



Mr Elias Ross  
By email to: [foi+request-7533-b9cc625b@righttoknow.org.au](mailto:foi+request-7533-b9cc625b@righttoknow.org.au)

Dear Mr Ross

***Re. Freedom of Information Request – request for waiver of charges***

The purpose of this letter is to give you a decision about the charge in respect of your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

I have decided to reduce the charge payable in respect of your FOI request to **\$121.50**.

**Request**

You requested access under the FOI Act to:

*“...all email correspondences used to compile the 'treatment of returnees' section of the 2013 Sri Lankan country report. Please limit the request to those email correspondences between DFAT and the Sri Lankan Government, the International Organisation for Migration and the two NGOs mentioned in section 3.80 of the report”.*

On 13 August 2021, you sought a waiver of the charge imposed for the processing of your FOI request on the grounds of financial hardship and public interest.

On 20 August 2021, the department invited you to provide further information to support your request for waiver of the charge.

On 21 August 2021, you advised the department that you did not wish to provide any further information.

**Reasons for my decision**

I am an officer authorised under section 23 of the FOI Act to make decisions on the charge for processing your request.

In considering whether to reduce or waive the charge, section 29(5) of the FOI Act requires me to take into account:

- whether payment of the charge would cause financial hardship, and
- whether giving access to the document is in the general public interest, or in the interest of a substantial section of the public.

I may also take into account other factors as relevant.

In reaching my decision, I have had regard to the factors under section 29(5) of the FOI Act, and the purposes of the charges regime under the FOI Act. I have also taken into account the reasons provided by you in support of your request for a waiver of the charge.

#### *Financial hardship*

You have contended that payment of the charge would cause you financial hardship. In support of this contention, you stated that you are the “recipient of a commonwealth support payment”.

The FOI Guidelines note that “an applicant relying on this ground will ordinarily be expected to provide some evidence of financial hardship. For example, the applicant may rely on (and provide evidence of) receipt of a pension or income support payment, or provide evidence of income, debts or assets.” You have not provided any evidence to substantiate your contention.

On balance, I am not satisfied that you have demonstrated that payment of the charge will cause you financial hardship.

#### *Public interest*

You have contended that giving access to the documents is in the general public interest, or in the interest of a substantial section of the public. In support of this contention, you stated that:

*“...it is important for the public to know how DFAT collects information about Sri Lanka and the people the Australian government returns because of our obligations under international law to not return people to Sri Lanka if they face.”*

I accept that information about the situation in Sri Lanka is of public interest. However, your request relates to documents concerning a particular paragraph of a Country Information Report for Sri Lanka from 2013 (the current Country Information Report for Sri Lanka was updated on 4 November 2019). You did not identify the general public interest or a substantial section of the public will benefit from giving access to these particular documents.

I also note that the department publishes current Country Information Reports on its [website](#). Older reports are available on request. These reports provide the department’s best judgment and assessment at the time of writing.

On balance, I am not satisfied that giving of access to the documents would be in the general public interest, nor in the interest of a substantial section of the public.

## *Discretion*

While I am not satisfied that payment of the charge will cause you financial hardship or that giving access to the documents is in the general public interest, or in the interest of a substantial section of the public, taking into account your submissions, I am of the view that a reduction of the charge is appropriate. Accordingly, I have decided to reduce the charge by 25 per cent to \$121.50.

Please note that at this stage in the FOI process, no decision has been made on whether the documents you seek will be released or exempted under the provisions of the FOI Act. My decision relates only to the processing charge.

This is a reviewable decision. Information about seeking a review is [attached](#).

## **Next steps**

You now have 30 days within which to:

- pay the charge or a deposit of \$30.37;
- seek review of my decision (as per the attached information); or
- withdraw your FOI request.

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

## **Contact**

If you have any questions about this decision, please contact [foi@dfat.gov.au](mailto:foi@dfat.gov.au).

Yours sincerely



Tom Beamish  
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](mailto: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 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>