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Office of the Chief Executive

81-95 Waymouth Street
Adelaide

GPO Box 1047
Adelaide SA 5001
Australia

Ph: +61 8 8204 9000

www.environment.sa.gov.au

Mr David Speirs MP
Leader of the Opposition
South Australian Parliament
North Terrace
ADELAIDE SA 5000
E: leaderoftheopposition@parliament.sa.gov.au

Dear Mr Speirs MP

DAVID

Thank you for your internal review application dated 26 August 2022 regarding seeking access to:

"A copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries, event attendance records and any other correspondence) relating to the Department's advice on the proposal by Mr Richard Ladley to develop tidal energy generation".
Timeline: between 21/03/2022 to 07/07/2022

Your original application for access was determined as refused access on the basis that a determination was not provided within the statutory timeframe. You sought an internal review of this matter.

On the 9 September 2022 the department contacted your office to inform you that a late determination would be made in accord with section 19(2a) of the *Freedom of Information Act 1991*.

DETERMINATION

I wish to advise that as Principal Officer I have determined to vary the original determination. Full access has been granted for documents numbered 1, 1.2 and 2 and partial access to document numbered 1.1. The attached document schedule provides details of the exemptions and public interest test.

YOUR APPEAL RIGHTS

If you are dissatisfied with this determination, you are entitled to exercise your rights to external review and appeal as outlined in attachment 3. If you decide to apply for an external review you must contact the Ombudsman SA within 30 calendar days of receipt of this letter.

Should an FOI applicant believe an agency has failed to identify all of the documents within the scope of their FOI application, they can make a complaint to the Ombudsman under the Ombudsman Act 1972. Attachment 4 of this determination outlines this process. You can also visit: www.ombudsman.sa.gov.au

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8463 6625 or email DEW.FOI@sa.gov.au.

Thank you for writing to me and I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

BEN BRUCE

A/Chief Executive, Department for Environment and Water

13 / 10 / 2022

- Encl:
1. Document Schedule
 2. Release documentation
 3. Rights of review and appeal factsheet
 4. Sufficiency of Search – Ombudsman factsheet



Freedom of Information application: DEW22/046 David Speirs MP

"A copy of all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries, event attendance records and any other correspondence) relating to the Department's advice on the proposal by Mr Richard Ladley to develop tidal energy generation, from 21 March 2022 to 7 July 2022"

No	Date	Author	Document	Determination	Clause	Reason	Public Interest Test - Contrary to release	Public Interest Test - In favour of release
1	27/05/2022	OCE corro	Email	Full Release				
1.1	27/05/2022	Ben Bruce, Executive Director, Water and River Murray, DEW	Briefing to the Minister for Climate, Environment and Water	Partial Release	7(1)(c) - Documents affecting business affairs	Disclosure of a third party business concept is the commercial property of Australian Desalination Irrigation. The business concept was shared for the purpose of Government consideration, by way of commercial investment or support by the State Government. The redaction applied protects the commercial details of the concept, whereas broader summarising descriptions of the concept do not qualify for exemption.	<p>This business concept is the commercial property of Australian Desalination Irrigation and should be treated respectfully and ethically. It would be reasonable to consider that it should not be shared beyond its intended and original purpose.</p> <p>Disclosure of third party business concepts would likely have an adverse effect on the Agency's future commercial business dealings and impact existing relationships with the general public, by way of breaching trust and confidence.</p> <p>Disclosure of this information would likely provide a competitive advantage to interested third parties.</p> <p>The redaction of this third party business concept does not inhibit the understanding of the position and decision of government or messaging within this briefing. Government decision making requires a level of transparency which is afforded in this Partial Release document.</p>	<p>The object of the FOI Act 1991 is to provide transparency over agency held information.</p> <p>Providing an individual with information of special interest to them.</p>
1.2	27/05/2022	DEW	Draft letter approved by CE	Full Release				
2	28/06/2022	Minister signed letter	Letter to Mr Richard Ladley	Full Release				

