



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: 1304-F538
File No: 13/6667

30 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 e mail of 15 May 2013 and recent discussions with John Scott of DFAT concerning your request for access, under the *Freedom of Information Act 1982* (the FOI Act), to:

"All documents held in the Department of Foreign Affairs and Trade (DFAT) in Canberra relating to the deportation of Senator Nick Xenophon from Malaysia in February this year.

All correspondence between the Australian High Commission in Kuala Lumpur and the Malaysian Government relating to the deportation of Senator Nick Xenophon from Malaysia in February this year.

Any or all ministerial submissions generated for the Hon. Bob Carr, Minister for Foreign Affairs, by DFAT relating to the deportation of Senator Nick Xenophon from Malaysia in February this year.

All of the above requests are defined by and within the date range of February 15, 2013 to April 19, 2013.'

The above request is considered a revision of your original request and as indicated by the Office of the Australian Information Commissioner, a revision of this nature deems your original request withdrawn and the revised request is regarded as a fresh request. Your agreement by return e mail of this arrangement would be appreciated.

Preliminary searches for documents relevant to your request have been completed on the understanding that any exchange of correspondence with Senator Xenophon and the

Department (including Minister's office) and cable attachments were excluded from the request.

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 **\$592.40**.

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 **\$148.10**. Your cheque or money order should be made payable to the 'National Cashier-DFAT' and sent to:

The Director
FOI and Privacy Law Section
Department of Foreign Affairs and Trade
RG Casey Building
BARTON
ACT 0221

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 3056 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 read 'Indra', written in a cursive style.

Indra McCormick
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 30 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: _____