DOCUMENT 6



FW: OCO - Anderson, Iain - incoming Ombudsman - 1 August 2022 [SEC=OFFICIAL] Instrument.pdf; Commonwealth Ombudsman appointment 2022 - Iain Anderson super salary - letter from Remuneration Tribunal - 15 July 2022.PDF

Importance:

High

OFFICIAL

OFFICIAL

From: Carmen S 47F S 47F Sent: Wednesday, 27 July 2022 8:14 AM

To: **S** 47E Cc: Jody S 47F s 47F

Subject: OCO - Anderson, Iain - incoming Ombudsman - 1 August 2022 [SEC=OFFICIAL] Importance: High

OFFICIAL

OFFICIAL

Hi team

Please see attached instrument of appointment and letter concerning superannuation salary for incoming Ombudsman lain Anderson. lain commences with us on Monday.

I'm away today so grateful if you can speak to Jody cc;d to this email for anything you need today.

Kind regards

Carmen



Subject: RE: [External] Acting Ombudsman and Deputy Ombudsman instruments [SEC=OFFICIAL]

OFFICIAL

OFFICIAL OFFICIAL

Hi Polly

Attached is the instrument of appointment.

There is not a letter of offer. However I can advise that the Remuneration Tribunal have agreed on a superannuation salary for Iain that is equivalent to his Deputy Secretary super salary. The determination is yet to be published so I have attached a copy of the letter the Tribunal sent to the Secretary that confirms the agreed amount.

Kind regards



Subject: RE: [External] Acting Ombudsman and Deputy Ombudsman instruments [SEC=OFFICIAL] [SEC=OFFICIAL]

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OFFICIAL

s 47F

Phew, I don't need to sweat over any more acting appointments!

Would we be able to have a copy of Iain Anderson's instrument of appointment and letter of offer when you get a moment?

Warm regards

Polly<mark>S 47F Director | Legal Team Corporate Branch COMMONWEALTH OMBUDSMAN</mark>

Proud to be working on the lands of the Gadigal people of the Eora nation

Mob: <mark>S 47F</mark> Email: <mark>S 47F</mark> Website: ombudsman.gov.au



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The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.



DOCUMENT 8

OFFICIAL



REMUNERATION TRIBUNAL

John C Conde AO President

Ms Katherine Jones PSM Secretary Attorney-General's Department **Robert Garran Offices** 3-5 National Circuit BARTON ACT 2600

Dear Secretary Katherine

Thank you for your correspondence of 14 July 2022 seeking the Tribunal's agreement to determine a personal superannuation salary for Mr Iain Anderson, the proposed appointee to the office of Commonwealth Ombudsman.

The Tribunal's usual practice is to determine a personal superannuation salary for a member of a defined benefit scheme where that member's existing superannuation salary is higher than that applying to the office to which they have been appointed.

The Tribunal has considered the information you provided regarding Mr Anderson's membership of a defined benefit superannuation scheme and will determine a personal superannuation salary for Mr Anderson of \$388,723.

Once Mr Anderson's appointment has been confirmed, a determination giving effect to this decision will be issued and a copy will be provided to your officials following registration.

Should you have any questions, please call me on s 47F If your officials wish to discuss any matters relating to the implementation of these arrangements, the relevant contact officer in the Tribunal's Secretariat is Ms Michelle S 47F on S 47F

Yours sincerely

John C Conde AO President

15 July 2022

DOCUMENT 11



Subject:	FW: OCO - Anderson, Jain - incoming Ombudsman - 1 August 2022 [SEC=OFFICIAL]
Attachments:	Instrument.pdf; Commonwealth Ombudsman appointment 2022 - Iain Anderson - super salary - letter from Remuneration Tribunal - 15 July 2022.PDF
Importance:	High

OFFICIAL

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Subject: RE: [External] Acting Ombudsman and Deputy Ombudsman instruments [SEC=OFFICIAL] [SEC=OFFICIAL]

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Polly<mark>S 47F Director | Legal Team Corporate Branch COMMONWEALTH OMBUDSMAN</mark>

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Mob: <mark>S 47E, S 47F</mark> Email: <mark>S 47F</mark> Website: ombudsman.gov.au



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DOCUMENT 14



Attachments:

FW: FOR ADVICE: Incoming Ombudsman - information for payroll purposes [SEC=OFFICIAL]

