

Limestone Avenue, Campbell, ACT 2612
PO Box 225, Dickson, ACT 2602, Australia
Telephone (02) 6276 6436 • ABN 41 687 119 230
Email: beth.maloney@csiro.au

7 May 2013

Our ref: FOI 2013/17

Malcolm-Ieuan: Roberts
180 Haven Road
Pullenvale Qld 4069

Via email: malcolmr@conscious.com.au

Dear Mr Roberts,

FREEDOM OF INFORMATION REQUEST – DECISION – REFUSAL TO GIVE ACCESS – PRACTICAL REFUSAL REASON

Your request

I refer to your request under the Freedom of Information Act (FOI Act) dated 15 February 2013 for access to:

- (1) *Copies of all scientific advice to the federal government (date range 2005 – onwards) proving human production of carbon dioxide, CO₂ as cause of global warning or climate change;*
- (2) *Copies of empirical evidence and logical scientific rationale held by the CSIRO and scientifically proving human CO₂ to be causing global atmospheric warming (date range of publication from 2000 onwards).*

Following a s 24AB(2) notice received by you on 16 April 2013, you revised the scope of your request to:

- (1) *Copies of CSIRO advice, briefings, analysis and reports regarding global warming (aka climate change) to: John Howard Prime Minister from 2005 to 2007; to the Minister for Science being Brendan Nelson in 2005 and January 2006 and Julie Bishop from January 2006 to December 3, 2007; to Minister for the Environment being Senator Ian Campbell in 2005 and January 2006 and Malcolm Turnbull from January 2006 to December 3, 2007; Penny Wong when Climate Change Minister from 2007 to 2010 and Greg Combet when Climate Change minister from 2010 to present.*
- (2) *Copies of internal CSIRO advice, briefs, reports and analysis to CSIRO Executives on global warming (aka climate change) from 2005 onwards.*

I am happy to specifically exclude the following from the scope of my request:

- *output from computerised numerical models* and empirical observational data*;*
- *material already published and available to the public;*
- *third party material.*

** Note that output from computerised numerical models are not required since they are not empirical scientific evidence. Observational data is not required since I do not wish to cause CSIRO to do extensive analysis specifically to fulfil my request.*

For the purposes of my request, the term CSIRO Executives need consist of only the following positions:

- *Chief Executive;*
- *Group Executive—Environment;*
- *Deputy Chief Executive Operations;*
- *Deputy Chief Executive Science, Strategy and People*
- *Chief Marine and Atmospheric Research;*
- *Director of the Climate Adaptation Flagship*

Decision Maker

I am an authorised decision maker under s 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your application.

Decision

I have located over 10,000 electronic items nominally relevant to your revised request. I have undertaken an analysis of 10% of the items, of those 1296 items, 796 were within the specific scope of your request which comprises approximately 2000 pages. That preliminary analysis of material took 3 hours to ensure the documents were within scope, without considering specific exemptions.

I note CSIRO has already spent over 10 hours locating the documents and conducting the preliminary analysis.

I also note, your request further requires historical archived material to be examined, given the location of over 10,000 current electronic items I have not elected to conduct these searches noting the significant time taken to retrieve current electronic items.

I have decided to refuse access under s 24(1)(b) as although you undertook to revise the scope of your request, the practical refusal reason under s 24AA still exists. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of CSIRO from its other operations as specified in s 24AA(1)(a)(i) of the FOI Act.

Reasons for my Decision

Materials taken into account:

The materials, information and advice to which I have had reference in making this decision are:

- i. The terms of your FOI request – the revised scope.
- iv. The relevant provisions of the FOI Act
- v. Guidelines issued by the Office of the Australian Information Commissioner under s 93A of the FOI Act (the Guidelines)
- vi. Relevant case law.

In deciding that the work involved in processing the request would substantially and unreasonably divert the resources of CSIRO from its other operations I have had regard to the factors prescribed in s 24 AA (2)(a)-(c) having regards to the resources that would have to be used for the following:

(a) identifying, locating or collating the documents within the filing system of the agency...
(b) deciding whether to grant, refuse, or defer access to an edited copy of such a document, including resources that would have to be used for:

- (i) examining the document*
- (ii) consulting with any person or body in relation to the request*

(c) making a copy, or an edited copy, of the document..

