



FOI Reference: LEX2731

File No: 20/28662

28 October 2020

Mr Elias Ross

Right to Know

By email: [foi+request-6782-40ee8825@righttoknow.org.au](mailto:foi+request-6782-40ee8825@righttoknow.org.au)

Dear Mr Ross

**Re: Freedom of Information Request**

I refer to your current request for 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 January 2018 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)."*

Preliminary searches for documents relevant to your request have been completed.

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 **\$383.33**.

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.

Should you agree to pay the charge, the *Freedom of Information (Fees & Charges) Regulations* requires that you pay a deposit of 25 per cent of the total charge before processing commences. I have calculated the required deposit for your request to be **\$95.83**.

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 whether:

- the payment of the fee or a part of the fee would cause you financial hardship; and
- 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.

### ***Processing period / Withdrawal***

Section 31 of the FOI Act provides that the 30-day processing period to assess your request is put on hold until we receive your payment of the deposit, payment of the charges in full, 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.

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### ***Narrow Scope of Request***

Finally, you may elect to narrow the scope of your request, which may reduce the applicable charge.

Should you have any queries, or wish to discuss revising the terms of your request, please contact me by email at [foi@dfat.gov.au](mailto:foi@dfat.gov.au).

Yours sincerely



Tom Beamish  
Director  
Freedom of Information and Privacy Law Section



Department of Foreign Affairs and Trade

Please cross out whichever is not applicable:

- **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: LEX2731)

**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: LEX2731** 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