



**Mr Dan Monceaux**

Via Righttoknow website

Email: [foi+request-4101-acab825a@righttoknow.org.au](mailto:foi+request-4101-acab825a@righttoknow.org.au)

Dear Mr Monceaux

**Freedom of Information Request No. 170906**

**Decision on Access**

I refer to your request of 19 September 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:

*All correspondence between your department and the Government of South Australia regarding the status of the following EPBC referral (including its approval or otherwise):*

- *Spencer Gulf Port Link/Transport - water/Port Bonython, Eyre Peninsula, SA/SA/Port Bonython Bulk Commodities Export Facility, SA (ref #2012/6336).*

*Requested documentation should include (but not be limited to) any negotiations/discussion between the two parties regarding reasons for a series of time extensions for consideration of the approval of a controlled action.*

**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 eight documents relevant to the scope of your request. I have decided to grant access to all eight documents in part, as they contain material that I consider irrelevant to the 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;
- third party responses to third party consultation; 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 19 September 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.

Further, Documents 1 and 5 through 8 contained material that did not relate to the Spencer Gulf Port Link/Transport referral (EPBC ref 2012/6336). I have deleted this material pursuant to section 22 of the FOI Act, as it is irrelevant to the scope of the request.

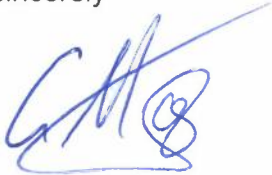
### Disclosure Log

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



Gregory Manning  
Assistant Secretary  
Assessments & Post Approvals Branch

10 November 2017

### ATTACHMENTS:

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



FOI 170405 Schedule of Documents

No	Description	Decision
1	<b>Email</b> Subject: Invitation to comment on Referral - (EPBC 2012/6336 Port Bonython Bulk Commodities Export Facility, SA)	<i>Release in part</i> Section 22 - names and email addresses of junior Government officers. Material irrelevant to the scope of the request
2	<b>Letter to the Department</b> Re: EPBC Referral 2012/6336: Port Bonython Bulk Commodities Export Facility, SA	<i>Release in part</i> Section 22 - names and phone numbers of junior Government officers.
3	<b>Email</b> Subject: Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC2012/6336).	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers.
4	<b>Letter to Ms Jill Brooks, SA DENR</b> Re: Decision on referral, Port Bonython iron ore bulk commodities export facility on Eyre Peninsula (EPBC 2012/6336)	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers.
5	<b>Email</b> Subject: FW: EPBC 2012/6336. Port Bonython Email correspondence (5) between Department and SA Government from 20 October 2014 to 22 October 2014. Branches from email chain in Doc 8.	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers. Material irrelevant to the scope of the request
6	<b>Email</b> Subject: RE: Port Bonython. Email correspondence (3) between Department and SA Government from 12 December 2014 to 15 December 2014. Branches from email chain in Doc 9.	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers. Material irrelevant to the scope of the request
7	<b>Email</b> Subject: EPBC 2012/6336 - Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA - Change of Project Officer.	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers.

No	Description	Decision
	Email correspondence (4) between Department and SA Government from 3 March 2015 to 9 June 2015 regarding timing of draft Assessment Report and change of project officer. Branches from email chain in Doc 9.	Material irrelevant to the scope of the request
8	<b>Email</b> Subject: EPBC 2012/6336 - Port Bonython Bulk Commodities Export Facility, Eyre Peninsula, SA - Change of Project Officer. Email correspondence (1) from SA Government to the Department on 15 June 2015. Branches from email chain in Doc 12.	<i>Release in part</i> Section 22 - names, phone numbers and email addresses of junior Government officers. Material irrelevant to the scope of the request



## **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)