

31 May 2022

Dean Winter MP
Member for Franklin
Parliament House
Hobart TAS 7000

By email only: marcus.atkinson@parliament.tas.gov.au

Dear Mr Winter,

Right to Information Request 10 November 2021: Internal Review

I refer to Item 7 of your request pursuant to the *Right to Information Act 2009 (Tas) (RTI Act)* received on 10 November 2021 and the subsequent correspondence between you and Hydro Tasmania. As previously communicated, Basslink Pty Ltd (**BPL**) wrote to Hydro Tasmania on 29 March 2022 requesting a review of the decision made by Special Counsel Sharlene Brown to release an excerpt of the Arbitral Award (**Award**) between Hydro Tasmania and BPL delivered on 2 December 2020 (**Information**) pursuant to your request under the RTI Act (**Decision**).

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

1. Your Request

Item 7 of your request was “*whether there are any technical issues currently affecting the Basslink cable, and if so, what those technical issues are*” (referred to in the body of this letter as **the Request**).

2. Determination

- 2.1. Upon internal review of the Decision, I have determined that the Information is responsive to the Request and is not exempt from disclosure under the RTI Act.
- 2.2. I attach the original Decision at Annexure 1 and the Information at Annexure 2.

3. Review Rights

- 3.1. You are entitled under Section 43 of the RTI Act to apply for a review of the determination.
- 3.2. Any request for such a review should be made in writing within twenty (20) working days of receiving this letter and addressed to:

Mr I Brooksbank
Acting Chief Executive Officer
Hydro Tasmania
4 Elizabeth Street
HOBART TAS 7000

Should you have any further questions please contact the undersigned.

Yours sincerely,



Laura Harle
Legal Counsel
t 6240 2813
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Annexure 1

15 March 2022

Dean Winter MP
Member for Franklin
Parliament House
Hobart TAS 7000

By email only: marcus.atkinson@parliament.tas.gov.au

Dear Mr Winter,

Right to Information Request 10 November 2021

I refer to Item 7 of your request pursuant to the *Right to Information Act 2009 (Tas)* (“**RTI Act**”) received on 10 November 2021 by Hydro Tasmania. I am authorised to make decisions on behalf of Hydro Tasmania in respect of applications for information under the RTI Act.

The statutory 20 working day period elapsed for making a decision at the close of business on 9 December 2021 and an additional period of 20 working days was permitted under the RTI Act due to the information relating to the business affairs of third parties.

Thank you for agreeing to the subsequent extensions of time in respect of this item, with the latest extension agreed until 21 March 2022.

1. Your Request

Item 7 of your request was “*whether there are any technical issues currently affecting the Basslink cable, and if so, what those technical issues are*” (referred to in the body of this letter as “the Request”).

2. Determination

- 2.1. The information that Hydro Tasmania has considered, identifies that an extract of the Arbitration Award between Hydro Tasmania and Basslink Pty Ltd (“**BPL**”) delivered on 2 December 2020 (“**the Information**”) will respond.
- 2.2. Hydro Tasmania has engaged in third party consultation with BPL regarding the Information and I note that no response was received as a result of that third party consultation.
- 2.3. I have determined that the Information is not exempt from disclosure under the RTI Act.
- 2.4. Hydro Tasmania is required to notify BPL of its determination under s. 37 of the RTI Act and provide 10 working days for BPL to apply for an internal review of the determination (if it wishes to do so).

2.5 Once this time period has elapsed, absent such an application, Hydro Tasmania will provide a copy of the Information to you (being, by 29 March 2022).

5. Review of Rights

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

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

Mr I Brooksbank
Acting Chief Executive Officer
Hydro Tasmania
4 Elizabeth Street
HOBART TAS 7000

Should you have any further questions please contact the undersigned.

Yours sincerely,

Sharlene Brown

Special Counsel
E Sharlene.Brown@hydro.com.au

Annexure 2

The Arbitrator's award delivered on 2 December 2020 included the following relevant declarations:

1. It is declared that BPL has breached cl 9.1 (a) of the Basslink Services Agreement in that, by failing to take prompt steps to implement mitigating actions in response to the DNV GL Report of December 2017, it failed to act in accordance with Good Electricity Industry Practice.

2. It is declared that:

BPL's obligations under cl 9.1 (a) of the Basslink Services Agreement require it to undertake mitigating measures as follows:

- (i) to use thermal modelling to perform calculations to determine and implement the maximum power allowed to be transmitted across the whole of the Cable in all expected conditions;
- (ii) for the purposes of such thermal modelling, where possible, to replace assumptions by actual values, relevant to a worst case thermal bottleneck or thermal bottlenecks, for:
 - (a) the actual cable subsea burial depth, also taking into account possible variations over time;
 - (b) the actual subsea soil characteristics, also taking into account possible variations over time;
 - (c) the actual subsea ambient soil temperatures, taking into account future weather extremes; and
 - (d) the actual thermal resistivity of the insulation material of the power cable.
- (iii) Improve or replace the Cable Load Prediction System with a more sophisticated system which can provide a reliable estimation of cable temperature and facilitate more flexible safe operation of the Cable.
- (iv) Take a precautionary approach to the dwell time for polarity reversals which should be 5 minutes unless and until it is demonstrated that 2 minutes does not give rise to any increased risk of degeneration of the insulation.

Hydro Tasmania understands BPL has completed item 2(iv).