

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Additional Estimates 2011-12, 13 February 2012

Answers to Questions on Notice

Climate Change and Energy Efficiency Portfolio

Outcome:	1	Question No:	101
Program:	1.4		
Division/Agency:	LSB		
Topic:	Freedom of Information Request – International Carbon Prices		
Hansard Page EC:	EC74		

Senator BIRMINGHAM: Thank you. I am sure you will be able to respond, Mr Comley, although this perhaps stretches 1.4 a little: I understand that the *Financial Review* has sought information via FOI in relation to international carbon prices and other information from the department, and that the department has refused to waive any costs on the basis that the *Australian Financial Review* will derive a commercial benefit from the publication of a story based on any documents. Is that standard for the department for all media applications for FOI, that costs are imposed on all FOI applications?

Mr Comley: We could get our FOI coordinator up here, but our general approach is just to apply the act as it appears on a case-by-case basis and to determine whether we think there is a public interest benefit in waiving fees. I would not necessarily say that we had a standard approach to denying all media outlets, because we treat everything on a case-by-case basis.

Senator BIRMINGHAM: And it is, of course, that public interest test in terms of the approach taken to media outlets. Have any of them passed the public interest test?

Mr Comley: I would have to take that on notice.

Senator BIRMINGHAM: Could you, perhaps, provide some details of how many may have had costs waived or not had costs waived along the way?

Answer:

During the 2010-11 financial year, journalists made 30 requests to the Department for access to documents under the *Freedom of Information Act 1982* (FOI Act). Of these applications:

- waiver of charges was requested and granted in two cases;
- charges were not imposed in seven cases;
- waiver was not requested and charges were paid in three cases;
- a deposit was paid and the remaining charges were waived in one case;
- a deposit was paid and later refunded in one case; and

- 16 requests were withdrawn.

During the current financial year as at 21 March 2012, journalists have made 15 requests to the Department for access to documents under the FOI Act. Of these applications:

- waiver of charges was requested and granted in three cases;
- charges were not imposed in two cases;
- charges were reduced by 50 per cent in one case;
- waiver was not requested and charges were paid in two cases;
- a deposit was paid and later refunded in one case;
- four requests were withdrawn; and
- two requests for waiver of charges remain outstanding.

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Outcome:	1	Question No:	102
Program:	1.4		
Division/Agency:	ID		
Topic:	Austria, Italy and Luxembourg		
Hansard Page EC:	EC18-19		

Senator MACDONALD: Finally, just following up on some questions that Senator Milne asked, thank you for your answer about Switzerland only getting to 92 per cent of its average emissions of 1990 and rightly pointing out to me that Switzerland is not part of the European Union. Thank you also for telling me that Austria, Italy and Luxembourg were not on track to meet their targets. For Switzerland you gave me 92 per cent. Do you have the figures for Austria, Italy and Luxembourg? If they are not with you, could you just send me an email about those—or send the committee an email.

Mr Comley: We can try to provide that today. I think that is straightforward. I think the other point that was made was that for the European Union—obviously not Switzerland—the commitment they made internationally was for the European Union as a whole, so targets within the European Union are a matter within the European Union and do not represent not meeting a Kyoto target.

Answer:

The original 15 members of the European Union (‘the EU-15’: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom) have a combined target for the first commitment period of the Kyoto Protocol (2008-2012). This target will be achieved collectively under a ‘burden sharing agreement’ which has specific differing targets for each country. Burden sharing targets are internal EU matters and not part of the Kyoto Protocol.

The European Environment Agency (EEA) releases annual reports that state whether countries are on track to meet their targets under this burden sharing agreement. The most recent EEA report in 2011 examines countries’ positions as at the end of 2010 – this includes three years of emissions data (2008-2010) out of the five year Kyoto Protocol commitment period. The EEA analysis also takes into account each country’s intentions to acquire additional Kyoto units to meet their respective targets.

After three years of the commitment period, the 2011 EEA report stated that the EU-15 as a whole was on track to achieve its Kyoto target of 92 per cent of base year levels. However the report stated that three EU-15 countries – Luxembourg, Italy and Austria – were not on track at the end of 2010 to meet their burden sharing targets.

Luxembourg's burden sharing target for the first commitment period of the Kyoto Protocol is 72 per cent of 1990 levels. Luxembourg's emissions level was above its target by approximately 1.4 per cent of its base year emissions.

Italy's burden sharing target for the first commitment period of the Kyoto Protocol is 93.5 per cent of 1990 levels. Italy's emissions are above its target by approximately 1.7 per cent of its base year emissions.

Austria's burden sharing target for the first commitment period of the Kyoto Protocol is 87 per cent of 1990 levels. Austria's emissions are above its target by approximately 8.9 per cent of its base year emissions.

It is open to EU-15 countries not on track to meet their burden sharing targets to reduce further their domestic emissions during 2011 and 2012 and/or increase their use of units from the Kyoto flexible mechanisms to meet their targets.