Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1603-F1405
File No: 16/8475
14 June 2016

Mr Matthew Buchanan
Via email: foi+request-1654-199b7236@righttoknow.org.au

Dear Mr Buchanan,

Re: Freedom of Information Request

I refer to your current request for access under the *Freedom of Information Act 1982* (the FOI Act) to:

> *"any correspondence with China, Taiwan, the Philippines, Malaysia, Vietnam and the United States in regards to the island building project in the South China Sea enacted by China, and also correspondence between ministers of parliament in regards to this."*

Preliminary searches for documents relevant to your request have been completed. The next step is to consider the application of section 29 of the FOI Act, which concerns the charge, if any, for processing your request.

I am authorised under section 23 of the FOI Act to make decisions on the charge for processing your request. I have decided that you are liable to pay a charge. Based on 152 relevant pages, processing time and time taken by the Decision Maker to assess your request (noting that the first five hours are free of charge), our preliminary assessment of the amount of that charge is **$648.56.** Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

Now that we have given you written notice of our preliminary assessment of the amount of the charge for processing your request, under section 29 of the FOI Act, you have 30 days within which to:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed; or
- withdraw your request.

Should you agree to pay the charge, the *Freedom of Information (Fees & Charges) Regulations* requires that a deposit of 25 per cent of the total charge be paid where the

preliminary assessment of the charge exceeds $100.00. I have calculated the required deposit for your request to be **$162.14.**

You can make your payment by cheque or money order made payable to 'The National Cashier – DFAT'; by credit card (an authorisation form to arrange payment of the application fee by Visa/Mastercard is attached); or by Direct Debit (see details in attachment).

Should you contend that the charge has been wrongly assessed, or should be reduced or not imposed, you may apply for the Department to waive or reduce the charge. The Department may waive or reduce the charge for any reason, including where:

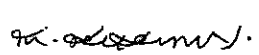
- the payment of the fee or a part of the fee would cause you financial hardship; or
- the giving of access to documents relevant to your request is in the general public interest or in the interest of a substantial section of the public.

A departmental decision-maker will take into account any considerations you put forward, and will make a decision on whether the charge should be imposed, and in what amount.

Section 31 of the FOI Act provides that the 30 day period within which we should process your request is suspended until we receive your payment of the deposit for the charge for processing your request, or we decide not to impose a charge. Should you withdraw your request at this stage, no charge will be imposed.

If we do not receive your response to this letter within 30 days of its receipt, I will consider that you no longer wish to continue with your request, and I will deem it withdrawn. Should you have any queries, or would like to discuss revising the terms of your request, please contact me on (02) 6261 9852, or your case officer, on (02) 6178 4084 or by email to foi@dfat.gov.au.

Yours sincerely



Marie-Charlotte McKenna
Director
Freedom of Information and Privacy Law Section

Department of Foreign Affairs and Trade

Payment of Charges: (Deposit / In Full)

For the sum of $_____ as detailed in the FOI Estimate of Charges letter dated _____ (FOI ref: 1603-F1405)

Credit Card Payment for Freedom of Information (FOI) Charges

Name _____
Address _____
_____
_____

I authorise the National Cashier of the Department of Foreign Affairs and Trade to debit my

☐VISA ☐ MASTER CARD

_____-_____-_____-_____ Expiry: _____/_____

Name appearing on card _____

Signature: _____

Payment by Direct Debit

Account Name: Department of Foreign Affairs and Trade
BSB No.: 092-009
Account No.: 110329

Please include your surname and 'FOI Ref No: 1603-F1405' in the reference field.