



Mr Vince Puccio
Chairman
Community Alliance for Positive Solutions (CAPS)
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Our Ref: DER2017/2064 to 2067
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FREEDOM OF INFORMATION APPLICATIONS - DER2017/2064 to 2067

Dear Mr Puccio

I apologise for the delay in responding to your letter of 19 December 2017, which was partially due to the closure of the agency during the festive season (24 December 2017 to 1 January 2018 inclusive).

I make reference to your correspondence of 19 December 2017, and include the revised scope of each application as it currently stands from CAPS, which is followed by our response, to assist you in reducing your scope of application. Please note that section (s) 20 of the *Freedom of Information Act, 1992* (the Act), states:

20. Agency may refuse to deal with application in certain cases

- (1) *If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.*
- (2) *If after help has been given to change the access application the agency still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.*
- (3) *If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.*
- (4) *The notice has to give details of —*
 - (a) *the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and*
 - (b) *the rights of review under this Act and the procedure to be followed to exercise those rights.*

1. DER2017/2064

CAPS REVISED APPLICATION

'All briefing notes and memoranda, reports (including groundwater reports) relating to potential contamination of land and groundwater which has been suspected to be caused by Alcoa Wagerup.

For documents within the period of January 2013 to 1 September 2017.

We agree to the removal of 'personal information' relating to third parties, removal of identifying details of third party businesses and prescribed officer details from any relevant documentation.'

DWER RESPONSE

In reference to your revised application, we are able to create a simple table listing sites (including site identification and location details), which will provide you with the information to complete a Basic Summary of Records (BSR) or a Detailed Summary of Records (DSR).

If a table is acceptable, to assist you, we may include a brief comment against each site listed and advise if the contamination is confirmed or if reports are held. This would provide some efficiency in the process of submitting any BSR or DSR requests in that a DSR request would only be necessary for a site where DWER holds technical reports. All other sites a BSR should suffice.

2. DER2017/2065

CAPS REVISED APPLICATION

'All documents including notes, meeting minutes, briefing papers, correspondence, reports, investigations including draft documents, in relation to:

*Proposals for changes to the Water Corporation's Southern Seawater Desalination Plant located in Binningup; or
Any proposal for a new desalination plant, in relation to Alcoa's Wagerup facility.*

For documents within the period of 1 Jan 2013 – 1 Sept 2017

We agree to the removal of 'personal information' relating to third parties, removal of identifying details of third party businesses and prescribed officer details from any relevant documentation.'

DWER RESPONSE

Following enquiries with the relevant business unit, your revised scope of application is acceptable.

3. DER2017/2066

CAPS REVISED APPLICATION

'All correspondence between the Department and Alcoa in relation to any potential or actual non-compliances by Alcoa with environmental approvals, licenses and work approvals under both Part IV and Part V and any potential or actual breaches by Alcoa of any of the provision under the Environmental Protection Act 1986 and its subsidiary legislation.

For documents within the period of 1 January 2013 to 1 September 2017.

We agree to the removal of 'personal information' relating to third parties, removal of identifying details of third party businesses and prescribed officer details from any relevant documentation.'

DWER RESPONSE

DWER wishes to propose a more manageable scope, which includes the Alcoa Wagerup site only and not Alcoa generally.

With that in mind, in reference to the part of your revised application that discusses 'any potential or actual breaches by Alcoa,' the time-frame, 1 January 2013 to 1 September 2017, still captures a vast amount of documents for the Wagerup site.

A search on our Incident Complaint Management System (ICMS), with the search term 'Alcoa Wagerup', has yielded approximately 212 documents.

As such, we request that you reduce your time-frame to **1 January 2016 to 1 September 2017**, and for a printout of the ICMS reports only. This means that any potential documents that accompany the report (attachments) are excluded. This will reduce the number of reports to between 65 and 70. Once you are in receipt of the ICMS reports and the information contained therein, if there are any incidents that are of any interest to you, you are free to make a fresh FOI application, requesting further documents on those specific incidents.

If the above is acceptable DWER is able to process your application.

4. DER2017/2067

CAPS REVISED APPLICATION

'All documents including notes, meeting minutes, briefing papers, correspondence, report, investigations including draft documents, in relation to Wagerup Unit 3 expansion by Alcoa.

For documents within the period of 1 January 2013 to 1 September 2017.

We agree to the removal of 'personal information' relating to third parties, removal of identifying details of third party businesses and prescribed officer details from any relevant documentation.'

DWER RESPONSE

Following enquiries with the relevant business unit, your revised scope of application is acceptable.

REQUEST FOR AN EXTENSION

It is noted that the due date for the above application is today; however, as we have been working towards a more manageable scope for applications, in accordance with s20 of the Act, we would greatly appreciate an extension to the **12 February 2018**, if you agreeable to the proposals outlined above. Whilst an extension to the 12 February 2018 is requested, your applications will be managed as a priority and we endeavour to finalise your applications as soon as possible.

I look forward to hearing from you.

Kind regards

Yours faithfully

A handwritten signature in black ink that reads "V. Wilkin". The signature is written in a cursive style with a large, stylized 'V' and a flourish at the end.

Vittoria Wilkin
Freedom of Information Coordinator
Legal Services

10 January 2018