



6 May 2016

FOI ref: 1860

Mr Patrick Conheady
Right to Know

By email: foi+request-1624-6acbbffc@righttoknow.org.au

Dear Mr Conheady,

FREEDOM OF INFORMATION REQUEST

I refer to your request dated 26 February (and clarified on 5 April 2016) under the *Freedom of Information Act 1982* (the Act). Your request reads as follows:

"The Tax White Paper discussion paper 'Re:Think' (http://bettertax.gov.au/files/2015/03/TWP_combined-online.pdf), at page 168, footnote 226, states:

"There has been an average of 77 tax measures introduced into Parliament each financial year since 2002-03."

Please provide the list of tax measures used to derive this figure.

If it is machine-readable form such as an Excel spreadsheet, please provide it in its original form."

On 5 April 2016 you provided the following clarifying advice:

"I would like to clarify my request.

I am seeking the list of tax measures used in the preparation of the quoted statement in the Re:Think paper.

It is unlikely that the officer drafting this part of the report counted the measures directly from the APH.gov.au website and nobody checked or verified this figure before it was included in an important public report. (However, if this is in fact what happened then please provide a document stating that this is the case.)

Please provide the list or database that Treasury referred to when making the statement that an average of 77 tax measures introduced into Parliament each financial year."

I am an authorised decision maker under section 23 of the Act and the following is my decision in relation to your application.

Decision

Treasury has in its possession one document that falls within the scope of your request. I have decided that the document is appropriate for release in full and a copy of the document is attached.

I should point out that 46 measures introduced during the 2013-14 financial year were extracted from Treasury databases and manually added to the total number of measures referred to in the attached document. From the total figure an average number of measures were calculated.

The databases from which this information was extracted are project management tools that are subject to regular change and updating. In most cases these databases refer to proposed measures by working titles, and do not include the final names or legislative configuration of the measures you seek to identify. However all the measures that were introduced into Parliament during this period are available on public websites such as the Australian Parliament House Billsnet site, Austlii and the Federal Register of Legislation.

Rights of Review

Treasury's policy is to provide rights of review with every decision, even when there is a full release. Accordingly, please find attached a document setting out your rights of review.

Disclosure Log

The Treasury publishes all documents disclosed in response to FOI requests (other than personal or business information that would be unreasonable to publish) on the Treasury website at the same time as the applicant receives the response. This is consistent with the arrangements established by section 11C of the Act.

Yours sincerely



Tom Reid
Division Head
Law Design Practice

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RIGHTS OF REVIEW — ACCESS REFUSED**INFORMATION ON RIGHTS OF REVIEW****1. APPLICATION FOR INTERNAL REVIEW OF DECISION**

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Secretary
The Treasury
Langton Crescent
PARKES ACT 2600
Attention: Parliamentary and Legal Services Unit

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.