6th April 2017

Dear Mr. Brumby,

I sincerely apologise for my late response. I have been really busy with university society commitments and study for mid-semester exams.

**Acknowledgement of accuracy of my request**

Thank you for your response. I acknowledge that you have taken my request accurately.

**Contention of Charges**

I acknowledge that under s 29(1) of the FOI Act and *Freedom of Information Charges Regulations 1982* that I am “liable to pay a charge in respect of a request for access to a document”. However, I request you to waive the full charge of $60.

Under s 29(5) of the FOI Act:

*“Without limiting the matters the agency or Minister may take into account in determining whether or not to reduce or not to impose the charge, the agency or Minister must take into account:*

1. *whether the payment of the charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made; and*
2. *whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.”*

Financial Hardship

You have stated that you are going to charge me $60 for this FOI request.

I am a student who is currently unemployed and don’t have a source of income. My Youth Allowance just covers my rent and groceries so I have minimal expenses to cover additional life expenses and the costs of this FOI request.

$60 may seem negligible to the ANU but to a financially insecure student, it means a lot. There are both significant immediate and prospective financial hardships attached to paying the charges of this FOI request.

Public Interest

The ANU has uploaded a non-exhaustive list of factors on their Freedom of Information web page, laying out the issues the ANU will consider when “requesting remittance on the grounds of public interest”.[[1]](#footnote-1) From this list, I have selected factors relevant to the circumstances and added a couple more factors not listed that furthers supports my case.

* 1. Public interest in ANU’s investments in companies that are directly involved in the nuclear arsenal industry

The 2013 Disarm your degree[[2]](#footnote-2) report published by the International Campaign to Abolish Nuclear Weapons (ICAN) Australia is a comprehensive document that details the level of investments Australian universities make on companies that are heavily involved in the nuclear arsenal industry. The report found that the ANU had made indirect investments worth an estimated value of $840,060 on Jacobs Engineering and BAE Systems (two profound companies involved in the nuclear arsenal industry) through investments in two overseas equity funds (Platinum International Fund and Templeton World Fund).[[3]](#footnote-3)

It has been 4 years since information regarding the ANU’s investments on companies directly involved in the nuclear arsenal industry has been updated. Documents gained from this FOI request will provide a clearer perspective to concerned ANU students and public interest groups on how much the university has increased or decreased from such investments 2017.

* 1. Public interest in the debate on the moral, financial and legal consequences of investing in the nuclear arsenal industry (ANU factor)

There are many public interest, politicians, individuals and media groups within Australia that are very concerned with nuclear weapon states continually increasing and modernising their nuclear defence capabilities, which is unethical and irresponsible. Falling under this ‘nuclear umbrella’ is the issue of investing in nuclear weapon producers. Supporting these companies perpetuates the advancement of nuclear capabilities around the world and heightens the risk of nuclear proliferation. Essentially, this undermines Australia’s signing of the Treaty of the Non-Proliferation of Nuclear Weapons and the government’s commitment to achieve a nuclear-free-world.[[4]](#footnote-4) Despite Australia’s boycott to the UN nuclear ban negotiations, Labor Senator Lisa Singh recently passed a motion in the Senate on the 29th of March, urging the Government to participate constructively in the UN negotiations on a treaty banning nuclear weapons.[[5]](#footnote-5) This demonstrates that there is not a lack of governmental support and interest on this crucial matter.

By investing in nuclear weapon producers, investors are not investing in Australia’s security. Instead, investors are “putting their money where the mouth is”,[[6]](#footnote-6) supporting the violation of international law and investing on human annihilation. Considering the majority of the world wanting a nuclear ban and threats of nuclear weapons being one the reasons why the doomsday clock has been the closest to midnight since 64 years ago,[[7]](#footnote-7) it is a time where there is a lot of public interest and debate surrounding the moral, financial and legal risks of investing in the nuclear arsenal industry.

* 1. Public interest of public interest groups (ANU factor)

At the recent 2017 ICAN Roundtable Meeting in Sydney, there were many public interest group representatives and individuals who were very interested in my project, namely this FOI request, as they strongly believed in the bottom-up approach in eliminating the nuclear arsenal industry. It is an approach where the general public can get involved in and play our part as moral citizens of Australia to this huge cause.

Some Australian public interest groups present at the meeting were the:

* Women’s International League for Peace and Freedom NSW
* Medical Association for Prevention of War
* Soka Gakkai International
* Marrickville Peace Group, Independent and Peaceful Australia Network
* Faith Foundation
* People for Nuclear Disarmament, Human Survival Project
* International Committee of the Red Cross
* Independent and Peaceful Australia Network
* Anti-Bases Campaign
* Pax Christi NSW
* Scientists for Global Responsibility
* United Nations Association of Australia
  1. Public interest of media groups (ANU factor)

There have been many media groups namely, Huffington Post, Australian Red Cross, the Japan Times, Reuters, SBS, The Age, ABC News, Radio Australia, The Guardian and The Sydney Morning Herald[[8]](#footnote-8) that have covered news and statements from ICAN on the Australian government’s lack of participation on the nuclear ban treaty. Considering this topical issue, there will also be media interest on Australia’s commitment as a whole, towards the eventual ban of nuclear weapons.

* 1. Other relevant considerations

It is disappointing that the ANU has been identified as a university that invests in nuclear weapon producers when there are 12 Australian universities who do not. As a student of the ANU, it is in my direct concern as to what investments the University makes and this would be the same for many other students at the ANU.

In sum, I request charges on this request to be waived.

Yours sincerely,

Angela Chen

1. <http://www.anu.edu.au/freedom-of-information/foi-requests/cost-of-making-an-foi-request>. [↑](#footnote-ref-1)
2. <http://www.icanw.org/wp-content/uploads/2013/02/DisarmYourDegree.pdf/>. [↑](#footnote-ref-2)
3. <http://www.icanw.org/wp-content/uploads/2013/02/DisarmYourDegree.pdf>, p 9. [↑](#footnote-ref-3)
4. <http://www.icanw.org/wp-content/uploads/2013/02/DisarmYourDegree.pdf>, p 4. [↑](#footnote-ref-4)
5. <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;orderBy=customrank;page=0;query=Lisa%20Singh%3B%20Nuclear%20weapons;rec=3;resCount=Default>. [↑](#footnote-ref-5)
6. <http://www.dontbankonthebomb.com/diplomats-should-consider-divestment/>. [↑](#footnote-ref-6)
7. <http://www.abc.net.au/news/2017-01-27/nuclear-doomsday-clock-ticks-closest-to-midnight-in-64-years/8216458>. [↑](#footnote-ref-7)
8. <http://www.icanw.org/au/media/>. [↑](#footnote-ref-8)