17
Consultation with 1 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	\$59.17

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

Your contentions

On 12 August 2024, you requested a reduction or waiver of the charge for processing your request under the FOI Act, on the grounds of public interest. Specifically, your correspondence provided:

'I wish to contend that the charge assessed for the below FOI should not be imposed due to public interest factors in favor of release of the documents. My reasons behind the suggestion that the documents are in the general public interest are listed below:

- The documents relate to a current matter of public debate. The requested documents relate to corporate engagement with Australia's Nature Positive Reforms, the second stage of which is currently before the Senate, and the third stage of which the Federal Government have committed to delivering at a to be determined time. Disclosure of the documents would likely assist and inform public comment or participation on the policy issue, particularly in regards to the government's planned public consultation on the exposure draft of the new environmental laws.
- Previous Freedom of Information requests (Reference number FOI/2024/109) related to this issue have revealed behind-the-scenes lobbying from industry to weaken the planned reform to Environmental Protection Biodiversity Conservation (EPBC) Act. Specifically, this lobbying has sought to ensure the exclusion of climate considerations in Australia's EPBC Act, which would force government to consider the emissions damage of high emitting projects when assessing a project.
- Transparency around such corporate behaviour is central to the wider public interest, at a time when the Intergovernmental Panel on Climate Change and the International Energy Agency have clearly outlined the need for no new fossil fuel projects to proceed if we are to avert dangerous levels of global warming.
- It is likely the documents contain further evidence of industry opposition to a climate trigger/to the introduction of climate considerations in the EPBC Act, and disclosure of such information is integral to informing the Australian public as to which industry members are actively engaged in advocacy seeking to delay Australia's transition to net-zero, a rapid and timely transition to which is needed to ensure a safe and habitable climate for Australian citizens.

I appreciate your consideration.'

Financial hardship

Under section 29(5)(a) of the FOI Act, I am required to consider whether payment of the charge would cause financial hardship to you.

Paragraph 4.101 of the Guidelines relevantly provides:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself and your family, or other people for whom you are responsible.

The Guidelines further provide that an applicant relying on the grounds of financial hardship would ordinarily be expected to provide some evidence of financial hardship, such as receipt of an income support payment or evidence of income, debts or assets. In this regard, I note that you have not made submissions relating to financial hardship.

As you have not provided evidence in relation to your financial status, I am not satisfied that the payment of the charge would cause financial hardship to you.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

The Guidelines further provide that there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions in relation to the current public debate into the department's Nature Positive reforms, including the planned public consultation process, and the relevance of this to the general public interest or a substantial section of the public. Specifically, I have noted that the documents relate to a matter of current public debate and policy issue, in which disclosure of the documents would better inform the public and assist in public debate or discussion. On this basis, I am satisfied that there is a public interest in the disclosure of the information. As such, I have decided not to impose a charge.

Conclusion

As set out above, I have decided not to impose the charge, as giving access to the documents that are captured by your request would be in the general public interest or the interest of a substantial section of the public.



Australian Government
**Department of Climate Change, Energy,
 the Environment and Water**

Ref: LEX-77546

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated 27 June 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 27 June 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Paranui Weir Preliminary Business Case completed Dec 2023 by Sunwater’

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 \$150.53 calculated as follows:

Search and retrieval time: 0.5 hours at \$15.00 per hour	\$3.75
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$106.70
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$60.08
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$150.53

*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 1 document with 291 pages relevant to your request being the ‘Paranui Weir Business Case’ and note your confirmation in your email dated 15 August 2024 that your request excludes the appendices to that report.

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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$37.63. 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-77546) 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.

Further assistance

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

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Mark Darrough
Branch Head
Water Grid Infrastructure Investment Branch
Water Infrastructure and Investment Division

16 August 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77822

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

**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 5 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'In records obtained through freedom of information legislation on 30 July 2024 (LEX77230), correspondence from Tamboran Resources to DCCEEW on 17 May 2024 indicated that the IESC would travel for a 'field visit' regarding its activities in the Beetaloo sub-basin in June/July.

We request a copy of any correspondence with or between Tamboran Resources, the NT Government, the Office of Water Science, the Independent Expert Scientific Committee and the DCCEEW regarding this field visit.

We request all records of that field visit.

Documents from 1 January 2024 to 5 August 2024.'

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 \$161.13, which is a conservative estimate and is calculated as follows:

Search and retrieval time: 6 hours at \$15.00 per hour	\$90.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$71.13
Consultation with 1 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	\$161.13

*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 19 documents (totalling 44 pages) relevant to your request. Noting, that the field trip was cancelled and is yet to occur.

T +61 2 6274 1111
F +61 2 9094 2221

John Gorton Building
King Edward Terrace
Parkes ACT 2600

GPO Box 3090
Canberra ACT 2601

dceew.gov.au
ABN 63 573 932 849

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 \$40.28. 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-77822) 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 your organisation 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 your organisation 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



Marcus Finn
Branch Head
Northern Basic, Science and First Nations Branch
Environmental Water and Aquatic Ecosystems Division

16 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77775

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****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 30 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I would like a copy of correspondence and records of meetings between the proponent (and their representatives and/or agents) and the Department of Climate Change, Energy, Environment and Water in relation to the Valhalla Gas Exploration and Appraisal Program.

Documents from 1 January 2024 to 30 July 2024.'

Please note; the scope of your FOI request has been interpreted to exclude publicly available documents, which can be located at the following link: [Referral summary · EPBC Act Public Portal \(awe.gov.au\)](#).

