Australian Government
Department of Foreign Affairs and Trade

FOI Reference: LEX2731
File Number: 20/28662
15 October 2020

Elias Ross
Right to Know
By email: foi+request-6782-40ee8825@righttoknow.org.au

Dear Mr Ross

Re: Freedom of Information (FOI) Request

Thank you for your e-mail dated 6 October 2020, seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

> *"... all diplomatic cables sent from the Australian High Commission in Sri Lanka to the Department in Canberra since September 2013 that refer to:*
>
> *- "Illegal maritime arrivals", "illegal migrants" or "unauthorized maritime arrivals". This may include references to the numbers of arrivals, processes of return or court cases brought to Sri Lankan courts to charge those that leave illegally. Please also include any cables that reference the International Organisation for Migration.*
>
> *- "Operation Sovereign Borders"*
>
> *- "People smuggling". This may include references to arrests, court cases brought to Sri Lankan courts or development programs conducted in the coastal regions of the country. Please also include any cables that refer to the operations of the AFP or Department of Home Affairs to combat people smuggling.*
>
> *- "Zero Chance" or other communications campaigns.*
>
> *- Visits by ministers (Immigration, Home Affairs)."*

Practical refusal reason

Notice is hereby given under section 24AB(2) of the FOI Act of an intention to refuse to grant access to the documents sought. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the Department of Foreign Affairs and Trade (DFAT) from its other operations.

In deciding that this practical refusal reason exists, I have given consideration to how DFAT could proceed to process your request, and the time and resources that would be involved in doing so. I have been assisted in this task by estimates provided by members of staff in the department's

Corporate Records and Administration Section. These estimates have been used to determine the probable resource demands posed by your FOI request.

On advice from the relevant line area, your request as it currently stands has captured 399 discrete documents, totalling more than 800 pages. Given this, I am of the opinion that processing your request in its current form would be a substantial and unreasonable diversion of DFAT's resources within the meaning of section 24AA(1) of the FOI Act.

Consultation process

In accordance with section 24AB(2)(e) of the FOI Act, the consultation period during which you may consult with me to revise the scope of your request is 14 days after the day you are given this notice. Please note that if you do not take this opportunity to consult, in accordance with section 24AB(6) of the FOI Act, your request will be taken to have been withdrawn under section 24AB(7) of the FOI Act.

You could consider refining the scope of your request by narrowing the time frame or limiting the search terms provided in your request.

I am the DFAT officer with whom you may consult if you wish to revise the request to a narrower scope such that it could be processed. I may be contacted by email at foi@dfat.gov.au and I am happy to take any reasonable steps to provide you, so far as is reasonably practicable, with any information that I can to assist you in revising your request under the FOI Act.

Please note that during this period of consultation, the statutory timeframe under section 15(5) of the FOI Act for the processing of your request is on hold (see section 24AB(8) of the FOI Act for details).

I have attached a copy of sections 24, 24AA and 24AB of the FOI Act for your information.

Yours sincerely

Tom Beamish
Director
Freedom of Information and Privacy Law Section
Legal Division