



Charlie Schroeder

Email: [foi+request-3701-dcda833c@righttoknow.org.au](mailto:foi+request-3701-dcda833c@righttoknow.org.au)

Dear Mr Schroeder

**Freedom of Information Request No. 170701**  
**Decision on Access**

I refer to your request of 2 July 2017 to the Department of the Environment and Energy (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**). Your request seeks access to:

*The decision brief that lead to the approval of the taking of an action for  
EPBC 2009/5017*

**Authority**

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to your request.

**Decision**

The Department has identified 9 documents relevant to the scope of your request.

I have decided to:

- **grant access** to Documents 3, 4, 5, 6 and 7 in full; and
- **grant access** to Document 1, 2, 8 and 9 in part, as they contain material irrelevant to the request pursuant to section 22 of the FOI Act.

A schedule describing these documents and my decision in respect of each is at **ATTACHMENT A**. **ATTACHMENT B** contains information regarding your review rights, should you wish to seek review of my decision.

The documents are at **ATTACHMENT C**.

## Material considered in making my decision

I had regard to:

- the scope of the FOI request
- the content of the documents subject to your request;
- the relevant provisions in the FOI Act;
- advice from subject matter experts within the Department; and
- the *Guidelines issued by the Australian Information Commissioner under s93A of the Freedom of Information Act 1982* (the **FOI Guidelines**).

## Reasons for decision

### Material deleted pursuant to Section 22

#### *Deletion of irrelevant material*

Section 22 of the FOI Act allows for information that is irrelevant to your request to be deleted. The documents captured by your request include the personal information of junior government officers and the personal contact information of senior government officers. As iterated in our correspondence of 5 July 2017, the Department considers this material to be irrelevant to the scope of a request where no representation has been made that they be specifically included. The Department has not received a representation to this effect. Accordingly, I have decided that the personal information of junior government officers and the personal contact details of senior officers are irrelevant to the scope of your request and have deleted that information pursuant to section 22 of the FOI Act.

## Disclosure Log

Pursuant to section 11C of the FOI Act, the Department will publish on their website details of how the documents at **ATTACHMENT C** may be obtained within 10 days of providing you with this decision.

## Further assistance

The FOI Contact Officer in the Department can be contacted by telephone on 02 6274 2098 or by email at [foi@environment.gov.au](mailto:foi@environment.gov.au).

Yours sincerely



James Barker  
Assistant Secretary  
Assessments and Governance Branch

/ August 2017

## ATTACHMENTS:

- A. Schedule of documents
- B. Information sheet "Your Review Rights"
- C. Documents subject to your request



# Australian Government

## Department of the Environment and Energy

## ATTACHMENT A

### FOI 170701 Schedule of Documents

No	Description	Decision
1	<b>Final decision brief</b> Approval for EPBC 2009/5017	<b>Release in part</b> Section 22 - staff names and phone extension
2	<b>Final decision Brief attachment</b> Attachment A - Proposed approval decision brief	<b>Release in part</b> Section 22 - staff names and phone extension
3	<b>Final decision Brief attachment</b> Attachment A - Recommendation report	<b>Release in full</b>
4	<b>Final decision Brief attachment</b> Attachment B1 - Draft Approval Notice - Comments on conditions - 8 April 2014	<b>Release in full</b>
5	<b>Final decision Brief attachment</b> Attachment B1 - Draft Approval Notice - Comments on conditions - 25 March 2014	<b>Release in full</b>
6	<b>Final decision Brief attachment</b> Attachment B2 - Draft Approval Notice - Comments and responses	<b>Release in full</b>
7	<b>Final decision Brief attachment</b> Attachment C - Draft Approval Notice - Final	<b>Release in full</b>
8	<b>Final decision Brief attachment</b> Attachment D - notification letter to the Minister	<b>Release in part</b> Section 22 - staff name and phone extension
9	<b>Final decision Brief attachment</b> Attachment D - notification letter to the applicant	<b>Release in part</b> Section 22 - government staff names and phone extension



## YOUR REVIEW RIGHTS

You may seek review of this primary decision either internally by the Department (Internal review), or externally by the Information Commissioner (Information Commissioner review).

### Internal review

An Internal review is a review of the decision conducted by a senior officer within the Department. The reviewing officer will not be the same person whom made the primary decision.

If you wish to seek an internal review, you must submit a written application to the Department within 30 days after the day you are notified of this decision. Whilst there is no required form for the written Internal Review application, it is recommended that you include your reasons as to why the primary decision should be reviewed.

The decision on the Internal review will be provided to you within 30 days of the Department receiving your application.

You can submit your written Internal review application to the below addresses:

**Email:** [foi@environment.gov.au](mailto:foi@environment.gov.au)

**Post:** FOI Contact Officer  
General Counsel Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

### Information Commissioner review

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Department, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

**Online:** <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

**Post:** GPO Box 5218, Sydney NSW 2001

**Fax:** 02 9284 9666

**Phone:** 1300 363 992

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)