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 \$112.50, which is a conservative estimate and is calculated as follows:

Search and retrieval time: 4 hours at \$15.00 per hour	\$60.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$52.50
Consultation with 1 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	\$112.50

*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 13 documents (totalling 45 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 \$28.13. 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-77775) 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 your organisation 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 your organisation 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



Kylie Calhoun
Branch Head
Environment Assessments West (NT/SA/WA) Branch
Nature Positive Regulation Division

16 August 2024

Ref: LEX-77809

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 1 August 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Can you please supply any draft business plans and related correspondence regarding Australia’s bid to co-host the 31st Conference of the Parties (COP31), which is outlined in Budget Paper No. 2, page 52.’

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 \$60.00 calculated as follows:

Search and retrieval time: 4 hours at \$15.00 per hour	\$60.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$30.80
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$60.00

*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 seven documents with 21 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20. 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-77809) 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.

Further assistance

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

Yours sincerely

A handwritten signature in blue ink, appearing to be 'AK', with a horizontal line underneath.

Aaron Kirby
a/g Branch Head
Climate Operations
International Climate Negotiations
22 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77809

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii) Cc: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges decision

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 1 August 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Can you please supply any draft business plans and related correspondence regarding Australia’s bid to co-host the 31st Conference of the Parties (COP31), which is outlined in Budget Paper No. 2, page 52.’

On 22 August 2024 you were advised of the charge associated with processing your request in the amount of \$60.

On 27 August 2024 you contended the charge should not be imposed.

My decision

I have decided to **not to impose** the charge of \$60.00.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

Time periods of 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 applicant was notified of the charge until:

- the day after the charge (or deposit) is paid; or
- if applicable, where a subsequent review decision has been provided, the day after:
 - a charge or deposit has been paid; or
 - the applicant is notified of a decision to not impose the charge.

As I have decided to not to impose the charge, a decision is now due to you by 7 October 2024.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request. You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the Department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman. Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

I note that your submissions as to why the charges should not be imposed on this occasion and why waiving charges was in the public interest were not substantial. You may wish to consider, including further rationale as to why the department should not impose a charge on the basis of the general public interest in future requests.

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

Yours sincerely



Aaron Kirby
Acting Branch Head
Climate Operations Branch
International Climate Negotiations Division

25 September 2024

REASONS FOR DECISION

What you requested

'Can you please supply any draft business plans and related correspondence regarding Australia's bid to co-host the 31st Conference of the Parties (COP31), which is outlined in Budget Paper No. 2, page 52.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 1 August 2024;
- other discussions and correspondence with you on 6 August and 3 September 2024;
- the preliminary assessment of charges dated 22 August 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to **not to impose** the charge of \$60.00. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 22 August 2024, I wrote to you to advise you that I had decided to impose a charge of \$60.00 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 4 hours at \$15.00 per hour	\$60.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$30.80
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$60.00

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

Your contentions

On 27 August 2024, you requested a reduction or waiver of the charge for processing your request under the FOI Act, on the grounds that s. 22(1)(a)(ii) the release of the documents is in the public interest. Specifically, your correspondence provided:

‘Thank you for your email and ‘Notification of Charges’ related to FOI: LEX 77809.

As per the options outlined in your letter, I would like to: *seek non-imposition of the charge.*

s. 22(1)(a)(ii)

I believe access to these documents is in the general public interest.’

Financial hardship

Under section 29(5)(a) of the FOI Act, I am required to consider whether payment of the charge would cause financial hardship to you.

Paragraph 4.101 of the Guidelines relevantly provides:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself and your family, or other people for whom you are responsible.

The Guidelines further provide that an applicant relying on the grounds of financial hardship would ordinarily be expected to provide some evidence of financial hardship, such as receipt of an income support payment or evidence of income, debts or assets. In this regard, I note that you have not provided evidence to support a claim regarding financial hardship.

As you have not provided evidence in relation to your financial status, I am not satisfied that the payment of the charge would cause financial hardship to you.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the ‘general public interest’ or the ‘substantial section of the public’ that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.108 of the Guidelines further provides:

There is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions in relation to access to the documents is in the general public interest. However, I also note that you have not provided any additional rationale in your submissions as to your reasons why access to the documents is in the general public interest or the interest of a substantial section of the public.

While considering if access to the documents would be in the public interest, I have considered the objects of the FOI Act, whether the document relates to a matter of public debate, or to a policy issue under discussion within an agency, and disclosure will assist public comment on, or participation in, the debate or discussion.

In addition, as the decision to bid to co-host COP31 has already been made, has been announced and information in relation to this decision is publicly available, the documents do not specifically relate to an agency decision that has been a topic of public interest or discussion. In my view the disclosure of the documents in scope will not better or further inform the public as to why or how the decision was made.

Therefore, I am not satisfied that it would be in the general public interest or the interest of a substantial section of the public to give access to the documents. This is because of the reasons provided above and noting that the decision on who will co-host COP31 is yet to be made. Noting this, I do not consider that the documents would add to the public record, assist the public to understand relevant decision making processes in relation to the decision to co-host COP31, nor do I consider that they would assist participation in public debate or discussions regarding the bid and would in fact be contrary to the public interest.

Other matters

Under section 29(5) of the FOI Act, I may take into account other matters in determining whether or not to impose the charge.

I have considered your submissions, [s. 22\(1\)\(a\)\(ii\)](#)

While I have noted your submissions, I am not satisfied that this reason warrants a reduction or non-imposition of the charge. This is because the scope of your request is for draft business plans and related correspondence regarding Australia's bid to co-host COP31 and does not specifically refer to government spending. Noting this, I do not consider that the documents would assist the public to understand the spending decisions made by the department, nor do I consider that the documents would assist participation in the public debate and discussions regarding government spending.

As mentioned above, the Guidelines provide that there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation.

