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**From:** McWhirter, Scott  
**Sent:** Friday, 3 June 2016 12:02 PM  
**To:** Devereux, Rosalind; Miller, David  
**Cc:** Reich, Chad; Todd, Jonathan; Hulbert, Catherine  
**Subject:** RE: FOI on Cmrs email re EA staff communication, & toolkits, etc. [DLM=For-Official-Use-Only]

Thanks Rosalind.

This looks fine to me.

Regards  
Scott

**Scott McWhirter**

A/g Assistant Commissioner | Workplace Relations  
ATO People  
Australian Taxation Office  
P 02 621 64211 M 0421 317 446

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**From:** Devereux, Rosalind  
**Sent:** Thursday, 2 June 2016 1:51 PM  
**To:** McWhirter, Scott; Miller, David  
**Cc:** Reich, Chad; Todd, Jonathan; Hulbert, Catherine  
**Subject:** FOI on Cmrs email re EA staff communication, & toolkits, etc. [DLM=For-Official-Use-Only]

Scott and David,

Thank you for your time this morning.

As discussed we're working off the principled premise that it is reasonable to exempt information concerning messages from the Commissioner to members of the SES, including discussion of strategies involved in the EA negotiations. Indeed, any party involved in negotiations of this nature would be reluctant to release such information.

Therefore, as agreed, we are aiming to strike a balance between the competing concerns of confidentiality and transparency, by distinguishing between directional type messages from the Commissioner (e.g. part of the email to the SES preceding the vote), and information which is mainly factual, and/or has already been fairly widely published (e.g. fact sheets on rostering, the pay offer, super, etc.).

Attached is a copy of the consolidated documents – identified as within the scope of the request – with the proposed redactions we talked about (pages 31 & 32). Please have a look over the documents and let us know if you have any other concerns, either generally or with specific documents or information therein.

Kind regards,

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**Rosalind Devereux**  
Legal Advisor | General Counsel

Australian Taxation Office

P (02) 9374 2483 E [rosalind.deverexx@xxx.xxx.xx](mailto:rosalind.deverexx@xxx.xxx.xx)

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