



FOI Reference: LEX2731

File No: 20/28662

16 December 2020

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

Dear Mr Ross

Re: Freedom of Information Request – request for waiver of charges

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)."*

In your email of 23 November 2020, you sought waiver or reduction of the processing charges on the basis of financial hardship and on 6 December 2020 you provided supporting documentation for your claims of financial hardship.

I am authorised in accordance with the provisions of section 23(1) of the FOI Act to make a decision on your request. I am writing to inform you that I have decided to reduce the charges of **\$383.33** payable in respect of your FOI request to **\$200.00**.

Reasons for decision

I have considered your submission that you are a student currently on Centrelink benefits and that payment of the charges would bring you financial hardship. Upon assessment of your supporting documentation I have decided to reduce the charges applicable to your request on the basis of financial hardship.

Please note that the processing charges are issued without prejudice to any subsequent decision on release of any documents that may fall within the scope of your request. At this stage in the FOI process, no decision has been made on whether the information you seek will be released or exempted under the provisions of the FOI Act. My decision relates only to processing charges.

This is a reviewable decision. Information about seeking a review is attached.

Next steps

Now I have written to you with my decision on your request for waiver, you have 30 days within which to:

- pay the charges deposit of **\$50.00**;
- seek review of my decision (as per the enclosed information); or
- withdraw your FOI request.

If we do not receive a response from you as outlined above within 30 days of your receipt of this letter, your request will be deemed to have been withdrawn, in accordance with section 29 of the FOI Act.

If you have any questions about this decision, please contact foi@dfat.gov.au

Yours sincerely



Natalie Mendelsohn
Director
Freedom of Information and Privacy Law Section

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act).

The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (section 54L of the FOI Act).

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act).

Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at: <http://www.oaic.gov.au/freedom-of-information/foi-complaints>