However, I have considered paragraph 4.114 of the Guidelines, which provides that an agency or minister has a general discretion to reduce or not impose a charge, and this discretion is not

limited to financial hardship or public interest grounds. In particular, where the cost of calculating and collecting a charge might exceed the cost to the agency of processing the request.

On this basis, I am satisfied that the administrative cost involved in collecting the charge on this occasion will likely exceed the cost itself. As such, I have decided not to impose a charge in this instance.



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77819

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, on behalf of s. 22(1)(a)(ii), received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 5 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Pursuant to the Freedom of Information Act 1982 (Cth) (FOI Act), s. 22(1)(a)(ii) requests access to the following document in the possession of the Department of Climate Change, Energy, the Environment and Water:

a. any correspondence from the Western Australian Environmental Protection Authority to Woodside dated February 2024 titled “EPA preliminary view to the proponent that the proposal was unacceptable”.

Our request excludes any personal information within the meaning of s 47F of the FOI Act or personal details about government staff or third parties.’

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 \$ 91.81 calculated as follows:

Search and retrieval time: 1 hours at \$15.00 per hour	\$ 15.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$ 36.81
Consultation with 2 third parties at 2 hours per party	\$ 80.00
Writing statement of reasons	\$ 60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$ 91.81

*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 2 documents with 46 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 \$25 but is less than \$100, you are required to pay a deposit of \$20. 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-77819) 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 and/or your organisation 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 and/or your organisation 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

The relevant documents contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

Your request also covers information originating with, or received from, a State or a State authority.

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



Kylie Calhoun
Branch Head
Environment Assessments West (NT/SA/WA) Branch, Nature Positive Regulation Division

23 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77821

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges**

I refer to your revised request, dated 21 August 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'In the IESC's 15 May 2024 meeting, Dr Dylan Irvine, groundwater scientist at Charles Darwin University, delivered a presentation to the Committee on the projected impacts of climate change on hydrological systems, groundwater-surface water interactions in northern rivers, and the shale gas regions of the Northern Territory. We would like a copy of this presentation and any related records. In addition, in the IESC's meeting on 19-20 June 2024, Dr Lisa Golding presented to the Committee on the risk assessment of chemicals associated with unconventional gas development. The presentation demonstrated the integration of chemical risk assessment, contaminant fingerprinting, ecotoxicology and modelling risk at local and regional levels in the Beetaloo Sub-basin to assess the potential impacts of unconventional shale gas development. We would like a copy of this presentation and any related records.

Documents from 1 May 2024 to 30 June 2024.

Excluding any video or audio recording.'

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 \$119.08 calculated as follows:

Search and retrieval time: 1.25 hours at \$15.00 per hour	\$18.75
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$60.33
Consultation with two third parties at two hours per party	\$80.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$119.08

*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 four documents with 90 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$29.77. 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-77821) 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 your organisation 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 your organisation 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



Marcus Finn
Branch Head
Northern Basin, Science and First Nations Branch
Environmental Water and Aquatic Ecosystems Division

23 August 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77823

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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 5 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I request information held by DCCEEW relating to likely and actual impacts of DBCA's prescribed burning program in Western Australia to Matters of National Environmental Significance, and the application of the EPBC Act to prescribed burning actions taken by DBCA.

Specifically, I request access to:

- Any correspondence between DBCA and the DCCEEW regarding EPBC application or compliance in relation to the proposed Nornalup prescribed burn and the recent Styx burn near Denmark
- Other documents held by DCCEEW that contain information regarding the application of the EPBC act to the above burns.
- Any documents held by DCCEEW that contain information regarding the application of the EBBC Act more generally to DBCA's Prescribed Burning program.
- Any meeting notes, email records or other information that relate to these matters.

Exclude publicly available documents

Documents from 1 January 2017 to 5 August 2024 (date of FOI request).'

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 \$386.00, which is a conservative estimate and is calculated as follows:

T +61 2 6274 1111
F +61 2 9094 2221

John Gorton Building
King Edward Terrace
Parkes ACT 2600

GPO Box 3090
Canberra ACT 2601

dceew.gov.au
ABN 63 573 932 849

Search and retrieval time: 5 hours at \$15.00 per hour	\$75.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$231.00
Consultation with 3 third parties at 2 hours per party	\$120.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$386.00

*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 34 documents (totalling 198 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 \$96.50. 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-77823) 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 your organisation 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 your organisation 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 – documents affecting Commonwealth-State relations

Your request covers documents that originated with, or were received from a State, or an authority of the State, or contains information that originated with, or was received from a State, or an authority of the State. As such, the department is required to consult with that State under section 26A of the FOI Act before making a decision on the release of those documents.

The consultation mechanism under section 26A applies when the department considers the State, or an authority of the State may wish to contend that the requested documents are exempt for reasons of Commonwealth-State relations. The department will take into account any comments we receive from the State or an authority of the State. However, the final decision about whether to grant you access to the documents you requested rests with this department.

Third party consultation – business documents

Your request also 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.

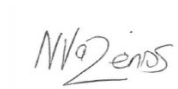
Time limits for processing your request

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

A handwritten signature in black ink that reads "NVazenios". The signature is written in a cursive style with a large initial "N" and a stylized "V".

Nick Vazenios
Acting Branch Head
Environment Assessments West (NT/SA/WA) Branch
Nature Positive Regulation Division
30 August 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77888

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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

I refer to your request dated 13 August 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'Pursuant to FOI laws, I wish to obtain all documents related to contract CN3944601 with the Australian Academy of Science up until and including the date of publication on the Austender website (7 February 2023).'

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 \$200.45 calculated as follows:

Search and retrieval time: 5 hours at \$15.00 per hour	\$75.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$84.20
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$61.25
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$200.45

*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 15 documents with 56 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 \$50.11. 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-77888) 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

The relevant documents contain personal information of one or more third parties. The relevant documents also contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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



John Foster
Branch Head
Great Barrier Reef Branch
International Environment, Reef & Ocean Division
2 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77909

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges notification**

I refer to your revised request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 20 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘This request is an application for the purposes of the FOI Act 1982.

