

GPO Box 2934, Adelaide SA 5001



Australian Government
Australian Taxation Office

Mr Brandon Atkins

By email:
foi+request-1691-2e8e30ea@righttoknow.org.au

Reply to: GPO Box 2934
ADELAIDE SA 5001
Our reference: 1-7S4X03M
Contact officer: Chad Reich
Phone: 08 821 81794

13 May 2016

Dear Mr Atkins

Notice of withdrawal of your Freedom of Information request

I refer to your request under the Freedom of Information Act 1982 (FOI Act) made on 29 February 2016, and to my correspondence of 28 April 2016.

Withdrawal under paragraph 24(1)(b) of the FOI Act

This is a formal notice that your Freedom of Information (FOI) request is deemed to have been withdrawn pursuant to subsections 24AB(6) and 24AB(7) of the FOI Act.

On 28 April 2016 I wrote to you and formally advised of my intention to refuse your request for access to documents pursuant to section 24 of the FOI Act.

In my letter, I wrote that I am satisfied a practical refusal reason, within the definition in paragraph 24AA(1)(a) of the FOI Act, exists in your case because the work involved in processing your FOI request would substantially and unreasonably divert ATO resources from its other operations. Please refer to my letter dated 28 April 2016 where the reasons for this are set out in more detail.

My letter initiated a 'request consultation period' as defined by section 24AB of the FOI Act. This meant that, before I made a final decision to refuse access to documents, you had an opportunity to consult with me to revise your request.

Within 14 days of receipt of my notice (or a further agreed period) you were required to do one of the following by written notice to our office:

- withdraw the request
- make a revised request,
- indicate that you do not wish to revise the request.

To assist you in making a revised request, I provided suggestions or means by which your request could be narrowed.

In particular, I suggested you might like to consider specific issues covered in the documents, and discuss reducing your request to documents within one (or perhaps a few) of the issues. To help you do this I provided some examples of relevant issues such as:

- Documents leading up to the tender 'expression of interest' (**the EOI**);
- The initial responses to the EOI;
- Further correspondence with the respondents to the EOI;
- Documents about the evaluation of responses to the EOI;
- Documents about the design and fit-out of the building;
- Internal documents relating to the Parliamentary Committee process; and
- Communications with other government agencies.

I asked you to keep in mind however that merely reducing your request to all documents about a particular issue may not, in and of itself, mean that processing the resultant request would not substantially and unreasonably divert the resources of the ATO from its other operations.

I therefore invited you to contact me prior to providing a written response to talk about what issues you are interested in, which would allow me to take further steps to determine how many documents might still be covered. I also indicated that, in addition to discussing with me beforehand, a written response must be received by me before the end of the 14 day consultation period.

You were advised that if you did not consult with me or provide a written reply within 14 days, your request would be taken to be withdrawn under subsections 24AB(6) and 24AB(7) of the FOI Act.

My notice of intention to refuse your request was sent to you on 28 April 2016 via the Right to Know website, as you have not provided any alternative contact details. Given its availability online, it is reasonable to conclude that my correspondence was received by you on the same day. This means the 14 day consultation period ended yesterday, 12 May 2016.

As I have not received a written response from you, or any telephone correspondence as at 13 May 2016, it is therefore necessary to formally notify you that your FOI request has been withdrawn in accordance with subsection 24AB(7) of the FOI Act. It will not be actioned further.

Information that is already publically available

In an earlier email to you dated 24 March 2016 I advised that there is a significant amount of information relating to the Gosford building that is already publically available. I have provided the details of where you can find this information again below, in case that is helpful.

There is some information on the 'Austender' website, www.tenders.gov.au (search for 'Gosford').

The Parliamentary Standing Committee on Public Works (**the Committee**) has also advised that it is conducting an inquiry into the 'need, scope and value-for-money of the proposed fit-out of the building'. This inquiry is still in progress, and submissions were due by 10 March 2016.

The following link takes you to the Committee's web page for its inquiry. On the right of the screen in the section 'about this inquiry', you can access links to media releases and submissions. The ATO's submission is available to download, and hansard is available for public hearings.

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Public_Works/ATO_Gosford

On 25 November 2015 Senator Deborah O'Neill moved a motion that the then Acting Assistant Treasurer table all documents recording contacts between:

- a) the Commonwealth and New South Wales Government relating to the purchase or lease of the old Gosford Public School site on the Gosford waterfront; and
- b) the Commonwealth and the New South Wales State Government, Gosford City Council, the Central Coast Regional Development Corporation, the Doma Group and other

tenderers relating to the proposed Australian Taxation Office building development in Gosford.

The ATO provided documents to the Acting Assistant Treasurer, and the Assistant Treasurer provided documents to the Committee on 3 December 2015. These are now publically available from the following link.

http://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Tabled_Papers/Search_Results?ito=1&st=1&sr=1&q=Gosford+waterfront&expand=False&drvH=7&drt=2&pnu=44&pnuH=44&f=12%2F11%2F2013&to=23%2F03%2F2016&tpt=0

I hope the information available in the public domain assists with what you are looking for.

Please contact me by email at chad.reich@ato.gov.au or by calling me on 08 8208 1794 if you have any questions in relation to this notice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chad Reich', written in a cursive style.

Chad Reich
Senior lawyer
General Counsel
Australian Taxation Office