From: DEW:Correspondence OCE
Sent: Friday, 27 May, 2022 3:09 PM
To: Deputy Premier Ministerials
Cc: DEW:Correspondence Water
Subject: INV2200254_CE Approved
Attachments: FW: Tidal Stream Energy to drive Desalination Irrigation Water into the Regions;
INV2200254 - Attachment 1.docx; CE approved - INV2200254 - Briefing.pdf

OFFICIAL

Hi,

Please find attached a brief approved by the CE, for the Minister's consideration.

Regards,

Vince

Senior Correspondence Officer, Office of the Chief Executive

Department for Environment and Water

P (08) 8204 9320

Level 10, 81-95 Waymouth Street

ADELAIDE SA 5000

environment.sa.gov.au



SOUTH
AUSTRALIA



Government of South Australia

Department for Environment
and Water

Helping South Australians conserve, sustain and prosper

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OFFICIAL



Government of South Australia

Department for Environment
and Water

INV22/00254

Briefing Type: Background and draft reply letter

TO: MINISTER FOR CLIMATE, ENVIRONMENT AND WATER

RE: MEETING REQUEST – LADLEY, RICHARD - AUSTRALIAN DESALINATION IRRIGATION

THROUGH: CHIEF EXECUTIVE

27/05/2022

Routine Business:

RECOMMENDATIONS

That you:

1. Approve the attached draft response to Mr Richard Ladley, Director, Australian Desalination Irrigation, regarding his proposal to develop tidal energy generation capacity to desalinate seawater for irrigation purposes in South Australia, Victoria and New South Wales.

APPROVED / NOT APPROVED**Comments**

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water
/ / 2022

OFFICIAL

BACKGROUND

On 27 April 2022, Mr Richard Ladley, Director, Australian Desalination Irrigation, emailed your adviser, Mr Jason Gillick, seeking a meeting on and/or a letter of support for his proposal to build new tidal energy generation capacity for the desalination of seawater for irrigation purposes in South Australia, Victoria and New South Wales.

Mr Ladley is seeking funding through the National Water Grid Authority to undertake further feasibility analysis on his proposal, which in a South Australian context includes:

- 7 - Documents affecting business affairs
[Redacted]
[Redacted]
- [Redacted]
[Redacted]
- [Redacted]
[Redacted]

Mr Ladley is not seeking any funding from state governments, but is looking for an indication of support from South Australia, Victoria and New South Wales to progress discussions with relevant Commonwealth Government agencies.

The Department for Environment and Water, on referral from the former Minister for Environment and Water's office, has facilitated a number of connections between Mr Ladley and relevant industry stakeholders in South Australia over the last two years, including Primary Producers SA and the South Australian Chamber of Mines and Energy.

The former minister also provided a letter in support of Mr Ladley's representations for funding on 17 March 2022. No other direct support for the project has been indicated from other current and former ministers' at the national or state level to date. Correspondence dated 12 February 2022 from the Victorian Minister for Transport Infrastructure, the Hon Jacinta Allen MP, advises that *'the Victorian Government is not in a position to provide any support or funding towards the project'*.

DISCUSSION

With the election of the new Government in South Australia, Mr Ladley is seeking a similar letter of support provided by the former minister from you as the new Minister for Climate, Environment and Water.

Mr Ladley's proposal for developing tidal energy in South Australia, desalinating seawater and transmitting water to dry regions for irrigation activity is a significant infrastructure initiative. There are a range of matters that require detailed assessment before any such project could be initiated, including, but not limited to:

- The identification of end-users/markets who are willing to pay for new irrigation water;
- Infrastructure requirements for water transport to end-users and the associated

impact on the cost of the water produced;

- Governance structures for project construction and ongoing operation;
- Potential environmental impacts and shipping transport implications from the construction of tidal energy generators in Upper Spencer Gulf; and
- Community views and acceptance of the project.