Please provide formal SES briefing and approval documents as well as invoices and contract documents relating to: Accommodation, Colombia - Hotel rooms: [OVS] Groupe Voyages Quebec- AusTender Contract Notice: CN4084228.’

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 \$46.25 calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour, Examining pages, redacting and scheduling documents	\$35.12
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$93.87
TOTAL	\$46.25

*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 5 documents in its possession relevant to your request, totalling 26 pages.

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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge is under \$50.00, you are required to pay a deposit of \$20.00. 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-77909) in the subject field, 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 your organisation 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 your organisation 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 me at 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.

Further assistance

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

Yours sincerely



Katrina Purcell
Branch Head
Environmental Policy Integration
3 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77909

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii) ; Cc: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges decision

I refer to your revised request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 14 August 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘This request is an application for the purposes of the FOI Act 1982. Please provide formal SES briefing and approval documents as well as invoices and contract documents relating to: Accommodation, Colombia - Hotel rooms: [OVS] Groupe Voyages Quebec- AusTender Contract Notice: CN4084228.’

My decision

I have decided to **not to impose** the charge of \$46.25.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

Time periods of 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 applicant was notified of the charge until:

- the day after the charge (or deposit) is paid; or
- if applicable, where a subsequent review decision has been provided, the day after:
 - a charge or deposit has been paid; or
 - the applicant is notified of a decision to not impose the charge.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the

department handled your request. You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman.

Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

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

Yours sincerely



Katrina Purcell
Branch Head
Environmental Policy Integration Branch
Nature Positive Integration Division
8 October 2024

REASONS FOR DECISION

What you requested

'This request is an application for the purposes of the FOI Act 1982. Please provide formal SES briefing and approval documents as well as invoices and contract documents relating to: Accommodation, Colombia - Hotel rooms: [OVS] Groupe Voyages Quebec- AusTender Contract Notice: CN4084228.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 14 August 2024;
- the preliminary assessment of charges dated 3 September 2024;
- your contention of charges, submitted on 9 September 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to **not to impose** the charge of \$46.25. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 3 September 2024, I wrote to you to advise you that I had decided to impose a charge of \$46.25 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$35.12
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$93.87
TOTAL	\$46.25

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

Your contentions

On 9 September 2024, you requested a reduction or waiver of the charge for processing your request under the FOI Act, on the grounds that s. 22(1)(a)(ii) the release of the documents is in the public interest. Specifically, your correspondence provided:

‘Thank you for your email and ‘Notification of Charges’ related to FOI: LEX 77909.

As per the options outlined in your letter, I would like to: *seek non-imposition of the charge.*

s. 22(1)(a)(ii)

I believe access to these documents is in the general public interest.’

Financial hardship

Under section 29(5)(a) of the FOI Act, I am required to consider whether payment of the charge would cause financial hardship to you.

I note that you have not provided evidence to support a claim regarding financial hardship.

As you have not provided evidence in relation to your financial status, I am not satisfied that the payment of the charge would cause financial hardship to you.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the ‘general public interest’ or the ‘substantial section of the public’ that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.108 of the Guidelines further provides:

There is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions, provided on 9 September 2024, which state the following:

s. 22(1)(a)(ii)

I believe access to these documents is in the general public interest.'

Whilst there is no presumption that the public interest test is satisfied s. 22(1)(a)(ii) as in your case, I am nonetheless satisfied that government spending would fall within the remit of being a topic of 'great public interest'. On that basis, I am inclined to waive the charge on the basis that giving access to these documents would be within the general public interest.

Conclusion

As set out above, I have decided to not impose the charge of \$46.25 on the basis of public interest.

Ref: LEX-77862

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated 9 August 2024, and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘This request is an application for the purposes of the FOI Act 1982.
Please provide the documents and invoice(s), relating to: Expeditioner Survival Socks and Wristlets - Clothing: AusTender Contract Notice: CN4081010 to Supplier: Amare Safety Pty Ltd.’

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 \$133.70 calculated as follows:

Search and retrieval time: hours at \$15.00 per hour	\$37.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$16.20
Consultation with 3 third parties at 2 hours per party	\$120.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$133.70

*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 8 documents with 14 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$33.43. 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-77862) 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

The relevant documents contain personal information of one or more third parties.

The relevant documents also contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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



Matt Filipowski
A/g Branch Head
Operations and Logistics Branch
Australian Antarctic Division
[3/9/2024]

Ref: LEX-77862

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)**,**Your Freedom of Information request – Charges decision**

I refer to your request, dated 9 August 2024, and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘This request is an application for the purposes of the FOI Act 1982.
Please provide the documents and invoice(s), relating to: Expeditioner Survival Socks and Wristlets - Clothing: AusTender Contract Notice: CN4081010 to Supplier: Amare Safety Pty Ltd.’

My decision

I have decided to not to impose the charge of \$133.70

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the Department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman.

Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

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

Yours sincerely



Matt Filipowski
A/g Branch Head
Operations and Logistics Branch
Australian Antarctic Division
13/09/2024

Attachment A

REASONS FOR DECISION**What you requested**

“This request is an application for the purposes of the FOI Act 1982.
Please provide the documents and invoice(s), relating to: Expeditioner Survival
Socks and Wristlets - Clothing: AusTender Contract Notice: CN4081010 to Supplier:
Amare Safety Pty Ltd.”