02. Personal Particulars.doc; 03. Mode of Pay.doc; 04. Superannuation Standard Choice Form.pdf; 05. Tax file number declaration.pdf; 06. Childers Street - Physical Security Access Form.doc; 07. IT - Staff Acknowledgement.pdf; 08. Conflict of Interest acknowledgement and information.doc; 09. Acknowledgement of key obligations and information.doc; 10. Security Clearance Request Form.docx; 11. Security Clearance Privacy Statement and Informed Consent Form.doc

OFFICIAL

From: Carmen S 47F S 47F	@ombudsman.gov.au>	
Sent: Tuesday, 26 July 2022 3:28 PM		
To: <mark>s 47F</mark> @ag.gov.au		
Cc: Jody <mark>S 47F</mark>	@ombudsman.gov.au>; Polly S 47F	@ombudsman.gov.au>
Subject: FOR ADVICE: Incoming Ombude	sman - information for payroll purposes [SEC=OFFICI.	AL]

OFFICIAL

Dear ^{s 47F}

How are you? I hope this email finds you well.

In preparation for the commencement of the new Ombudsman, Mr Iain Anderson, on Monday 1 August 2022, we are seeking advice on the most appropriate way to gather information relating to payroll particulars.

Our suite of information is below and attached, for your information and reference.

Would you also please be able to provide a copy of the appointment instrument for our records and for forwarding onto Shared Services for payroll processing?

With thanks and kind regards

Carmen

Carmen S 47F Director, Human Resources COMMONWEALTH OMBUDSMAN Proud to be working on the lands of Jagera and Turabal peoples Phone: S 47F Email: S 47F Email: S 47F Website: <u>ombudsman.gov.au</u>



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The Office of the Commonwealth Ombudsman acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

Would you please complete the following attachments and return to HR at <u>human.resources@ombudsman.gov.au</u> as soon as possible, along with copies of your Birth Certificate and Australian Citizenship.

- O2. Personal Particulars
- ✤ 03. Mode of Salary Payment
- ✤ 04. Super Choice form
- 05. Tax File Number declaration
- O6. Physical Security Access
- ✤ 07. IT Staff Acknowledgement
- ✤ 08. Conflict of Interest Acknowledgement and information
- 09. Acknowledgment of key obligations
- 10. Security Clearance Transfer Request Form
- 11. Security Clearance Privacy Statement and Informed Consent



PERSONAL PARTICULARS

1. PERSONAL DETAILS

Surname:					Other Names:						
Home Address:				Home Telephone/Mobile Number:							
Postal Address: (insert "as above" if same as home address)											
Date of Birth://Courtesy Title:MrMrsMissDr											
2. NEXT OF KIN											
Surname:	Oth	ner Names:]	Relation	nship:			
Address:	•					ľ					
Telephone Numbers:	Ho	me ()			Wo	rk ()					
3. PREVIOUS EMPLOYME	NT										
Employer			Posit	ion Held]	Ι	Dates E	mployed			
								_/20		/20	
						_		_/20		/20	
						_		_/20		/20	
PREVIOUS AGS No. (most rece	ent iss	sued):									
4. EDUCATIONAL QUALII	FICA	TIONS	_			·					
Highest level of educational qualification Year Institution (please indicate in next column if C					D/S r A						
5. Please indicate where you		• •		the AF	PS	1					
Employed in:		Private sect	tor			Other s	sector				
State or local government		Tertiary ins	stitutio	n		Not em	ployed				
Commonwealth public sector		Self-employ	yed			Attend	ing an e	education	al institut	ion	
6. RESTRICTIONS ON EM	PLO						_				
Are you an Australian Citizen? **if NO please email <u>Human.R</u>	esoui		es 🗖 <u>udsma</u>	n.gov.a	<u>u</u> in	No I mediate					
I have accepted a voluntary redundancy within the last twelve months Yes No <u>Declaration</u> :											
7. EMPLOYEE CERTIFICA	TIO	N									
I certify that the details I have provided are true and correct: Signature:/ Dated:/											

8. DIVERSITY IN EMPLOYMENT (OPTIONAL)

You are encouraged to provide the following information to assist in the monitoring of employment equity and workplace diversity in the department. Provision of the information is voluntary.

