



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1304-F538

File No: 13/6667

6 May 2013

Mr Brewster
c/o Right-To-Know Organisation

Transmitted by email to Anthony Brewster (foi+request-97-3aade1bd@righttoknow.org.au)

Dear Mr Brewster

Re: Freedom of Information (FOI) Request

I refer to your email of 20 April 2013 in which you seek access under the *Freedom of Information Act 1982* (the FOI Act) to:

“correspondence between the DFAT in Canberra and the Australian High Commission to Malaysia between February 15, 2013 and April 19, 2013 in relation to the subject of Senator Nick Xenophon and his deportation from Malaysia in February 2013.

Based upon the above parameters, I am requesting the following:

- 1. All correspondence and briefs prepared for the Minister for Foreign Affairs, the Hon Bob Carr MP;*
- 2. All correspondence and briefs prepared for the Australian High Commissioner to Malaysia, Mr Miles Kupa;*
- 3. All correspondence between the Hon Bob Carr and Mr. Miles Kupa;*
- 4. Any documents, advice, reports or emails received by DFAT Canberra from the Australian High Commission to Malaysia;*
- 5. Any documents, advice, reports or emails received by the High Commissioner to Malaysia from the Malaysian Government or any agency of the Malaysian Government.’*

Preliminary searches for documents relevant to your request have been completed. The next step is to consider the application of section 29 of the FOI Act, which concerns the charge, if any, for processing your request.

I am 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. Our preliminary assessment of the amount of that charge is **\$3935.35**.

Now that we have given you written notice of our preliminary assessment of the amount of the charge for processing your request, section 29 provides that you 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.

You may also elect to narrow the scope of your request as a means to reduce the charge which would apply. The narrowed request would be handled as a new FOI request for the purposes of the statutory timelines for access to documents.

Should you agree to pay the charge, the *Freedom of Information (Fees & Charges) Regulations* requires that a deposit of 25% of the total charge be paid where the preliminary assessment of the charge exceeds \$100. I have calculated the required deposit for your request to be **\$983.00**. Please make your cheque or money order payable to 'The National Cashier – DFAT'. An authorisation form to arrange payment of the charge by credit card is enclosed if you prefer to pay by Visa or Mastercard.

Should you contend that the charge has been wrongly assessed, or should be reduced or not imposed, you will now need to apply for the Department to waive or reduce the charge. A departmental decision-maker will then make a decision on whether the charge should be imposed, and in what amount. The decision will take account of any contentions you may make. The Department may waive or reduce the charge for any reason, 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.

Please note that the onus to demonstrate that charges should be reduced or waived on these or other grounds is on you as the applicant.

Section 31 of the FOI Act provides that the 30 day period within which we should process your request is suspended until we receive your payment of the deposit for processing your request, 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.

Should you have any queries, or would like to discuss revising the terms of your request please contact me on (02) 6261 3470 or the case officer, John Scott (02) 6261 3212 or at foi@dfat.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'H. [unclear]', written over a horizontal line.

Ada Cheung
Acting Director
Freedom of Information and Privacy Law Section



Department of Foreign Affairs and Trade

Credit Card Payment for Freedom of Information (FOI) Charges

Name _____
Address _____

☐ **Payment of Charges: (Deposit / In Full)**

For a sum of \$_____ as detailed in the FOI Estimate of Charges letter dated
6 May 2013 (FOI ref: 1304-F538).

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: _____