What I took into account

In reaching my decision, I took into account:

- your original request dated 9 August 2024;
- the preliminary assessment of charges dated 4 September 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department’s operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided not to impose the charge of \$133.70. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 4 September 2024, I wrote to you to advise you that I had decided to impose a charge of \$291.03 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: hours at \$15.00 per hour	\$37.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$16.20
Consultation with 3 third parties at 2 hours per party	\$120.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$133.70

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

Your contentions

On 9 September 2024, you requested a reduction or waiver of the charge for processing your request under the FOI Act, on the grounds of public interest.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

The Guidelines further provide that there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions, provided on 9 September 2024, which state the following:

s. 22(1)(a)(ii)

I believe access to these documents is in the general public interest.'

Conclusion

As set out above, I have decided to not impose the charge of \$133.70 on the basis of public interest.



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77687

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your revised request, received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 15 July 2024 and revised on 15 and 16 August 2024 for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

1. A copy of the final report/s provided in fulfillment of requirements of the \$11,000 payment for Population Viability Assessment (CN3980624)
2. Whether between 1 March 2023 and 9 August 2024 any member of the TSSC declared, in relation to the Maugean Skate, a perceived or real conflict of interest and/or withdrawn from consideration and or decisions of the TSSC based on a perceived or real conflict of interest.
3. Whether between August 2023 and August 2024 DCCEEW “Environmental Assessment Officers” or other DCCEEW staff participating in the assessment of issues related to reconsideration of a 2012 referral decision governing marine farming in Macquarie Harbour (EPBC 2012/6406) have met or otherwise communicated with the reconsideration applicant organisations and/or their representatives between August 2023 and August 2024: The Australia Institute; Fitzgerald and Browne Lawyers in its capacity working on behalf of the Bob Brown Foundation Inc; Bob Brown Foundation Inc; the Environmental Defenders Office on behalf of the Australian Marine Conservation.

Please remove duplicates and anything in the public domain.’

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 \$339.75 calculated as follows:

Search and retrieval time: 5 hours at \$15.00 per hour	\$75.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$64.75
Consultation with 6 third parties at 2 hours per party	\$240.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$339.75

*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 18 documents with 69 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$84.94. 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 (FOI LEX-77687) 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.

Further assistance

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

Yours sincerely



Belinda Jago
Branch Head
Ocean and Wildlife Branch
International Environment, Reef and Ocean Division
6 September 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: FOI LEX-77942

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 19 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'This request is an application under the FOI Act 1982.

Please provide all correspondence related to the *recycling of chairs by Zenith Interiors in the John Gorton Building (Variation #1 Chair Recycling SQ805322 Qty 380 @ 49.00 Ref: MARCIN SZT)*, which was invoiced on 21 June 2024 to the Digital Delivery and Support Branch of the DCCEEW [previously released under FOI] (LEX 77571).'

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 \$84.63 calculated as follows:

Search and retrieval time: 2.5 hours at \$15.00 per hour	\$37.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$47.13
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	\$84.63

*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 13 documents with 44 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20. 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 (FOI LEX-77942) 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

The relevant documents contain personal information of one or more third parties.

The relevant documents also contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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

A handwritten signature in black ink, appearing to read 'Jill Mand', written in a cursive style.

Jill Mand
Branch Head
Property, Infrastructure and Physical Security Branch
Finance (CFO) Division
6 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77942

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)** ; Cc: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges decision**

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 19 August 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Please provide all correspondence related to the recycling of chairs by Zenith Interiors in the John Gorton Building (Variation #1 Chair Recycling SQ805322 Qty 380 @ 49.00 Ref: MARCIN SZT), which was invoiced on 21 June 2024 to the Digital Delivery and Support Branch of the DCCEEW (LEX 77571).’

On 6 September 2024 you were advised of a charge associated with processing your request in the amount of \$84.63.

On 10 September 2024 you contended the charge should not be imposed.

My decision

I have decided to **not to impose** the charge of \$84.63.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

Time periods of 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 applicant was notified of the charge until:

- the day after the charge (or deposit) is paid; or
- if applicable, where a subsequent review decision has been provided, the day after:
 - a charge or deposit has been paid; or
 - the applicant is notified of a decision to not impose the charge.

As I have decided to not to impose the charge, a decision is now due to you by 13 November 2024.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request. You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

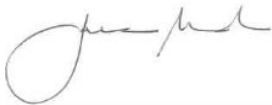
You can also make a complaint to the Commonwealth Ombudsman if you have concerns about how the Department handled a request for documents under the FOI Act, or took any other action under the FOI Act. There is no fee for making a complaint to the Commonwealth Ombudsman. Information about making a complaint to the Commonwealth Ombudsman is available in its website www.ombudsman.gov.au or phone the Ombudsman on 1300 362 072.

Further assistance

I note that your submissions as to why the charges should not be imposed on this occasion and why waiving charges was in the public interest were not substantial. You may wish to consider, including further rationale as to why the department should not impose a charge on the basis of the general public interest in future requests.

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

Yours sincerely



Jill Mand
Branch Head
Property, Infrastructure and Physical Security
Finance (CFO) Division

1 October 2024

REASONS FOR DECISION

What you requested

'Please provide all correspondence related to the recycling of chairs by Zenith Interiors in the John Gorton Building (Variation #1 Chair Recycling SQ805322 Qty 380 @ 49.00 Ref: MARCIN SZT), which was invoiced on 21 June 2024 to the Digital Delivery and Support Branch of the DCCEEW (LEX 77571).'