Do you identify as?		Male	
		Female	
	Inters	sex / Indeterminate / Unspecified	
Are you an Aboriginal or To	orres Strait Islander (A	TSI)? No	
		Yes	
Were you born in Australia	or overseas?	In Australia	
		Overseas	P
Which country		did you first arrive in Australia?	/ /
Was the FIRST language yo		English	
English and an	nother language	Language other than English	
Please indicate which other	language vou spoke		
An ATSI language		Polish	
Arabic		Serbian	
Chinese		Slovenian	
Croatian		Spanish	
Dutch		Turkish	
German		Vietnamese	
Greek		Cantonese	
Italian		Mandarin	
Macedonian		Not applicable	
Other, please state:			
Was the FIRST language sp English and an	ooken by your mother nother language	English Language other than English	
Was the FIRST language sp English and an	ooken by your father nother language	English Language other than English	,
Do you have a disability that (Do not count eyesight problem)		nths or more? No D Yes wearing glasses or contact lenses)	
Please indicate the limitation	ns that your disability	places on you:	
Hearing D	Seeing	Learning D Communic	ating D
Movement activities \Box	Moving arou	and (eg using transportation) \square	
Daily life activities (bathing,	, showering etc) \Box	Care of necessities, domestic activ	vities D
		stances (eg following directions etc)	3
Limitations apply but you c	hoose not to identify th	nem. 🗖	



MODE OF SALARY PAYMENT

FULL NAME

ACCOUNT DETAILS

This information will be provided to the office payroll provider and Finance area for the payment of your salary and all other monies including travelling allowance.

BANK	BRANCH NUMBER	ACCOUNT NUMBER
BUILDING SOCIETY	BRANCH NUMBER	ACCOUNT NUMBER
CREDIT UNION	BRANCH NUMBER	ACCOUNT NUMBER
BRANCH NAME		
ACCOUNT NAME		
FULL TITLE OF ACCOUNT		

DEDUCTION 1 (OPTIONAL)

BANK 🗆	BUILDING SOCIETY	CREDIT UNION
INSTITUTION NAME		
BRANCH NAME	BRANCH N	UMBER
ACCOUNT NUMBER	AN	AOUNT \$
FULL TITLE OF ACCOUNT		

DEDUCTION 2 (OPTIONAL)

BANK 🗆	BUILDING SOCIETY	CREDIT UNION
INSTITUTION NAME		
BRANCH NAME	BRANCH	H NUMBER
ACCOUNT NUMBER		AMOUNT \$
FULL TITLE OF ACCO	UNT	

SIGNATURE/..../..... DATE/..../

Superannuation (super) standard choice form

WHEN TO USE THE FORM

Employers

Use this form to offer eligible employees their choice of super fund. You must fill in the details of your nominated super fund, also known as your default fund, before giving the form to employees.

Give this form to an employee when:

- you hire a new employee who is eligible to choose a super fund
- an existing eligible employee asks you for it
- you can no longer contribute to an employee's nominated super fund or it is no longer a complying fund
- you change your employer-nominated super fund and need to advise employees affected by this change.

Employees

Use this form to advise an employer of your choice of super fund.

You must provide the required information so your employer can make contributions to your nominated super fund.

ABOUT THE FORM

The Standard choice form has three sections:

- section A, which the employee completes by providing details of their choice of super fund, together with supporting documents.
- section B, which the employer completes by providing details of their nominated super fund (before they give the form to an employee).
- section C, which the employer completes to document the choice process for an employee.

Employers must retain the returned form as their record of the choice process. Completed forms must be retained for five years.

Superannuation reform changes – SuperStream

SuperStream is a new standard for the way employers pay contributions and send information to super funds. This form collects information that employers will need when using SuperStream.



Australian Government

Australian Taxation Office



SECTION A: EMPLOYEE TO COMPLETE

If you choose your own super fund you will need to obtain current information from your fund to complete items 3 or 4.

Item 3

Nominating your APRA fund or RSA

Complete this item if you are nominating your own APRA fund (fund regulated by the Australian Prudential Regulation Authority) or a retirement savings account (RSA).

You must include the unique superannuation identifier (USI) provided by your fund.

You must attach a letter from the fund trustee or RSA provider confirming that the fund or RSA:

- is a complying fund or RSA, and
- will accept payments from your employer.

This letter may contain other information to help your employer make super contributions using the SuperStream standard.

Item 4

Nominating your self-managed super fund (SMSF)

Complete this item if you are nominating a self-managed super fund (SMSF).

