Office of the Treasurer

28 October 2013

File: ER2013/03920
FOI ref: 1411

Mr/Ms MJ
Right to Know Website

Email: foi+request-403-a2153083@righttoknow.org.au

Dear Mr/Ms MJ

FREEDOM OF INFORMATION REQUEST – NOTIFICATION OF TRANSFER

I refer to your request received by the Treasurer on 15 October 2013 in which you sought access to documents relating to 'pages 22-23 of your incoming government brief' under the *Freedom of Information Act 1982* (the Act).

I am writing to inform you that I have transferred your request in full to the Treasury. The department has agreed to accept the transfer.

Under paragraph 16(1)(b) of the Act, I have transferred the request to the Treasury as the matter relates more closely to the functions of the department than to those of Treasurer.

As you may be aware the transferred request in relation to the specific documents sought is, under subsection 16(5) of the Act, taken to be a request made to the Treasury for access to those documents, on the date Treasurer received it, namely 15 October 2013. The FOI Coordinator at the Treasury will contact you in relation to this request.

Yours sincerely

Grant Lovett
Chief of Staff

Section 16 Transfer of requests

(1) Where a request is made to an agency for access to a document and:

    (a) the document is not in the possession of that agency but is, to the knowledge of that agency, in the possession of another agency; or

    (b) the subject-matter of the document is more closely connected with the functions of another agency than with those of the agency to which the request is made;

the agency to which the request is made may, with the agreement of the other agency, transfer the request to the other agency.

(2) Where a request is made to an agency for access to a document that:

    (a) originated with, or has been received from a body which, or person who is specified in part 1 of Schedule 2; and

    (b) is more closely connected with the functions of that body or person than with those of the agency to which the request is made;

the request shall be transferred:

    (c) to the Department corresponding to the Department of State administered by the Minister who administers the enactment by or under which the body or person is established, continued in existence or appointed; or

    (d) if the request relates to a documents that originated with, or has been received from, a part of the Department of defence specified in Division 2 of Part 1 of Schedule 2 – to that Department.

(3) Where a request is made to an agency for access to a document that:

    (a) originated in, or has been received from, another agency, being an agency specified in Part II of Schedule 2 or an agency that is a body corporate established by or under an Act specified in Part III of Schedule 2; and

    (b) is more closely connected with the functions of the other agency in relation to documents in respect of which the other agency is exempt from the operation of this Act than with the functions of the agency to which the request is made;

the agency to which the request is made shall transfer the request to the other agency.

(3A) Where:

    (a) a request is made to an agency for access to more than one document; and

    (b) one or more of those documents is a documents to which subsection (1), (2) or (3) applied;

this section applied to each of those documents as if separate requests for access had been made to the agency in respect of each of those documents.

(4) Where a request is transferred to an agency in accordance with this section, the agency making the transfer shall inform the person making the request accordingly and, if it is necessary to do so in order to enable the other agency to deal with the request, send the document to the other agency.

(5) Where a request is transferred to an agency in accordance with this section, the request is to be taken to be a request:

    (a) made to the agency for access to the document that is the subject of the transfer; and

    (b) received by the agency at the time at which it was first received by an agency.

(6) In this section, *agency* includes a Minister.