

GPO Box 1797, Melbourne VIC 3001



Australian Government
Australian Taxation Office

Mr Patrick Conheady
Via email:
foi+request-1909-5c758ac9@righttoknow.org.au

Our reference: 1-8305V8R
Contact officer: M McCafferty
Phone: (02) 9374 2457

3 June 2016

Dear Mr Conheady,

FREEDOM OF INFORMATION ACT 1982 – Notice of Decision

FOI Request No: 1-8305V8R

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents on 2 May 2016. Specifically you sought access to:

- *the ATO's register of external scrutineer recommendations, including the length of time taken to implement each recommendation*

Section 17 of the FOI Act provides that where a request is received, and the information that the applicant requests is not available in discreet form in the documents of the agency, and the agency could produce a written document containing the information in discreet form by using a computer that is ordinarily available to the agency, then the agency shall deal with the request as if it were a request for a written document that was in the agency's possession.

After speaking with the relevant business line it has become apparent that what you have requested is not available in discreet form, however by using a computer that is ordinarily available we have been able to produce a document which goes at least part way to answering your request.

I have decided to release this document to you in full.

The document that we have produced;

1. lists 314 'recommendations', and
2. provides the 'estimated date' which is the date the relevant business line estimated they could finalise the recommendation by, and
3. provides the 'revised date' which is filled in if the business line revised the 'estimated date', and
4. provides the 'actual date', being the date the recommendation was implemented or completed.

This data is only available, and therefore provided, from 2010 onwards.

The data used to record and monitor the implementation of external scrutineer recommendations does not include the date that the implementation of each recommendation commenced. The ATO is not able to automatically generate a report that would provide this date.

However I note that reports are tabled in Parliament. To provide a "start date" a manual search for the date each report was tabled could be conducted by searching other publicly available sources. In relation to the average times that were provided to the standing committee, a manual search was conducted by ATO officers to allow them to draft that specific reply.

More information is set out below.

Material taken into account

I have taken the following material into account in making my decision:

- the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or review by the Information Commissioner 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.

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.

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 sent to:

post: GPO Box 5218, Sydney NSW 2001

email: enquiries@oaic.gov.au

More information about review by the Information Commissioner is available on the Office of the Australian Information Commissioner website, www.oaic.gov.au.

You may also apply to the Information Commissioner if you have not been informed of the outcome of an internal review within 30 days.

Complaints


Any complaint about the processing of your FOI request can be directed to the Commonwealth Ombudsman. The complaint should set out the grounds on which you consider the action should be investigated. Complaints can be made in writing, by phone, in person or by using an online form available from their website.

- 1300 362 072
- ombudsman@ombudsman.gov.au
- GPO Box 442 Canberra ACT 2601
- www.ombudsman.gov.au/pages/making-a-complaint/

More information

If you have any questions, please phone **13 28 69** between 8.00am and 4.00pm, Monday to Friday, and ask for M McCafferty on extension **42457**.

Yours faithfully,


M McCafferty
Legal Adviser
General Counsel