What I took into account

In reaching my decision, I took into account:

- your original request dated 19 August 2024;
- the preliminary assessment of charges dated 6 September 2024;
- the contention of charges dated 10 September 2024;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- the *Freedom of Information (Charges) Regulations 2019* (**Regulations**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to **not to impose** the charge of \$84.63. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 6 September 2024, I wrote to you to advise you that I had decided to impose a charge of \$84.63 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 4 hours at \$15.00 per hour	\$37.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$47.13
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	\$84.63

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

Your contentions

On 9 September 2024, you requested a waiver of the charge for processing your request under the FOI Act, on the grounds that s. 22(1)(a)(ii) the release of the documents is in the public interest. Specifically, your correspondence provided:

‘Thank you for your email and ‘Notification of charges and third party consultation’ related to LEX-77942.

As per the options outlined in your letter, I would like to: *seek non-imposition of the charge.*

s. 22(1)(a)(ii)

I believe access to these documents is in the general public interest.’

Financial hardship

Under section 29(5)(a) of the FOI Act, I am required to consider whether payment of the charge would cause financial hardship to you.

Paragraph 4.101 of the Guidelines relevantly provides:

Financial hardship exists when payment of the debt would leave you unable to provide food, accommodation, clothing, medical treatment, education or other necessities for yourself and your family, or other people for whom you are responsible.

The Guidelines further provide that an applicant relying on the grounds of financial hardship would ordinarily be expected to provide some evidence of financial hardship, such as receipt of an income support payment or evidence of income, debts or assets. In this regard, I note that you have not provided evidence to support a claim regarding financial hardship.

As you have not provided evidence in relation to your financial status, I am not satisfied that the payment of the charge would cause financial hardship to you.

Public interest

Under section 29(5)(b) of the FOI Act, I am required to consider whether giving access to the documents would be in the general public interest or the interest of a substantial section of the public.

Paragraph 4.107 of the Guidelines relevantly provides:

An applicant relying on s 29(5)(b) should identify or specify the 'general public interest' or the 'substantial section of the public' that would benefit from this disclosure. This may require consideration both of the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of the public interest to which the documents relate, and the way in which a public benefit may flow from the release of the documents.

Paragraph 4.108 of the Guidelines further provides:

There is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation. The Guidelines further provide that it is necessary to go beyond the status of the applicant and to look at other circumstances.

I have noted your submissions in relation to access to the documents is in the general public interest. However, I also note that you have not provided any additional rationale in your submissions as to your reasons why access to the documents is in the general public interest or the interest of a substantial section of the public.

While considering if access to the documents would be in the public interest, I have considered the objects of the FOI Act, whether the document relates to a matter of public debate, or to a policy issue under discussion within an agency, and disclosure will assist public comment on, or participation in, the debate or discussion.

In addition, the documents do not specifically relate to an agency decision that has been a topic of public interest or discussion. In my view the disclosure of the documents in scope will not better or further inform the public as to why or how the decision was made.

Therefore, I am not satisfied that it would be in the general public interest or the interest of a substantial section of the public to give access to the documents. This is because of the reasons provided above. Noting this, I do not consider that the documents would add to the public record, assist the public to understand relevant decision making processes in relation to the decision to recycle office chairs, nor do I consider that they would assist participation in public debate or discussions regarding recycling office chairs would in fact be contrary to the public interest.

Other matters

Under section 29(5) of the FOI Act, I may take into account other matters in determining whether or not to impose the charge.

I have considered your submissions, s. 22(1)(a)(ii)

While I have noted your submissions, I am not satisfied that this reason warrants a reduction or non-imposition of the charge. This is because I do not consider that the documents would assist the public to understand the spending decisions made by the department, nor do I consider that the documents would assist participation in the public debate and discussions regarding government spending.

As mentioned above, the Guidelines provide that there is no presumption that the public interest test is satisfied by reason only that the applicant is a Member of Parliament, a journalist or a community or non-profit organisation.

However, I have considered paragraph 4.114 of the Guidelines, which provides that an agency or minister has a general discretion to reduce or not impose a charge, and this discretion is not limited to financial hardship or public interest grounds. In particular, where the cost of calculating and collecting a charge might exceed the cost to the agency of processing the request.

On this basis, I am satisfied that the administrative cost involved in collecting the charge on this occasion will likely exceed the cost itself. As such, I have decided not to impose a charge in this instance.



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77818

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated 5 August 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, and clarified on 19 August 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am seeking access to the following communications and documents held by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Department of Climate Change, Energy, the Environment and Water under the Freedom of Information Act 1982 (FOI Act) which pertain to Christians Minde Settlement, Sussex Inlet, Jervis Bay Territory - Block 14 (DP 452):

- Number of site visits by staff from Department of Infrastructure, Transport, Regional Development and Communications and the Arts (DITRDCA), including the Mainland Territories Branch, to Christians Minde Settlement during the term of the lease to R and J Whittngton and T Barton from 2011 to 2024, and specifically number of any site visits to Christians Minde Settlement since my initial FOI was made in 2023.
- Number of meetings between staff from DITRDCA and the Department of Climate Change, Energy, the Environment and Water (DCCEEW), including the Cultural Heritage Section and World and National Heritage Branch, about Christians Minde Settlement including the condition of the heritage buildings in the period from January 2023 to August 2024.
- Any written record of the decisions and outcomes of the site visits to Christians Minde Settlement and / or meetings with staff from DITRDCA and DCCEEW in the from January 2023 to August 2024.
- Cost of Historic Heritage Management Plan for Christians Minde Settlement, commissioned by DITRDCA and delivered in c2014-15.
- Evidence of the location of the Historic Heritage Management Plan for Christians Minde Settlement in the period from 2014 to 2024, and staff awareness of this report between 2014 to 2024.
- Conditions regarding heritage protection of Christians Minde Settlement Block 14 (DP 452) in the terms of the lease to the new owners in July-August 2025 and under the EPBC Act.'