You must include your SMSF's ABN, bank account details and electronic service address (ESA) (so the fund can receive electronic messages and payments from your employer using SuperStream).

> FIND OUT MORE

ato.gov.au/SMSFSuperStream – for information about how SuperStream applies to SMSFs

If you are using an SMSF message service provider they will provide you with an electronic service address alias to include as the ESA on the form.

You must attach copies of the following documents to support your SMSF choice:

- a document confirming that the fund is regulated this can be printed from superfundlookup.gov.au
- a letter from the trustee of the SMSF confirming that the fund will accept payments from your employer – if you are the trustee, or a director of the corporate trustee, you can confirm acceptance by placing an 'X' in the relevant box on the form.

Things you should know

- Your employer is not liable for the performance of the super fund you or they nominate
- You should not seek financial advice from your employer unless they are licensed to provide it
- Your employer is only required to accept one choice of fund from you in a 12-month period; however, they may accept more
- Your employer has two months after you return this form to them to action your request
- Any money you have in existing funds will remain there unless you arrange to transfer it (roll it over) to another fund – check the impact of any exit fees you will incur or benefits you may lose before leaving the fund (your employer cannot do this for you)
- If you quote your TFN to your employer for super purposes, they must provide it to the super fund

You may have lost super

- It is important to keep track of your super if you've ever changed your name, address or job, you may have lost track of some of your super
- Having several super accounts could mean that fees and charges are reducing your overall super investment
- You can register for our online services and use SuperSeeker to check all your super accounts, find any lost or ATO-held super and transfer your super into one account using a simple online form

FIND OUT MORE

- ato.gov.au/superseeker
- ato.gov.au/super for information about super or choosing a super fund
- moneysmart.gov.au (on the Australian Securities & Investment Commission [ASIC] website) – search for 'choose super fund' for tips on how to choose a fund

SECTIONS B & C: EMPLOYER TO COMPLETE

If an employee nominates their own super fund, they will provide information at section A that will assist you to prepare for, and make contributions to super funds using SuperStream.

> FIND OUT MORE

ato.gov.au/simplifyingSuperStream – for more information on SuperStream.

Section B

Complete section B before giving this form to your employee. The super fund you nominate must be authorised to offer a MySuper product. If you need to confirm your MySuper arrangements contact your default super fund.

Sign and date this section on the day you give the form to your employee.

Section C

Complete section C after your employee returns this form to you. Record the date you accept your employee's choice of fund and the date that you act on the choice. Retain the form with your records. Do not send the form to the ATO or to super funds.

♦ FIND OUT MORE

- ato.gov.au/employersuper for more information on super, offering an employee a choice of fund or paying super contributions
- apra.gov.au/RSE to find a super fund authorised to offer a MySuper product

Things you should know

- The quarterly* due dates for super contributions are:
 28 October
 - 28 January
 - 28 April
 - 28 July
- If you have not received an employee's completed form and a super contribution is due, you must make the payment to your nominated fund by the due date
- In the two months after you receive an employee's completed form, you can pay their super contributions to either the fund you have nominated or the fund they have nominated
- After the two-month period, you must make contribution payments to the fund the employee has nominated
- You do not have to action an employee's fund nomination if they have nominated a fund in the previous 12 months; however, you may choose to action their request

FIND OUT MORE

- phone 13 10 20 between 8am and 6pm, Monday to Friday, to speak to a tax officer
- phone our publications ordering service on 1300 720 092 for copies of our publications
- write to us at

Australian Tax Office PO Box 3578 Albury NSW 2640

🔊 HELP

- If you do not speak English well and want to talk to a tax officer, phone the Translating and Interpreting Service on 13 14 50 for help with your call.
- If you have a hearing or speech impairment and have access to appropriate TTY or modem equipment, phone 13 36 77. If you do not have access to TTY or modem equipment, phone the Speech to Speech Relay Service on 1300 555 727.

You can pay contributions more regularly than quarterly. For example, some employers pay fortnightly or monthly based on employee workplace agreements or arrangements with super funds.

OUR COMMITMENT TO YOU

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information in this publication and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we must still apply the law correctly. If that means you owe us money, we must ask you to pay it but we will not charge you a penalty. Also, if you acted reasonably and in good faith we will not charge you interest.

If you make an honest mistake in trying to follow our information in this publication and you owe us money as a result, we will not charge you a penalty. However, we will ask you to pay the money, and we may also charge you interest. If correcting the mistake means we owe you money, we will pay it to you. We will also pay you any interest you are entitled to.

