



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1707-F1727
File No: 17/19238
18 July 2017

Mr Asher Hirsch
Right to Know
By email to: foi+request-3709-72f7223d@righttoknow.org.au

Dear Mr Hirsch

Re. Freedom of Information Request

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

"Please provide documents and correspondence between the Department and the Government of Indonesia (and its agencies) regarding Indonesian minors who were jailed in adult prisons in Sydney, Melbourne, Brisbane and Perth between 2008 and 2012 for crewing asylum seeker boats."

We have completed preliminary searches for documents relevant to your request.

I am an officer 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 the number of relevant pages, processing time and time taken by the decision maker (once appointed) to assess your request (noting that the first five hours are free of charge), our preliminary assessment of the amount of that charge is **\$127.20**.

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 FOI Act. My decision at this stage relates only to the processing charges.

Under section 29 of the FOI Act, you now 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.

Agree to Pay the Charge

Should you agree to pay the charge, in accordance with the Freedom of Information (Fees & Charges) Regulations I require you to pay a deposit of 25 per cent of the total charge. I have calculated the required deposit for your request to be \$31.80. Once this amount has been received the Department will continue to process your request.

If you choose to pay only the deposit amount at this stage, you will be required to pay the remainder of the charge prior to the release of any documents.

Your payment method options are outlined in the **attachment**.

Contend the Charge

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

Withdrawal

Section 31 of the FOI Act provides that the 30-day processing period to assess your request is suspended until we receive your payment of the deposit for the processing charge, 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.

Narrow Scope of Request

Finally, you may elect to narrow the scope of your request, which may reduce the applicable charge. The narrowed request would be handled as a new FOI request for the purposes of statutory timelines.

Should you have any queries, or wish to discuss revising the terms of your request, please contact me by email to foi@dfat.gov.au.

Yours sincerely



Helen Horsington
Director
Freedom of Information and Privacy Law Section
Corporate Legal Branch
Legal Division



Department of Foreign Affairs and Trade

Please circle:

- **Payment of Charges:** Deposit / In Full
- **Payment by:** Credit Card / Direct Debit / Cheque or Money Order

For the sum of \$_____ as detailed in the FOI Estimate of Charges letter dated _____ (FOI ref: 1707-F1727)

Credit Card

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: _____

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: '1707-F1727' in the reference field.

Cheque/Money Order

Make payable to: 'The National Cashier – DFAT'

Send to: Director, FOI Section
 Department of Foreign Affairs and Trade
 R. G. Casey Building
 John McEwen Crescent
 Barton ACT 0221

