



Oliver Smith

Via email: [foi+request-11284-a7ec3ea8@righttoknow.org.au](mailto:foi+request-11284-a7ec3ea8@righttoknow.org.au)

Dear Mr Smith

### 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 22 April 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

‘Under the FOI Act, I seek all ministerial briefs provided to the office of the Minister [**for Climate Change and Energy**]\* from 1 June, 2023 to present in relation to the PORTLAND DECLARATION AREA AND SOUTHERN OCEAN DECLARATION AREA in relation to advice about the negative impact on native birds and/or whales.’

\* In line with your scope clarification dated 8 April 2024, I have made the assumption that the revised scope of your application also relates to the Minister for Climate Change and Energy.

### 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 \$313.30 calculated as follows:

Search and retrieval time: 8 hours at \$15.00 per hour	\$120.00
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$93.30
Consultation with 7 third parties at 1 hour per party	\$140.00
Writing statement of reasons	\$60.00
Deduction of 5 hours decision-making time*	-\$100.00
<b>TOTAL</b>	<b>\$313.30</b>

\*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 six documents with 96 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with one of the above options within 30 days of receiving this notification, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.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](mailto:foi@dcceew.gov.au) for assistance.

### **Option – pay the charge**

As the charge exceeds \$100, you are required to pay a deposit of \$78.33. 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-76741) in the description/reference field when making payment, and send an email with notification of payment to [foi@dcceew.gov.au](mailto: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](mailto: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 and information 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](mailto:foi@dcceew.gov.au).

Yours sincerely



Paul Murphy  
Branch Head  
Offshore Renewables Branch  
Net Zero Industries Division  
1 May 2024