If you feel that this publication does not fully cover your circumstances, or you are unsure how it applies to you, you can seek further assistance from us.

We regularly revise our publications to take account of any changes to the law, so make sure that you have the latest information. If you are unsure, you can check for more recent information on our website at **ato.gov.au** or contact us.

This publication was current at August 2014.

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PUBLISHED BY

Australian Taxation Office Canberra August 2014

JS 31287



Superannuation Standard choice form

For use by employers when offering employees a choice of fund and by employees to advise their employer of their chosen fund.

Se	ection A: Employee to complete
1	Choice of superannuation (super) fund
	I request that all my future super contributions be paid to: (place an χ in one of the boxes below)
	The APRA fund or retirement savings account (RSA) I nominate O Complete items 2, 3 and 5
	The self-managed super fund (SMSF) I nominate Complete items 2, 4 and 5
	The super fund nominated by my employer (in section B) Complete items 2 and 5
2	Your details
	Name
	Employee identification number (if applicable)
	Tax file number (TFN)
	• You do not have to quote your TFN but if you do not provide it, your contributions may be taxed at a higher rate.
	Your TFN also helps you keep track of your super and allows you to make personal contributions to your fund.
-	
3	Nominating your APRA fund or RSA You will need current details from your APRA regulated fund or RSA to complete this item.
	Fund ABN
	Fund name
	Fund address
	Suburb/town State/territory Postcode
	Fund phone
	Unique superannuation identifier (USI)
	Your account name (if applicable)
	Your member number (if applicable)

Required documentation

You need to attach a letter from your fund stating that they are a complying fund and that they will accept contributions from your employer. Correct information about your super fund is needed for your employer to pay super contributions.

Nominating your self-managed super fund (SMSF)CIAL 4

You will need current details from your SMSF trustee to complete this item.

Fund ABN			
Fund name			
Fund address			
Suburb/town		State/territory	Postcode
Fund phone			
Fund electronic service address (ESA)			
Fund bank account			
BSB code (please include all six numbers)	Account number		

Required documentation

You need to attach a document confirming the SMSF is an ATO regulated super fund. You can locate and print a copy of the compliance status for your SMSF by searching using the ABN or fund name in the Super Fund Lookup service at http://superfundlookup.gov.au/

If you are the trustee, or a director of the corporate trustee you can confirm that your SMSF will accept contributions from your employer by making the following declaration (place an 'X' in the box below):

I am the trustee, or a director of the corporate trustee of the SMSF and I declare that the SMSF will accept contributions from my employer.

If you are not the trustee, or a director of the corporate trustee of the SMSF, then you must attach a letter from the trustee confirming that the fund will accept contributions from your employer.

5 Signature and date

If you have nominated your own fund in Item 3 or 4, check that you have attached the required documentation and then place an 'X' in the box below.

I have attached the relevant documentation.

Signature

<u></u>			
	Date		
	Day	Month	Year
		/ 🗌 /	
eturn the completed form to your employer as soon as possible			

Return the completed form to your employer as soon as possible.

Print form

Reset form

Section B: Employer to complete

You must complete this section before giving the form to an employee who is eligible to choose the super fund into which you pay their super contributions.

OFFICL

Your d	letails								
Busines	s name Offic	e of the Comm	onwealth Or	mbudsman					
ABN	5 3	003	6 7 8	1 4 8					
Signatu	ure								
							Date	Marath	N/2
							Day	Month	Year
Your n	ominated s	uper fund							
	nployee does 1 have nomina		own super f	und, you are re	quired to pay su	per contril	butions on	their behalf t	o the fur
	und name				ccumulation Pla				

7 2 5

Super fund website address www.pssap.gov.au

Phone (for the product disclosure statement for this fund) |1||3||0||0||

Section C: Employer to complete

Complete this section when your employee returns the form to you with section A completed.

8 Record of choice acceptance

In the two months after you receive the form from your employee you can make super contributions to either the fund you nominated or the fund the employee nominated. After the two-month period you must make payments to the fund chosen by the employee.

If you don't meet y you may face penalties		employee superannuation contributions to the correct fund,
Date employee's choice is received	Day Month Year	Date you act on your / / Year employee's choice

Employers must keep the completed form for their own record for five years. Do not send it to the Australian Taxation Office, the employer's nominated fund or the employee's nominated fund.

