



Australian Government
**Department of Industry, Science,
Energy and Resources**

Our ref: 68773

Matilda Duncan

By email: foi+request-7310-6cdbba3e@righttoknow.org.au

Dear Matilda

Freedom of Information Act 1982 – Notice of charges and consultation

I refer to your correspondence received by the Department of Industry, Science, Energy and Resources (the department) on 7 May 2021, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

Planning for the National Radioactive Waste Management Facility (NRWMF) proposed for Kimba, South Australia is a matter of public interest. The owner of the property that has been proposed as the site for the NRWMF, Jeff Baldock, has family ties to local Council in the form of the Deputy Mayor of the District Council of Kimba. The Council played a key role in the processes used to determine the proposed location of the site (e.g. the community vote on the NRWMF that excluded people living outside of the Council boundaries).

I am seeking access to any documentation outlining communications between the Department of Industry, Science, Energy & Resources and Kimba council member Graeme Baldock regarding the NRWMF from the date range of January 2017 until December 2017 (inclusive).

I would ask that any processing charges be waived, as this request is made in the public interest. Please note that I do not consent to any documents being deemed irrelevant to this request without my consent.

Notice of Consultation

Your request covers documents that contain information about an individual.

Under 27A of the FOI Act where a request is made for a document containing information about a person, or any information that could reasonably identify a person (section 27A) and it appears the individual may reasonably wish to contend that the information is exempt or conditionally exempt, the department must give the individual a reasonable opportunity to make a submission in support of the contention. Further, the department must have regard to any submissions made by the individual before making a decision to give access to the document.

Given that consultation with a third party is required, the statutory timeframe for processing your FOI request is extended by 30 days under subsection 15(6) of the FOI Act.

Notice of Liability to Pay a Charge

I am an authorised decision maker under section 23 of the FOI Act.

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request, being \$304.76.

Estimate of charge

My preliminary assessment of that charge is based on approximately 6 documents (consisting of 93 pages) falling within the scope of your request and at least one third party who will need to be consulted under section 27A of the FOI Act. I have also taken into account the fact that the first five hours of decision making time are free to all applicants requesting documents other than their own personal information.

Search and Retrieval – 5 hours at \$15 per hour	\$	75.00
Decision making time – 16.49 hours at \$20 per hour	\$	329.76
Total	\$	404.76
First 5 hours free	\$	-100.00
Final amount	\$	304.76
Deposit	\$	76.19

Payment of the charge will mean that the department will continue to process and make a decision on your request. It does not, however, guarantee that a decision to release documents will be made.

If you pay a deposit and the FOI decision maker decides to grant access to documents (either in full or with deletions), you will be required to pay the balance of the charge before copies of those documents will be provided to you. Payment will only entitle you to a decision.

Processing your FOI request

Please note that the department will not make a decision in respect of your request until charges are paid to, or remitted by, this department, whether in the form of a deposit or payment in full. In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice and will resume on either the day the charge or deposit is paid, or on the day on which the department makes a decision not to impose a charge.

Your rights and alternatives

You may contend that the charge has been wrongfully assessed, should be reduced or not imposed. In deciding whether to reduce or not impose a charge the decision maker must, among other things, take into account 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.

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:

- A. agree to pay the charge;
- B. wish to contend that the charge:
 - (i) has been wrongfully assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$76.19 which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

Payment

If you accept liability for the estimated charge for your request, payment can be made via one of the following three options:

- **Cheque:**

Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

- **Credit card:**

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to the CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au.

- **Electronic Funds Transfer:**

The department also accepts EFT payments. Please see bank details below:

Bank Name:	Reserve Bank of Australia
Bank Address:	20-22 London Circuit Canberra ACT Australia
Account Name:	Department of Industry, Science, Energy and Resources
BSB No:	092-009
Account No:	118689

Please include reference to FOI 68773 in all forms of payment, and notify the FOI team at FOI@industry.gov.au once payment has been made. Failure to include your reference number and notify the FOI team of payment will result in delays of the processing of your FOI request.

Option B – 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. Subsection 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. This includes 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 C – withdraw your request

If you wish to withdraw your request you may do so in writing.

If you fail to notify the department in a manner mentioned above within 30 days of receipt of this notice it will be taken that the request has been withdrawn.

Should you have any queries in relation to this matter please contact the FOI team by e-mail at FOI@industry.gov.au.

Yours sincerely

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

Jackie Clifton
FOI Officer
Legal, Audit and Assurance
19 May 2021