



2 March 2017

Our reference: LEX 27279

Vic Sturgeon

By email: [foi+request-3052-935a3e3e@righttoknow.org.au](mailto:foi+request-3052-935a3e3e@righttoknow.org.au)

Dear Mr Sturgeon

### Your Freedom of Information Request

I refer to your request dated 15 February 2017 and received by the Department of Human Services (the **department**) on 16 February 2017 for access under the *Freedom of Information Act 1982* (the **FOI Act**).

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

'In the 1950's a pension retirement fund was set up where the workers had to pay ex amount of money into the fund for the day they retired. research that was carried out suggests there was billions of dollars in it and the Governments were not allowed to borrow or use any of this money in any way with the exception of Paying pension on retirement for all pensioners.

It has also been noted that the workers are still paying these fees to pay into the pension fund.

Now it appears that a Prime minister since that time and I do know which one, Stole all that money when he was Prime minister and used it somewhere else.

My question now is Why has that money to this very day not been reimbursed back to this retirement fund when it was illegally moved and used for other things?  
In My book that must surely be Theft.

The Turnbull Government is further trying to cut back on pensioners funds yet he has inherited the theft from the 1950's by being the current Prime minister.  
Where is the Money and when is it going to be refunded for the purpose it was intended for from an extra tax on the workers for that purpose.'

## Section 4 of the FOI Act

Section 15 of the FOI Act states that a person may request access to documents of an agency.

Section 4 of the FOI Act provides that:

(1) In this Act, unless the contrary intention appears:

**Document** includes:

(a) Any of, or part of any of, the following things:

- (i) any paper or other materials on which there is writing;
- (ii) a map, plan, drawing or photograph;
- (iii) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (iv) any article or material from which sounds, images, or writings are capable of being reproduced with or without the aid of any other article or device;
- (v) any article on which information has been stored or recorded, either mechanically or electronically;
- (vi) any other record of information; or

(b) any copy, reproduction or duplicate of such a thing; or

(c) any part of such a copy, reproduction or duplicate;

But does not include:

(d) material maintained for reference purposes that is otherwise publically available; or

(e) Cabinet notebooks.

I am satisfied that your request is about reporting possible fraudulent activity and therefore does not satisfy the definition of 'document' in section 4 of the FOI Act. As a result, your request is not a valid request for documents under section 15 of the FOI Act and has not been processed.

If you wish to report a suspected fraud, please find further information on the department's website at [www.humanservices.gov.au/customer/contact-us/reporting-fraud#a2](http://www.humanservices.gov.au/customer/contact-us/reporting-fraud#a2).

## Contact

- If you would like to submit a valid request or have any questions, you can do so by email at [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au).
- Alternatively you can write to the following address:

Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services  
PO Box 7820  
Canberra Mail Centre ACT 2610

- Your request must:
  - be in writing
  - state that the request is an application for the purposes of the FOI Act

- provide information about the documents to assist us to process your request
  - provide an address for reply.
- If you would like to proceed please reply in writing specifying what documents you require, under the FOI Act. Please quote FOI LEX Number **27279** with any correspondence.

Yours sincerely

Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services