Mr Ladley's proposal is also not a priority against other potential water infrastructure projects for investment by the Australian Government in South Australia at this time.

A draft letter of response to Mr Ladley, similar to that provided by the Victorian Minister for Transport Infrastructure, is provided as Attachment 1 for your consideration.

CONSULTATION

Not applicable.

FINANCIAL/HR IMPLICATIONS

Are there financial or HR implications?

No

ATTACHMENTS

Attachment 1 – Draft letter to Mr Ladley.

[Electronically Approved](#)

Ben Bruce
Executive Director, Water and River Murray
Department for Environment and Water

26/05/2022

OFFICIAL



Government
of South Australia

Reference Number INV22/00254

The Hon Susan Close MP

Deputy Premier

Minister for Climate, Environment and Water

Minister for Industry, Innovation and Science

Minister for Defence and Space Industries

Level 13, State Administration Centre

200 Victoria Square, Adelaide SA 5000

Tel (08) 8226 8520

Email: OfficeoftheDeputyPremier@sa.gov.au

Mr Richard Ladley
Director
Australian Desalination Irrigation
Email: Aus.Desal@optusnet.com.au

Dear Mr Ladley

Thank you for your email to my adviser, Mr Jason Gillick, dated 27 April 2022, regarding your proposal to develop new tidal energy generation capacity for the desalination of seawater for irrigation purposes in South Australia, Victoria and New South Wales. Water is critical for South Australia's environment, economy and communities, with its availability and use likely to have a significant impact on the state's future prosperity. Further innovation around water is essential for sustainable industry growth, productivity and international competitiveness, particularly given the likely impacts of climate change on this precious resource.

I have considered your proposal and the South Australian Government is not in a position to provide any support or funding at this time.

I also note that your proposal as currently scoped is a significant infrastructure endeavor. Accordingly, there are a range of matters that would require detailed consideration should you be successful in securing support from the National Water Grid Authority, such as:

- the identification of end-users/markets who are willing to pay for new irrigation water;
- infrastructure requirements for water transport to end-users and the associated impact on the cost of the water produced;
- governance structures for project construction and ongoing operation;
- the potential environmental impacts and shipping transport implications from the construction of tidal energy generators in Upper Spencer Gulf and other regions; and
- community views and acceptance of the project.

Thank you for taking the time to write to me on this matter.

Yours sincerely

Hon Susan Close MP

Deputy Premier

Minister for Climate, Environment and Water

/ / 2022



OFFICIAL



**Government
of South Australia**

Reference: INV22/00254

The Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries
Level 13, State Administration Centre
200 Victoria Square, Adelaide SA 5000
Tel (08) 8226 8520
Email: OfficeoftheDeputyPremier@sa.gov.au

Mr Richard Ladley
Director
Australian Desalination Irrigation
Email: Aus.Desal@optusnet.com.au

Dear Mr Ladley

Thank you for your correspondence regarding your proposal to develop a new tidal energy generation capacity for the desalination of seawater for irrigation purposes in South Australia, Victoria and New South Wales.

As my office informed you, I referred your proposal to the Department for Environment and Water for consideration and have now received a response from them.

Based on this advice, I have considered your proposal and the South Australian Government is not in a position to provide any support or funding at this time.

Given the the significant scope of your infrastructure proposal, there are a range of issues that would require detailed consideration should you be successful in securing support from the National Water Grid Authority, including:

- identification of end-users/markets willing to pay for new irrigation water;
- infrastructure requirements for water transport to end-users and the associated impact on the cost of the water produced;
- governance structures for project construction and ongoing operation;
- the potential environmental impacts and shipping transport implications from the construction of tidal energy generators in Upper Spencer Gulf and other regions; and
- community views and acceptance of the project.

Thank you for taking the time to write to me on this matter.

Yours sincerely

Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

28/6/2022