I note that we have not yet located all relevant documents but there are over 9000 electronic items that have not been reviewed that are likely all within the scope of your revised request.

Request is substantial

At a very conservative estimate, there are electronic items (10,000 nominally relevant electronic items, preliminary analysis provides that at least 61% of items are relevant to scope, whilst the other 39% are nominally relevant e.g. copies of internal advice but advice consisted of material already public available which is excluded from scope) comprising of at least 15,000 pages (based on preliminary analysis of document pages, manually counting pages for electronic items would be unreasonable) which would result in over 250 hours being undertaken to process your request (based on one minute per page which is extremely conservative estimate). I am satisfied that the number of hours needed to undertake to process your request is 'substantial'. I am also satisfied that the consideration of the material to confirm its status as exempt or release-able, including internal consultation with officers with close knowledge of the project or projects in question, would take a significant amount of time. Taking these matters together, I am satisfied that the diversion of resources is substantial.

Request is unreasonable

I have decided the substantial resource burden would be unreasonable. In making this decision I have had regard to:

- (i) The need to ensure that other FOI applicants are afforded an opportunity to have their requests dealt with in a timely way.
- (ii) The public interest in not diverting officers involved in the subject matter of the request away from performing their usual duties for an excessive duration.

I have also taken into account the strong public interest in releasing information in relation to climate change. However, I note CSIRO's dedication to publishing material, including data and journal articles, advice and information on climate change and I note that much of the publicly available information has been provided to CSIRO Executives and the Commonwealth Government (including through public committees and inquiries). I note I have provided you with a brief summary of published journals and data which may assist you. Please see below.

Rights of Review

A statement setting out your rights of review under the Act is at Attachment A.

Other information

In order to assist you, I have replicated below (as provided in the s 24AB Notice provided to you on 16 April 2013) the publicly available information that CSIRO has published in relation to your request:

I note, for your information CSIRO has published a book entitled, "Climate Change: Science and Solutions for Australia" (2011). You can download a full version of the book for free at <http://www.csiro.au/Climate-Change-Book>. CSIRO and BOM have also produced the 'State of the Climate' report which is available at <http://www.csiro.au/State-of-the-Climate-2012>.

Moreover, CSIRO has published thousands of articles relating to anthropogenic causes of climate change; CSIRO's online publication repository contains records of more than 80 years of CSIRO research publications, such as journal articles, conference papers, books and reports. You can source some of the publications (2011 onwards) from the CSIRO.au online publication repository at: <https://publications.csiro.au/rpr/home?execution=e1s1>. Please find attached some of the articles located at

the repository (published in various journals) for your assistance. I also note publications with CSIRO authors (and therefore peer reviewed internally within CSIRO) published in various national and international journals are available through online search tools, e.g. Web of Science.

I also note that the Australian Climate Change Science Program (ACCSP) co-funded by CSIRO, the Department of Climate Change and the Bureau of Metrology publishes a list of ACCSP researchers peer reviewed papers or articles in the ACCSP Annual Report available online at:

<http://www.cawcr.gov.au/projects/climatechange/publications.shtml>. I have included the list from the ACCSP Annual Report 2011-2012 and the ACCSP Annual Report 2010-2011, for your information.

If you are particularly interested in raw data surrounding climate change, you may also wish to review the publicly available data available at CSIRO's data access portal

<https://data.csiro.au/dap/home?execution=e1s1> or the Australian National Data Service

<http://ands.org.au/> both data portals can be searched by key words, e.g. 'climate change'. I also note

<http://auscope.org.au/> which is an Australian orientated site. Observed greenhouse gas concentrations, as measured by CSIRO and the Bureau of Meteorology at Cape Grim, Tasmania, can be easily explored at

<http://www.csiro.au/greenhouse-gases>.

Yours sincerely



Beth Maloney
Legal Counsel
CSIRO

Review rights

You are entitled to seek review of this decision.

Internal Review

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

30 days of you receiving this notice: or

15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

R Caldwell, CSIRO PO Box 225 Dickson ACT 2602] or

By email: rosemary.caldwell@csiro.au

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by CSIRO in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify CSIRO as the relevant agency.