



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2013/047
FOI/2013/050

Mr William Mudford
Email: foi+request-94-aa6106ec@righttoknow.org.au

Dear Mr Mudford

I refer to your email of 18 April 2013 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

I request any documents relating to the funeral of Margaret Thatcher, including (but not exclusively):

- documents that relate to the cost of sending John Howard to attend the funeral on behalf of Australia.
- documents that relate to the selection of who would attend the funeral on behalf of Australia.

I also refer to your email dated 18 April 2013 in which you made a request to the Department of Foreign Affairs and Trade (DFAT) under the FOI Act seeking access to any documents relating to the funeral of Margaret Thatcher. The Department accepted transfer of the following part of your FOI request to DFAT:

- documents that relate to the selection of who would attend the funeral on behalf of Australia.

The authorised decision-maker for your request is Mr Frank Leverett, Assistant Secretary, Ceremonial and Hospitality Branch.

Notice of practical refusal reason

I write to advise you that Mr Leverett considers that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, Mr Leverett intends to refuse access to the documents you have requested.

However, before Mr Leverett makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

As your FOI requests relate to the same documents or substantially the same subject matter, Mr Leverett has decided to treat the requests as a single request in accordance with sections 24(2)(a) and (b) of the FOI Act.

Reasons for intention to refuse your request

The Department has identified at least 16 agencies and third parties who would need to be consulted before an access decision could be made on the documents identified as potentially relevant to your request. Some of the third parties are located overseas which is expected to increase the time and complexity of consultation. Any objections by agencies or third parties to the possible disclosure of the documents could add significantly to the time required to process the request.

Mr Leverett acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, having regard to the resources that would be required to

- consult agencies and third parties and consider any objections they might have to release;
- deciding whether to grant or refuse access;
- preparation of a decision and any documents for release and decisions for third parties where Mr Leverett decides to release documents contrary to third party objections; and
- notifying you and third parties of the final decision on the request

Mr Leverett has concluded that processing the request would amount to a substantial and unreasonable diversion of the resources of the Department within the meaning of paragraph 24AA(1)(a)(i) of the FOI Act.

In reaching the view that a practical refusal reason exists, Mr Leverett has had regard to the public interest in access to information held by the Department. Mr Leverett considers that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to seek access.

In providing guidance on removing the practical refusal reason, Mr Leverett considers that exclusion of particular material from the scope of your FOI request may reduce the number of third parties requiring consultation and thereby potentially remove the practical refusal reason. Mr Leverett therefore suggests exclusion of the following material:

- third party business affairs information;
- personal information of employees of businesses; and
- information requiring consultation with foreign entities.

If you agree to exclude the above material the information remaining within the scope of your request will still cover information relating to the cost of sending Mr Howard to attend Mrs Thatcher's funeral and the selection of who would attend the funeral.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30-day time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact me by telephone on (02) 6271 5849 or by email to foi@pmc.gov.au.

Yours sincerely



FOI Adviser
Legal Policy Branch

6 May 2013