

23 February 2018

Anthea Karvounaris
William Roberts Lawyers
Level 21, 535 Bourke Street
Melbourne VIC 3000

Dear Ms Karvounaris,

Right to Information Request 1 December 2017

I refer to your request pursuant to the Right to Information Act 2009 (RTI Act) received on 1 December 2017 by Hydro Tasmania. Thank you for your extension to the timeframe stipulated in the RTI Act.

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 is set out in detail in column 1 of Annexure 1 to this letter. It will be collectively referred to in the body of this letter as “the Request.”

2. Determination and Reasons for Determination of Request

Annexure 1 sets out my determination by itemising the sections of your request. The Request is centred on Hydro Tasmania’s cloud seeding operation on 5 June 2016 and the flooding which occurred in Tasmania between 5 and 12 June 2016. Naturally, both these topics have been the subject of substantial public interest and scrutiny.

Hydro Tasmania submitted a large amount of information to the independent government review team for their review into the Tasmanian floods of June and July 2016 – the submissions to the review team and its final report are available to the public online. Hydro Tasmania has disclosed further information to the public on both the floods and our cloud seeding operations by way of both assessed and active disclosures pursuant to the RTI Act. That information is available on our website. Various links to information the subject of the Request are set out in Annexure 2 to this letter. Please note that Annexure 2 is provided for your ease of reference only - it should not be considered exhaustive or complete list of public sources of relevant information.

It is important to note that Hydro Tasmania is not required to use its dams for flood mitigation and that they were not built for that purpose; they were designed for the purpose of storing water for hydro generation.

It is not Hydro Tasmania’s place to communicate to the public regarding flooding or flood warnings; it is our role to provide information on water levels to the appropriate agencies for them to communicate to the public.

2.1 I have determined that sections; 1a-g, 2, 4a-h, 5b, c, d, f, g, h, l, m and n of the Request are

refused pursuant to 12(3)(c)(i) of the RTI Act on the basis that, to the extent that you would have been eligible to be provided with it, that information is otherwise available. All information in the possession of Hydro Tasmania which responds to these sections of the Request and is not exempt information is in the public domain and is readily accessible online. Please refer to Annexures 1 and 2 for guidance as to where this information is available.

2.2 In relation to the balance of the Request, I have undertaken a search of the information held by Hydro Tasmania and its subsidiaries to locate any records that may be relevant to the Request and have determined that:

- a) Hydro Tasmania is not in possession of any information that matches sections 5e or k of the request.
- b) The information I have determined which can be released to you relevant to the Request is as follows:

	Document	Section of the Request	Released
1	WM – Instruction-P01/04 Airborne Evaluation of Cloud Conditions	3, 4d	In full
2	WM – Instruction-P01/04 Adjusting to Changing Conditions	3, 4d	In full
3	WM – Instruction-P01/04 Cloud Seeding Operation when Flood Warnings are in place	3, 4d	In full
4	Hydro Tasmania Dam Safety Emergency Plan – Section 2 – Flood Loading Dam Safety Please note that this is one chapter extracted from the Hydro Tasmania’s broader Dam Safety Emergency Plan. I have determined that Section 2 is responsive to the Request but the balance of the document is not. Section 2 was easily extracted so I have provided the relevant section only, rather than providing a heavily redacted version of the whole document.	1d	In full
5	Hydro-Electric Corporation Board Paper dated 27 July - June 2016 Flood Event – Legal Update	5j	Partially - redacted as exempt pursuant to s31
6	Cloud seeding flight of 5 June 2016 Background and event final report dated 27 July 2016	5a	Partially - redacted as exempt pursuant to s27
7	Cloud Seeding Update power point presentation - 27 July 2016 Board meeting	5a – this accompanied the board paper labelled document 5.	Partially - redacted as exempt pursuant to s31

8	Wholesale Energy Services – Performance Report for July 2016	5a	Partially - redacted as majority of document not relevant to the Request.
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Copies of those documents are attached together with this letter.

Additionally, I have located meeting minutes for five meetings regarding the cloud seeding operation and the 2016 floods which would be responsive to section 5j of the Request. I have determined that those minutes are exempt pursuant to section 31 of the RTI Act in their entirety and I have therefore not provided you with that information.

3. Review of Rights

You are entitled under Section 43 of the RTI Act to apply for a review of the decision made under Part 2 of the determination.

Any request for such a review should be made in writing within twenty (20) working days of receiving this letter and addressed to:

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

Should you have any questions on the information provided please contact the undersigned.

This request is now considered closed.

Yours sincerely



Kate McKenzie
Right to Information Officer & Corporation Secretary
Hydro Tasmania
t 03 6230 5378
e kate.mckenzie@hydro.com.au

