

Concerned Citizen
C/- Right to Know
foi+request-1965-0dbd58f6@righttoknow.org.au



Australian Government
Australian Taxation Office

Our Reference: 1-8CN0YP9
Contact officer: Monica Kim
Phone: (02) 937 42663
Your Reference: 10 June 2016

Decision regarding your Freedom of Information Request

Concerned Citizen

I refer to your request dated 26 May 2016 seeking documents under the *Freedom of Information Act 1982* (FOI Act).

In your application, you sought access to documents as follows:

'I would like to know the total income tax paid by Federal Parliament members for the year 2015-2016.'

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

Decision

I have decided to refuse you access to the documents you have requested on the basis of section 24A of the FOI Act, being that the documents you request does not exist.

Reasons for Decision

In reaching my decision I relied on the following documentary evidence:

- the terms of your request,
- the FOI Act,
- Guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.

Section 24A of the FOI Act provides that a request can be refused on the basis that requested document cannot be found or does not exist.

Section 24A of the FOI Act provides:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

- (1) *An agency or Minister may refuse a request for access to a document if:*
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*
 - (ii) *does not exist.*

The searches conducted by the relevant business line did not locate any relevant documents or information. Your request relies on income tax returns, for each Federal Member of Parliament. The income tax return for the 2015-2016 year is not required to be lodged until at least the 31 October 2016. Therefore the document does not exist.

I am satisfied that all reasonable steps have been taken to find the document(s) you have requested and that the documents do not exist.

Access is, therefore, refused under subparagraph 24A 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 wish to discuss this decision, please phone me directly on the number above, or phone 13 28 69* and ask for me on extension 42663.

Yours sincerely



Monica Kim
Lawyer
General Counsel

*Fixed low charges apply, calls from mobile phones charged at mobile phone rates

*Free or low charges apply, calls from mobile phones charged at mobile phone rates