PRIVACY STATEMENT

The ATO does not collect this information; we provide this form as a means for employees to identify and provide necessary information to their employer. An employer is authorised to collect an employee's TFN under the *Superannuation Industry* (*Supervision*) *Act 1993*. It is not an offence for an employee not to quote their TFN. However, quoting a TFN reduces the risk of administrative errors and if the employee does not quote their TFN their contributions may be taxed at a higher rate. An employee can get more details regarding their privacy rights by contacting their superannuation fund.

Print form Reset form

DOCUMENT 17

Tax file number declaration

The information you provide in this declaration will enable your payer to work out how much tax to withhold from payments made to you.

TERMS WE USE

- payer we are referring to the business or individual making payments under the pay as you go (PAYG) withholding system.
- **payee** we are referring to the individual being paid.

WHEN SHOULD YOU USE THIS FORM?

You need to complete this form before you start to receive payments from a new payer, or your circumstances change. For example, when you receive:

- payments for work and services as an employee, company director or office holder
- payments under return-to-work schemes and labour hire arrangements
- solution benefit and compensation payments, and
- superannuation benefits.

The information you provide on this form is used to determine the amount of tax to be withheld from payments made to you. For example, whether you:

- 🖩 claim the tax-free threshold
- are an Australian resident for tax purposes
- have a Higher Education Loan Programme (HELP) debt, or
- Mave a Financial Supplement debt.

Individuals who reach age 60 and commence a superannuation benefit that does not include an untaxed element, do not need to complete this form for that superannuation benefit.

The information in these instructions is current to 30 June 2009.

WHERE CAN YOU FIND YOUR TFN?

You will find your tax file number (TFN) on:

- your income tax notice of assessment
- m correspondence sent to you by the Tax Office, or
- a payment summary issued by your payer.

If you have a tax agent, they may also be able to tell you your TFN.

If you still can't find your TFN you can:

- phone 13 28 61 between 8.00am and 6.00pm, Monday to Friday, or
- visit your nearest shopfront (phone **13 28 61** to make an appointment).

If you phone or visit us we need to know we are talking to the correct person before discussing your tax affairs. We will ask you for details only you, or your authorised representative would know.

DO YOU NEED TO APPLY FOR A TFN?

If you don't have a TFN you will need to complete and lodge an application form. There are a range of forms available depending on your circumstances.

For more information about TFNs, see page 6.



Australian Government Australian Taxation Office

NAT 3092-07.2008

OTHER FORMS YOU MAY NEED TO COMPLETE

You will need to complete a:

- Withholding declaration (NAT 3093) if:
 - you claim entitlement to the senior Australians tax offset (question 9) or other tax offsets (question 10) on this form
 - you want to advise your payer to adjust the amount withheld from payments made to you, or
 - there is a change to information you previously provided in a *Tax file number declaration* (NAT 3092). For example:
 - advise your payer that you have become, or ceased to be, an Australian resident for tax purposes
 - claim or discontinue claiming the tax-free threshold
 - advise your payer of or make changes to your Higher Education Loan Programme (HELP) or Financial Supplement repayment obligations
 - increase the rate or amount to be withheld, claim or vary your entitlement to zone, overseas forces, dependent spouse, special tax offset or senior Australians tax offset, or
- Medicare levy variation declaration (NAT 0929) if you qualify for a reduced rate of Medicare levy or are liable for the Medicare levy surcharge. You can vary the amount your payer withholds from your payments (see 'More information' on page 6).

If you give the wrong information on this form, you may have the incorrect amount of tax withheld from payments made to you.

For more information, see page 6.

HOW TO COMPLETE THIS FORM

Section A: To be completed by the payee Question 1

What is your tax file number (TFN)?

This question asks you to supply your TFN.

Your payer and the Tax Office are authorised by the *Taxation Administration Act 1953* to collect your TFN on this form. It is not an offence not to quote your TFN. However, your payer is required to withhold at the highest marginal rate plus Medicare levy (46.5% for the 2008–09 financial year) from all payments made to you if you do not:

- provide a *Tax file number declaration* (NAT 3092) to your payer
- quote your TFN, or
- solution an exemption from quoting your TFN.

If you need to find your TFN, refer to 'Where can you find your TFN?' on page 1.

You may claim an exemption from supplying your TFN.