Annexure 1

Request	Decision	Information available
Communications		
1. All documents including but not limited to, any Records in the possession of Hydro Tasmania from 4 June 2016 to 7 June 2016 constituting and/or in relation to:		
a. the Cloud Seeding Operation;	Refused	Annexure 2: A, B, C, G, I
b. the Flood;	Refused	Annexure 2: D, G, I
c. any notification of the commencement, existence or status of the Flood;	Refused	Annexure 2: A, D, E,
d. any flood action plans and/or flood response plans;	Accepted	Refer Document 4 enclosed.
e. meetings, briefings and teleconferences held and/or attended by, including but not limited to, the ARM Council, BOM, Coordinator, Council, DAWR, DPFEM, DPIPWE, Fire Service, FWCC, Hydro Tasmania, NAFC, Police, SEMC, SES, Taskforce and/or WMAWater (including minutes of meetings);	Refused	Annexure 2: A, D, E
f. the issuing of emergency warnings and alerts	Refused	Annexure 2: A, D, E, G
g. weather and climactic conditions	Refused	Annexure 2: A, D, E, G
Mapping and Weather		
2. All Documents or Records in the possession of Hydro Tasmania relating to the weather and climactic conditions of the Areas in the period from 4 June 2016 to 7 June, during Cloud Seeding Operation and the Flood	Refused	Annexure 2: A, C, D, G
3. Any mapping standards, policies, procedures or mapbooks in the possession of Hydro Tasmania (current as at the time of the Cloud Seeding Operation) and the date they were last updated (if available.)	Accepted	Refer Documents 1, 2, 3 enclosed
Other Documents		
4. All Documents or Records in the possession of Hydro Tasmania including but not limited to:		
a. Guidelines		
b. Risk analysis reports; or		
c. Simulation(s)		

created or prepared, commissioned or received by Hydro Tasmania (current as at the time of the Flood) regarding:		
d. the Cloud Seeding Operation;	Refused	Annexure 2: A, B, C
e. the impact of cloud seeding on increased rainfall and/or rainfall enhancement;	Refused	Annexure 2: B, C, F
f. the impact of cloud seeding on flooding;	Refused	Annexure 2: F
g. using cloud seeding as a tool for water management in Tasmania; or	Refused	Annexure 2: C
h. the impact of cloud seeding on increased precipitation	Refused	Annexure 2: B, C
5. All Documents or Records in the possession of Hydro Tasmania as a result of and/or in relation to: a. The Cloud Seeding Operation; and b. The Flood; Including but not limited to any:	Refused	Annexure 2: A, B, C Annexure 2: D, E
c. investigation reports;	Refused	Annexure 2: C
d. independent expert reports;	Refused	Annexure 2: I
e. situational reports	Accepted	No information
f. reports in relation to the cause of the flood;	Refused	Annexure 2 sources: I
g. reports in relation to the effects of the cloud seeding operation on the flood;	Refused	Annexure 2: I
h. correspondence from Mr Blake;	Refused	Annexure 2: I
i. communication logs	Refused	Annexure 2: A
j. meeting minutes	Accepted	No information
k. operational reports	Accepted	No information
l. diagrams, drawings and topographical maps;	Refused	Annexure 2: A, C
m. weather data; and	Refused	Annexure 2: A, C, D, E
n. images and photographs.	Refused	Annexure 2: D, E

Annexure 2 – Sources of information otherwise available

	Information title or type	Owner of the information	Available at
A	Right to Information Disclosure to Felicity Ogilvie regarding Cloud Seeding Operations dated 11/8/16	Hydro Tasmania	https://www.hydro.com.au/docs/default-source/about-us/our-governance/request-to-information-(rti)/16-08-11-rti-decision-letter-felicity-ogilvie-information-relating-to-cloud-seeding-operation-on-5-june-2016.pdf?sfvrsn=b5901228_2
B	Right to Information disclosure to Bryan Green regarding cloud seeding dated 11/10/17	Hydro Tasmania	https://www.hydro.com.au/docs/default-source/about-us/our-governance/request-to-information-(rti)/16-10-11-rti-decision-letter-bryan-green-cloud-seeding-information.pdf?sfvrsn=1d901228_2
C	Right to Information disclosure to Rosalie Woodruff regarding cloud seeding dated 7/9/16	Hydro Tasmania	https://www.hydro.com.au/docs/default-source/about-us/our-governance/request-to-information-(rti)/16-09-07-rti-decision-letter-rosalie-woodruff-cloud-seeding-june-2016.pdf?sfvrsn=1f901228_2
D	Right to Information Disclosure to P Billings regarding 2016 floods Annexure 1 dated 24/2/17	Hydro Tasmania	https://www.hydro.com.au/docs/default-source/about-us/our-governance/request-to-information-(rti)/17-02-24-rti-response-2016-floods-p-billings-annexure-a.pdf?sfvrsn=e8901228_2
E	Right to Information Disclosure to Patrick Billings regarding 2016 floods Annexure B dated 24/2/17	Hydro Tasmania	https://www.hydro.com.au/docs/default-source/about-us/our-governance/request-to-information-(rti)/17-02-24-rti-response-2016-floods-p-billings-annexure-b.pdf?sfvrsn=ff901228_2
F	Report: Economic Impacts of Cloud Seeding dated April 2008	Hydro Tasmania and West Coast Council	https://www.hydro.com.au/docs/default-source/water/cloud-seeding/hcs-economic-impacts-background-report-4.pdf?sfvrsn=137c1328_0
G	6 x Submissions to Government Review into 2016 floods	Hydro Tasmania	http://www.dpac.tas.gov.au/government_flood_review/submissions

H	BOM submission to Government Review into 2016 floods	Bureau of Meteorology	http://www.dpac.tas.gov.au/data/assets/pdf_file/0018/313119/BoM_1_John_Bally.pdf
I	Report of the Independent Review into the Tasmanian Floods of June and July 2016	Department of Premier and Cabinet	http://www.dpac.tas.gov.au/data/assets/pdf_file/0015/332610/floodreview.pdf

