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Australian Government
Australian Taxation Office

Our Reference: 1-7T0BBOK
Contact officer: Julie Galeotti
Telephone: 03 928 51810
Email: julie.galeotti@ato.gov.au
Issue date: 24 March 2016

Mr James Smith

via email to foi+request-1729-7019a00e@righttoknow.org.au

Dear Mr Smith.

Decision regarding your Freedom of Information request

I refer to your email of 9 March 2016 requesting information under the Freedom of Information Act (FOI Act).

I am an officer authorised under section 23 of the FOI Act to make decisions regarding access to documents.

Scope of Request

You have requested:-

With respect to the pay rise awarded to ATO Senior Executive Service (SES) staff in December 2015, I seek all relevant documents which address compliance with the Workplace Bargaining Policy 2015.

I also seek any documentation which details any productivity or productivity-related measures linked to the SES pay offer.

Decision

The ATO People SES Services area of the office identified five documents relevant to your request. I have decided to release the five documents as follows:

- Three documents released in full
- Two documents released in part.

The attached schedule sets out the relevant documents and indicates where they have been provided in full or in an edited form. The documents for release are also enclosed with this email.

The following material has been exempted from the information supplied.

Section 47E(d)

The direct contact details of two senior officers, including the Commissioner, have been exempted.

Section 47E(d) of the FOI Act conditionally exempts a document *if its disclosure under this Act would, or could reasonably be expected to, do any of the following:*

...
(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

I consider that the release of senior officers' direct contact details could be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the ATO. Being able to contact senior officers directly would bypass established channels for communicating with the ATO and would inhibit the ability of senior officers to undertake their duties.

As this is a conditional exemption, I also need to consider if release of the information is in the public interest. While there is a general public interest in providing information to increase scrutiny and review of government activities, I consider that, in this instance, this is outweighed by the public interest in enabling senior officials to perform their duties effectively. The public interest in disclosure is reduced in this case as there are alternative, established means of communicating with the ATO.

The material has therefore been exempted under section 47E(d) of the FOI Act.

Section 47F

The individual employment arrangements for one SES officer have been exempted under this section.

Section 47F of the FOI Act conditionally exempts a document *if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.*

The information exempted is personal information as it identifies an individual, is not widely known and is generally of a private nature. I consider that it would be unreasonable to release this information.

As this is a conditional exemption I also need to consider if release of the information is in the public interest. There is a general public interest in the appointment of officers and their pay rates, but, in this instance, I consider that public interest is against release so the ATO is able to attract and employ experienced senior officers and can customise individual employment arrangements where appropriate.

I have exempted this information under section 47F of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, quoting our reference number at the top of this letter, and be lodged in one of the following ways:

email: **FOI@ato.gov.au**
post: Australian Taxation Office, General Counsel, GPO Box 4889, Sydney
NSW 2001.

Where possible please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days. If you have not been informed of the outcome of the review within that time, you may apply to the Australian Information Commissioner under section 54L of the FOI Act.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: **<https://forms.business.gov.au/aba/oaic/foi-review/>**
email: **enquiries@oaic.gov.au**
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

Your application must include a copy of this letter (and any attachments), an address where notices can be sent to you (eg your email address) and particulars of the basis on which you dispute the decision.

Visit the Australian Information Commissioner website, **www.oaic.gov.au/freedom-of-information/foi-reviews**, for more information about Information Commissioner review.

Complaints

Any complaint about the processing of your FOI request can be directed to the Commonwealth Ombudsman. The complaint should set out the action you consider should be investigated. Complaints may be lodged in one of the following ways:

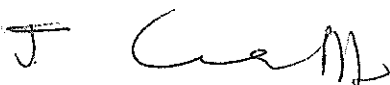
Phone: 1300 362 072*
Indigenous Line phone number: 1800 060 789*
In writing: GPO Box 442 Canberra ACT 2601
or by fax (02) 6276 0123
Online: **www.ombudsman.gov.au/pages/making-a-complaint/**

Visit **www.ombudsman.gov.au** for further details.

For more information

If you have any questions, please phone **13 28 69** between 8.00am and 5.00pm, Monday to Friday, and ask for Julie Galeotti on extension 51810.

Yours sincerely,



Julie Galeotti
Senior FOI Adviser
General Counsel
Australian Taxation Office