

30 August 2016

Damien Matcham
34 Wilburville Road
ARTHURS LAKE
TAS 7001

By email: damienmatcham@y7mail.com

Dear Mr Matcham,

Right to Information Request 2 August 2016

I refer to your request pursuant to the *Right to Information Act 2009* (RTI Act) received on 2 August 2016 by Hydro Tasmania.

I am authorised to make decisions on behalf of Hydro Tasmania in respect of applications for information under the RTI Act.

1. Your Request

Your request was for:

“A copy of any and all documentation regarding a breakdown of all costs by financial year involving the mediation for Basslink.”

Hereafter referred to as “the Request”.

2. Determination and Reasons for Determination of Request

I have undertaken a search of the information held by Hydro Tasmania to locate any records that may be relevant to the Request. I have determined the extracts from documents in our records provided in section 3 of this letter are information relevant to the Request. Please note that there was not a mediation for Basslink, but there was an “arbitration”.

3. Information provided

Phase		Start Date	End Date
Pleadings		29 October 2012	10 May 2013
Evidence		11 May 2013	21 October 2013
Submissions	Opening	22 October 2013	1 November 2013
	Closing	20 November 2013	6 December 2013
Hearing	Main Hearing	2 November 2013	19 November 2013
	Q&A Session	7 December 2013	13 December 2013

Phase	Solicitors' Fees	Counsel's Fees	Experts' Fees	Disbursements	Total Costs for Phase
Pleadings	\$504,536.52	\$154,623.59	n/a	\$11,005.70	\$670,165.81
Evidence	\$1,314,036.00	\$195,840.91	\$490,622.60	\$48,197.11	\$2,048,696.62
Submissions	\$289,293.10	\$181,457.27	n/a	\$9,146.56	\$479,896.93
Hearing	\$260,587.80	\$241,967.27	n/a	\$56,594.20	\$559,149.27
Total	\$2,368,453.42	\$773,889.04	\$490,622.60	\$124,943.57	\$3,757,908.63

4. Information withheld

The RTI Act provides that some information in our possession is exempt from release for the reasons stated below.

4.1 Relevant sections of RTI Act

Communications between Hydro Tasmania and its legal representatives and materials produced by or on behalf of Hydro Tasmania at the request of Hydro Tasmania's legal representatives is exempt information under Section 31 (Legal Professional Privilege) of the RTI Act, and has not been included in the disclosed information. It is also not subject to the Public Interest Test.

I have also assessed the identified Information in accordance with the RTI Act and I regard the following exemptions as also being relevant:

- (a) Section 35(1) (Internal deliberative information); and
- (b) Section 36(1) (Personal information of a person).

As required under Section 33 of the RTI Act, I have considered the Public Interest Test assessment criteria under Schedule 1 to the RTI Act in regards to the information ultimately withheld pursuant to sections 35 or 36 and have determined that it was not in the public interest as a whole to disclose the withheld information.

The reasons for the determination are:

- that the release of the information would not contribute to the debate on the matter
- the information would not inform the request about the reasons for a decision
- the disclosure would prejudice the ability of Hydro Tasmania to obtain similar information in the future
- the disclosure would not provide the contextual information to aid in the understanding of Hydro Tasmania's decisions
- disclosure would promote or harm the interests of an individual or group of individuals
- disclosure may harm the business and financial interests of Hydro Tasmania
- the information is related to the business affairs of Hydro Tasmania and if released would cause harm to the competitive position of the Corporation.

The other public interest matters set out in Schedule 1 of the RTI Act are considered to not be relevant to the Request.

A copy of this determination will be placed on the Hydro Tasmania website for public information.

4. Review of Rights

You have a right to seek an internal review of my decision pursuant to section 43 of the RTI Act. If you would like to request such a review, you may write to Hydro Tasmania's Chief Executive Officer within twenty (20) working days from the date of this letter at:

Mr S Davy
Chief Executive Officer
Hydro Tasmania
4 Elizabeth Street
HOBART TAS 7000

This request is now considered closed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan W. Evans', with a large, sweeping flourish extending to the left.

Alan W. Evans
Right to Information Officer & Corporation Secretary
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e alan.evans@hydro.com.au
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