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 \$236.44 calculated as follows:

Search and retrieval time: 1 hour at \$15.00 per hour	\$15.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$207.71
Consultation with 2 third parties at 2 hours per party	\$80.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$236.44

*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 24 documents with 232 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 \$59.11. 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 (FOI LEX-77818) 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.

Further assistance

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Barker', with a stylized flourish at the end.

James Barker
Branch Head
World and National Heritage Branch
Heritage Division
6 September 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-77870

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges and Third-Party Consultation Notice**

I refer to your request, dated 10 August 2024, and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'Regarding Australian wildlife trade permits issued from 2020 to the present: we request detailed information on the names of organizations involved in exporting and importing wildlife, associated with each trade permit case number, with the purpose code 'exhibition. While the names of these organizations will remain confidential and will not be published in any research, this information is sought to better understand the types of institutions engaged in the trade of wildlife for exhibition purposes

Information is only requested for permits issued for the "exhibition" purpose code.

Documents from 1/1/2020 to 10/8/2024'

On 19 August 2024, the department requested further information from you regarding the scope of your request. On the same date you provided the following further clarification:

- *'I am requesting detailed information for each permit case (e.g including issues, rejected, and withdrawn permit cases)*
- *In reference to 'exhibition,' I would like to request all permits within the specified timeframe that include the exhibition purpose code (e.g., live animals, taxidermy, etc.)'*

On 29 August 2024, you revised the scope of your request to the following documents:

'Thank you for your response. Regarding the previously attached correspondence, would it be feasible to narrow the scope of the request to focus on the organizations involved in exporting and importing, as well as the countries of import, for the following permit numbers?

- WT2022-002790
- WT2022-002896
- WT2023-002031
- WT2024-000594
- WT2024-000598

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 **\$238.75** calculated as follows:

Search and retrieval time: 2 hours at \$15.00 per hour	\$30.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$8.75
Consultation with 6 third parties at 2 hours per party	\$240.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$238.75

*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 5 documents with 5 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$59.69. 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-77870) 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 or your organisation 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 or your organisation 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

The relevant documents contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

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



Belinda Jago
Branch Head
Ocean and Wildlife Branch
International Environment, Reef and Ocean Division
9 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: FOI LEX-77578

s. 22(1)(a)(ii)Via email: **s. 22(1)(a)(ii)**Dear **s. 22(1)(a)(ii)****Your Freedom of Information request – Charges**

I refer to your further revised request, on behalf of **s. 22(1)(a)(ii)** dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 3 September 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'1. A copy of the following documents provided to, or prepared by, DCCEEW (between Feb - July 2023 inclusive) relevant to the blue whale and/or pygmy blue whale BIA review.

- (i) submissions relating to blue whales or pygmy blue whales provided to DCCEEW or a Subject Matter Expert assessment panel;
 - (ii) final versions of advice and reports prepared by a Subject Matter Expert assessment panel on the blue whale or pygmy blue whale;
2. Excluding the following:
- i. publicly available documents;
 - ii. submissions, where the content of the submission is publicly available;
 - iii. individual submissions, where the submissions is otherwise included and provided in a compilation;
 - iv. documents that relate to the provision of geospatial BIA data for the blue whale and/or pygmy blue whale; and
 - v. DCCEEW internal correspondence;
 - vi. duplicate documents.

Note: **s. 22(1)(a)(ii)** does not seek the personal information of any third parties.'

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 **\$479.83** calculated as follows:

Search and retrieval time: 2.05 hours at \$15.00 per hour	\$30.75
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$49.08
Consultation with 11 third-parties at 2 hours per party	\$440.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$479.83

*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 15 documents with 41 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of **\$119.96**. 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-77578) 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 or your organisation 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 or your organisation 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

The relevant documents contain:

- the personal information of one or more third parties;
- information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties; and
- information originating with, or received from a State or a State authority.

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



Suzi Heaton
Branch Head
International Environment Branch
International Environment, Reef and Ocean Division
12 September 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-78014

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



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-78084

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, on behalf s. 22(1)(a)(ii) dated 2 September 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 2 September 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'11. s. 22(1)(a)(ii) requests a copy of any Ministerial briefing materials, internal memorandums, commissioned reports, departmental analysis or data, or any other documents provided to the Decision-maker for the purpose of making the Decision excluding:

- i. publicly available documents;
- ii. consultation submissions, where the content of the submission is publicly available;
- iii. documents received from s. 22(1)(a)(ii);
- iv. duplicate documents.

12. To remove any doubt, the scope of this FOI request includes:

- i. the brief to the Decision-maker in relation to the Decision, including all attachments to the brief;
- ii. all other documents briefed to the Decision-maker regarding the Decision, not limited to those that were relied upon in making the Decision,
- iii. any advice received by the Decision-maker in relation to the Decision;

13. We confirm that s. 22(1)(a)(ii) does not seek the personal information of any third parties.'

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 \$348.79 calculated as follows:

OFFICIAL

T +61 2 6274 1111
F +61 2 9094 2221

John Gorton Building
King Edward Terrace
Parkes ACT 2600

GPO Box 3090
Canberra ACT 2601

dceew.gov.au
ABN 63 573 932 849

Search and retrieval time: 2 hours at \$15.00 per hour	\$30.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$ 77.71
Consultation with 7 third parties at 2 hours per party	\$ 280.00
Writing statement of reasons	\$ 61.08
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$ 348.79

*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 13 documents with 93 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$97.25. 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-78084) 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 your organisation 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 your organisation 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

The relevant documents contain personal information of one or more third parties.

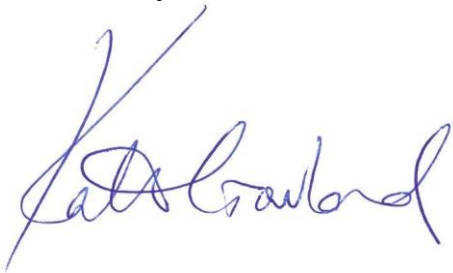
Your request also covers information originating with or received from a State or a State authority.

