



22 September 2015

Mr Gino Iannazzo

By email: [foi+request-1227-0096b2ea@righttoknow.org.au](mailto:foi+request-1227-0096b2ea@righttoknow.org.au)

Our reference: LEX 15507

Dear Mr Iannazzo

### Your Freedom of Information Request - Consultation

1. I refer to your request, dated 15 September 2015 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'National Welfare Fund 01/01/1946 was established by the Prime Minister Chiefly by charging all Taxpayer 7.5% levy. Like to know what happened to the fund and all the money accumulated belonging to the Australian Pensioners.'

2. I am authorised to make decisions under section 23(1) of the FOI Act.
3. I am writing to notify you of my intention to refuse your freedom of information (**FOI**) request on the basis that a practical refusal reason exists, as defined under section 24AA of the FOI Act.
4. In particular, I consider that your request does not satisfy the requirements of a valid FOI request as provided in section 15(2)(b) of the FOI Act (identification of documents).
5. Before I make a final decision to refuse your request, you have an opportunity to revise the request to make it valid. 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.

### Why I intend to refuse your request

6. Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirements in section 15(2)(b) of the FOI Act.
7. Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.
8. I also note that the right of access under the FOI Act is a right to access documents, rather than a right to access to information or to have a question answered. You have requested information.

9. Further, you have not provided any information that enables the department to undertake meaningful and relevant searches for the document/s you are seeking access to under FOI processes.
10. Please inform the department of the type of document/s or categories of documents you are seeking access to.
11. Without further information as set out above, your request does not comply with section 15(2)(b) of the FOI Act and is not a valid FOI request.
12. Section 15(2) of the FOI Act provides that the following requirements must be satisfied for there to be a valid request for access to documents:
  - the request must be in writing;
  - state that the request is an application for the purposes of the FOI Act;
  - provide such information as is reasonably necessary to enable the department to identify the document being requested; and
  - provide details of how correspondence may be sent.
13. I have also decided that a practical refusal reason also exists under section 24AA(1)(b) of the FOI Act in relation to your request.

#### **Documents not likely to be held by this Department**

14. I note that it is unlikely that the department holds the type of information you are seeking access to. I suggest that you withdraw your current FOI request with the department and submit a fresh request to the Department of Finance and/or The Treasury. The nature of your request is more closely aligned with the functions and responsibilities of the Department of Finance and/or The Treasury.
15. A request under the FOI Act can be submitted to the Department of Finance in writing to:

The FOI Coordinator  
Legal Services Branch  
Department of Finance  
John Gorton Building  
King Edward Terrace  
PARKES ACT 2600
16. Alternatively, requests may also be lodged by email to [foi@finance.gov.au](mailto:foi@finance.gov.au) or you could discuss any prospective request with Finance by calling them on (02) 6215 1783.
17. A request under the FOI Act can be submitted to The Treasury in writing to:

Freedom of Information  
The Treasury  
Langton Crescent  
PARKES ACT 2600
18. Alternatively, you can visit The Treasury's webpage and submit a request online. The Treasury's webpage can be accessed at the following address:  
<http://www.treasury.gov.au/Access-to-Information/FOIProcess>

## Request consultation process

19. You now have an opportunity to revise your FOI request to enable it to proceed.
20. If you wish to continue with your current request to this department you will need to, consider the issues I have raised in paragraphs 6—12, set out above, when revising the scope of your FOI request to ensure that it is a valid request.
21. Before the end of the consultation period you must do one of the following, in writing:
  - withdraw your request;
  - make a revised request (see **Attachment A**); or
  - indicate that you do not wish to revise the request.
22. The consultation period runs for 14 days and starts on the day after you receive this notice.
23. I have enclosed a form at **Attachment A** to assist you to revise your request in writing.
24. If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

## Contact officer

25. I am the contact officer for this request.
26. During the consultation period you are welcome to seek assistance. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it.
27. Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.
28. If you would like to revise your request or have any questions, you can contact me by writing to the following address:

Attention: Rachel Noronha  
FOI Team  
Legal Services Division  
Department of Human Services  
PO Box 7820  
Canberra Mail Centre ACT 2610
29. Alternatively, you can send an email to [foi.legal.team@humanservices.gov.au](mailto:foi.legal.team@humanservices.gov.au).
30. Please quote 'LEX 15507' with any correspondence.
31. If you do not contact the department within this period, your FOI request will be taken to have been withdrawn under section 24AB(7) and will not be dealt with any further.
32. Should you have any enquiries concerning this matter, please contact me. If you are phoning long-distance, you may reverse the charges.

Yours sincerely

**Rachel Noronha**

Government Lawyer

FOI & Litigation Branch

Legal Services Division

Department of Human Services

**P:** (02) 6223 4614 **E:** [foi.legal.team@humanservices.gov.au](mailto:foi.legal.team@humanservices.gov.au)

**Freedom of Information (FOI) revised request  
(s24AB request consultation)**

**Your details**

Name	Mr Gino Iannazzo
Date of Birth	
FOI LEX number	15507
Initial request details	'National Welfare Fund 01/01/1946 was established by the Prime Minister Chiefly by charging all Taxpayer 7.5% levy. Like to know what happened to the fund and all the money accumulated belonging to the Australian Pensioners.'

I, \_\_\_\_\_, would like to revise my current FOI request to:

**Other/general documents**

- Documents about my contact with the department
- Other (*provide a comprehensive description of the documents you require below*)

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2. Please provide any additional information to assist us to identify the documents.

Name of the document (if known):

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Reference/file number (if known):

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Additional information :

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*If you need more space, attach a separate sheet with details.*

**We can provide some documents to you without an FOI request.**

3. If your request can be completed without a formal FOI request, do you want us to send the documents to you this way?
- Yes
  - No

Please submit this form to:

Attention: Rachel Noronha  
FOI Team  
Legal Services Division  
Department of Human Services  
PO Box 7820  
Canberra Mail Centre ACT 2610

Alternatively, you can email it to the department at [foi.legal.team@humanservices.gov.au](mailto:foi.legal.team@humanservices.gov.au).  
Please quote '15507' in your email.