



MUSEUM  
OF AUSTRALIAN  
DEMOCRACY  
OLD PARLIAMENT HOUSE

OUR REF: 15/76

Mr Michael Landauer  
c/- Right to Know

Dear Mr Landauer

### Outcome of your Freedom of Information request

I refer to your request for access to information under the *Freedom of Information Act 1982* (the FOI Act). On 2 April 2015, you requested access to:

*All correspondence (including but not limited to letters and emails) relating to the gift by the Prime Minister of a tie and bike to the museum on 26 February 2015.*

I, Lee Ann Pluis, am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests. This letter sets out my decision on your request for access.

### Decision

I have identified eight documents relevant to your request. I did this by searching the agency's electronic document management system. I also consulted officers who would be likely to have knowledge of the existence and whereabouts of documents falling within the scope of your request. I have decided to release four documents in full and to release four in part. I have decided that no documents are wholly exempt from disclosure.

- I have decided to grant you access in full to copies of documents 2, 5, 7, and 8.
- I have decided to grant you access to edited copies of documents 1, 4 and 6 with irrelevant matter deleted under s 22.
- I have decided to grant you access to an edited copy of document 3 with irrelevant matter deleted under s 22 and exempt matter deleted under s 37(1)(c).

I have set out my reasons for this decision below. The attached Schedule sets out each document which falls within the scope of your request and the relevant decision.

### Reason for decision

Section 22 of the FOI Act allows the Museum of Australian Democracy at Old Parliament House (OPH) to prepare an edited copy of a document so as not to disclose any information that would reasonably be regarded as irrelevant to the FOI request.

Document 1 contains the contact details of the Chair of the Old Parliament House Advisory Council, and the name of a non-senior staff member of the Prime Minister's Office. I consider that this is not relevant to your request and I have deleted the information under s 22 (1)(a).

Document 3 contains the name of a non-senior staff member of the Prime Minister's Office. I consider that this is not relevant to your request and I have deleted the information under s 22 (1)(a).

Document 4 contains the contact details of the Chair of the Old Parliament House Advisory Council. I consider that this is not relevant to your request and I have deleted the information under s 22 (1)(a)

Document 4 also contains information regarding the Prime Minister's movements during his visit to Old Parliament House. I consider that this information is exempt under s 37(1)(c) and I have deleted it accordingly. A Statement of reasons in support of this decision is below.

Document 6, pages 1, 3 and 7 contain the name of an OPH junior staff member. Page 9 contains the name of a non-senior staff member of the Prime Minister's Office. I consider that this is not relevant to your request and I have deleted the information under s 22 (1)(a).

Accordingly, I have decided to grant you access to edited copies of the documents with deletions, as set out in the Schedule.

#### **Statement of reasons**

I find that parts of document 4 are exempt from disclosure under s 37(1)(c) because they could reasonably be expected to endanger the life or physical safety of a person.

In reaching this decision I have considered the following material:

- the terms of your request
- the content of the documents that were identified as falling within the scope of the request
- the relevant provisions of the FOI Act
- the Guidelines issued by the Office of the Australian Information Commissioner

Section 37(1)(c) of the FOI Act provides that:

#### *Documents affecting enforcement of law and protection of public safety*

*(1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*

- (a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance;*
- (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or*
- (c) endanger the life or physical safety of any person.*

The parts of document 4 identified as exempt under this Section of the FOI Act contain details about the movements of Prime Minister Tony Abbott during his visit to Old Parliament House. In my view, this information could reasonably be expected to endanger the life or physical safety of the Prime Minister should he visit Old Parliament House in future. I

consider that information regarding his likely movements may be used by persons intent on inflicting harm on him.

**If you disagree with my decision**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

**Internal review**

You have the right to apply for an internal review of my decision under section 54 of the FOI Act. An internal review will be conducted, to the extent possible, by an officer from OPH who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please address your application to the FOI Contact Officer and state the grounds on which you consider that my decision should be reviewed.

**Further review**

You have the right to seek review of this decision by the Australian Information Commissioner. If you wish to apply for IC review, you must do so in writing within 60 days of the date of this letter. Your application must provide an address (including an email address or fax number) that we can send notice to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

Applications for IC review can be lodged in one of the following ways:

Online: [https://forms.business.gov.au/aba/oaic/foi-review-/](https://forms.business.gov.au/aba/oaic/foi-review/)  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
In person: Level 3, 175 Pitt Street, Sydney, NSW

If you require clarification of any of the matters discussed in this letter please contact me on (02) 6270 8171.

Yours sincerely



Lee Ann Pluis  
Head  
HR, Governance and Strategy

4 May 2015