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

A handwritten signature in blue ink, appearing to read 'Kate Gowland', with a long, sweeping flourish above the name.

Kate Gowland
Branch Head
Environment Assessments NSW and ACT Branch
Nature Positive Regulation Division

18 September 2024



Australian Government
**Department of Climate Change, Energy,
 the Environment and Water**

Ref: LEX-78053

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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

I refer to your request dated 29 August 2024 to the Department of Climate Change, Energy, the Environment and Water (**department**) for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

- '1. A copy of the instructions (expression of interest, tender, return brief or equivalent) provided to KPMG (and other prospective respondents), and final agreed scope, to explore options to expand the CBD Program.
2. A list of members of the 'expert reference group' referred to in the report Expanding the Commercial Building Disclosure Program (KPMG, March 2024).
3. Documents and advice provided to the Energy and Climate Change Ministerial Council and Energy Ministers' Meeting concerning the prospective expansion of the CBD Program.'

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 \$260.89 calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour	\$45.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$94.81
Consultation with 4 third parties at 2 hours per party	\$160.00
Writing statement of reasons	\$61.08
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$260.89

*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 13 documents with 121 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 \$65.22. 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-78053) 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

The relevant documents contain personal information of one or more third parties, and information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties. Your request also covers information originating with, or received from, a State or a State authority.

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

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a horizontal line that tapers to the right.

David Atkins (Dr.)
Branch Head
Industrial and Buildings Energy Performance
Energy Performance and Security Division

18 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-78088

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated 2 September 2024, and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

"I am writing to request the following information under the Freedom of Information Act 1982.

In order to assist you with this request, I have outlined my request as specifically as possible. I would like to have:

All documents or correspondence between the s. 47F(1) for the Quarterly Update of Australia's National Greenhouse Gas Inventory: March 2024 - including:

- *talking points*
- *media releases*
- *factsheets*
- *infographics*
- *social and media/communications*
- *statistics'*

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 \$185.67 calculated as follows:

Search and retrieval time: 4.5 hours at \$15.00 per hour	\$67.50
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$158.17
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$185.67

*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 16 documents with 131 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$46.42. 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-78088) 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.

Further assistance

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

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Alannah Pentony', is positioned above the typed name.

Alannah Pentony
Branch Head
National Inventory Systems and International Reporting Branch
Emissions Reductions Division
19 September 2024



Australian Government
Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-78034

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

Your Freedom of Information request – Charges

I refer to your request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 27 August 2024, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'This letter is a request for the purposes of the FOI Act 1982. I seek access to the following documents:

1. Ministerial submissions, minutes, briefings or correspondence provided by DCCEEW to the s. 47F(1), that relate to the proposed Osborne Nuclear Powered Submarine Construction Yard; and/or
2. Submissions, minutes, correspondence or emails provided or sent to the s. 47F(1) that relate to the proposed Osborne Nuclear Powered Submarine Construction Yard.

The scope of this application does not include copies of the agreement between the Commonwealth Minister for the Environment and Water and the Australian Submarine Agency of 22 November 2023 which is publicly available at <https://www.asa.gov.au/sites/default/files/2023-12/Proposed%20Osborne%20Submarine%20Construction%20Yard%20Strategic%20Assessment%20Agreement.pdf>.

I do NOT seek access the mobile numbers or full email addresses of government officials, nor the names and contact details of government officials not in the Senior Executive Service or equivalent.

I do ask that junior official's position or titles be left unredacted, along with email domains that provide useful information as to the origin and destination of communication e.g. '[redacted]@dcceew.gov.au'.

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 \$237.00 calculated as follows:

Search and retrieval time: 9 hours at \$15.00 per hour	\$135.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$102.00
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	\$237.00

*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 24 documents with 244 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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dceew.gov.au for assistance.

Option - pay the charge

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$59.25. 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-78034) 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 your organisation 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 your organisation 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

The relevant documents contain personal information of one or more third parties and the business affairs of an organisation.

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



Kylie Calhoun
Branch Head
Environment Assessments West (WA, SA & NT) Branch
Nature Positive Regulation Division

26 September 2024



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Ref: LEX-78151

s. 22(1)(a)(ii)

Via email: s. 22(1)(a)(ii)

Dear s. 22(1)(a)(ii)

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

I refer to your revised request, dated and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on 9 September 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'Pursuant to FOI laws, I seek access to unredacted versions of all documents contained in documents 1 - 5 of LEX 73535.

The redactions may be retained for privacy purposes only. The redactions should be removed where they were applied on the basis of s. 22(1)(a)(ii).'

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 \$143.47 calculated as follows:

Search and retrieval time: 0 hours at \$15.00 per hour	\$0.00
Decision-making time: \$20.00 per hour,	
Examining pages, redacting and scheduling documents	\$23.47
Consultation with 8 third parties at 1 hour per party	\$160.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
TOTAL	\$143.47

*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 5 documents in its possession relevant to your request, totalling 15 pages.

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.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact foi@dcceew.gov.au for assistance.

Option – pay the charge

As the charge exceeds \$25.00, you are required to pay a deposit of \$35.76. 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-78151) in the subject field, 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 your organisation 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 your organisation 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 me at 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

Your request also covers documents which contains information concerning the business, commercial or financial affairs of an organisation, or a person's business or professional affairs and personal information of one or more third parties. As such, the department is required to consult with the person or organisation concerned under sections 27 and 27A of the FOI Act before making a decision on the release of those documents.

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



Kate Lea-Perry
Branch Head
Carbon Crediting Branch
Emissions Reduction Division
01 October 2024