



Environment Protection Authority

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EPA FOI-22-29

[REDACTED]
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I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Environment Protection Authority (EPA) on 3 May 2022 for access to:

1. *A copy of the EPA licence application number LNL8549VIU (lodged by Hale River Transfer Facility Pty Ltd or an associated person or entity) together with all documentation submitted to the EPA in support of the application by, for or on behalf of, the licence applicant.*
2. *A copy of EPA licence number 15573 (no longer current) issued in relation to the operation of a cattle feedlot on "Premises" described as the whole of the land comprised in Titles Register as CT 5959/753, together with copies of the following documents in relation to EPA licence 15575 (sic):*
 - a) *all documents submitted in support of the application for the licence;*
 - b) *environmental impact statement, or other impact report prepared in relation to the operation of a feedlot on the land;*
 - c) *any management plan, environment improvement programme, operational management plan, audit report, annual return submitted in accordance with a condition of the licence, or other business report relating to the operation of a feedlot on the land;*
 - d) *any application for a process change and any approval given for process change under the licence;*
 - e) *a record of the payment of annual licence fee;*
 - f) *any correspondence between the EPA and the licence holder in relation to the cancellation of the EPA licence*

On 18 May 2022, the EPA's Principal FOI officer, Mr Tony Circelli, advised that he had determined that, pursuant to section 14A of the FOI Act, the due date to respond to your request of 2 June 2022 would be extended to 15 July 2022 due to the likelihood that there would be a large number of documents and that consultation would be required with third parties.

Following a search of EPA records, 28 documents fall within the scope of your application. I have considered each of the documents and have made the following determination.

Determination

I determine to:

- Grant full access to 23 documents

- Grant partial access to two documents
- Refuse access to three documents

I have refused access to Documents 3, 4, and 5 in accordance with Section 20(1)(b) of the FOI Act – Refusal of access. These documents are available from the EPA's public register and were provided to you on 2 June 2022.

The reasons I have refused access to certain parts of two documents are summarised in the attached document schedule and explained in more detail below.

7—Documents affecting business affairs

(1) A document is an exempt document—

(a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person; or

(b) if it contains matter—

(i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and

(ii) the disclosure of which—

(A) could be reasonably be expected to destroy or diminish the commercial value of the information; and

(B) would, on balance, be contrary to the public interest

(c) if it contains matter—

(i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and

(ii) the disclosure of which—

(A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and

(B) would, on balance, be contrary to the public interest.

Documents 2 and 17 contain matters that relate to the business affairs of another person(s) under clause 7(1)(c) of Schedule 1 to the FOI Act. I have determined that, on balance, disclosure of this information could reasonably be expected to have an adverse effect on those affairs. Public interest factors taken into account are described below. The exempt content of these documents has been redacted.

Public interest factors considered

In making this determination I have also taken the following public interest factors into consideration:

For release:

- Pro-release of documents meets the objects of the FOI Act
- Whether the documents provide insight into the regulatory operations and accountability of the EPA
- Whether information is of direct interest to the public
- Information already in the public domain, such as details already available on the EPA's public register

Against release:

- A business' financial information such as credit card details should remain confidential

Payment

Pursuant to section 53(2aa) of the FOI Act, fees for processing this FOI application in relation to finding, sorting, compiling and copying documents and undertaking consultation with third parties have been calculated. The cost of determining your FOI application is \$1,051.20. An invoice accompanies this letter. A copy of the in scope documents will be provided to you upon payment of this invoice.

Right of appeal

If you are dissatisfied with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send the attached form to the Chief Executive of the EPA, Mr Tony Circelli, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$38.25, or request a fee waiver.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may be published in the EPA's disclosure log. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

Should you have any queries in relation to this determination please contact Ms Kathleen Dean Freedom of Information / Public Register Administrator on 8204 2113 or email kathleen.dean@sa.gov.au.

Yours sincerely 



Erin Walker
Accredited Freedom of Information Officer
Team Leader – Governance and Ministerial Coordination
Environment Protection Authority

Date: 28/6/22