Print $|\mathcal{X}|$ in the appropriate box if you:

- have lodged a TFN application or enquiry form for individuals or made a phone or counter enquiry to obtain your TFN. Your payer will withhold at the standard rate but if they do not have your TFN after 28 days, they will withhold an amount at the top marginal rate of tax plus Medicare levy (46.5% for the 2008–09 financial year) from future payments, or
- are claiming an exemption from quoting a TFN. You are exempt from quoting your TFN if you are:
 - under 18 years of age and do not earn enough to pay tax, or
 - an applicant or recipient of certain pensions, benefits or allowances from:
 - Centrelink however you will need to quote your TFN if you receive Austudy, Newstart, sickness or parenting allowance
 - Department of Veterans' Affairs a service pension under the Veterans' Entitlement Act 1986, or
 - the Military Rehabilitation and Compensation Commission.

For more information about privacy, see 'Privacy of information' on page 5.

OFFICIAL Provision of your TFN to your superannuation fund

Your payer must pass your TFN to the superannuation fund to which contributions are being made on your behalf. This enables: your superannuation fund to accept all types of contributions to

- your account(s)
- no increase to the tax on contributions to your superannuation account(s)
- no additional tax to be deducted when you start drawing down your superannuation benefits, other than the tax that may ordinarily apply, and
- ease in tracing different superannuation accounts in your name so that you receive all your superannuation when you retire.

Under the Superannuation Industry (Supervision) Act 1993, your superannuation fund is authorised to collect your TFN, which will only be used for lawful purposes. These purposes may change in the future as a result of legislative change. The trustee of your superannuation fund may disclose your TFN to another superannuation provider, when your benefits are being transferred. You may request to the trustee of your superannuation fund, in writing, not to disclose your TFN to any other trustee.

Questions 2, 3, 4 and 5

Fill in your personal information.

Question 6

On what basis are you paid?

Check with your payer if you are not sure of the basis of your payment.

Question 7

Are you an Australian resident for tax purposes?

Generally, we consider you to be an Australian resident for tax purposes if you:

- have always lived in Australia or you have come to Australia and now live here permanently
- are an overseas student doing a course that takes more than six months to complete
- have been in Australia continuously for six months or more and for most of that time you worked in the one job and lived in the same place, or
- will be or have been in Australia for more than half of 2008–09 (unless your usual home is overseas and you do not intend to live in Australia).

If you go overseas temporarily and do not set up a permanent home in another country, you may continue to be treated as an Australian resident for tax purposes.

The criteria we use to determine your residency status are not the same as those used by the Department of Immigration and Citizenship or Centrelink.

NON-RESIDENT TAX RATES ARE DIFFERENT A higher rate of tax applies to non-residents' taxable income and non-residents are not entitled to a tax-free threshold.

It is against the law to claim the tax-free threshold and tax offsets if you are a non-resident of Australia for tax purposes. However, there is an exception with zone or overseas forces tax offsets, go to question 10 for more information.

If you need help deciding whether or not you are an Australian resident for tax purposes, go to 'More information' on page 6.

Answer 'NO' to this question if you are not an Australian resident for tax purposes. You must also answer 'NO' at questions 8, 9 and 10 (unless you are a non-resident claiming a senior Australians, zone or overseas forces tax offset).

Do you want to claim the tax-free threshold from this payer? Conditions 1, 2, 3 and 4 explained below. year that is not taxed (currently, the tax-free threshold applies to the first \$6,000 of your annual income). It is available only to people who are Australian residents for tax purposes (that is, people who answered 'YES' at question 7).

Answer 'YES' if you:

are an Australian resident for tax purposes

m are not currently claiming the tax-free threshold from another payer, and

want to claim the tax-free threshold.

(\mathbb{D}) CHANGE TO WITHHOLDING FOR LOW INCOME TAX OFFSET

From 1 July 2008, if you answer 'YES' your payer will reduce your withholding to allow a claim for 50% of the low income tax offset amount relevant to this level of regular earnings.

Answer 'NO' if you:

answered 'NO' to question 7

have claimed the tax-free threshold from another payer, or do not wish to claim the tax-free threshold.

DO YOU HAVE MORE THAN ONE JOB **OR PAYER?**

You can claim the tax-free threshold from only one payer at a time. Generally, you should claim it from the payer you expect to pay you the most during the income year. If you want to change the payer you are currently claiming the tax-free threshold from, you must complete a Withholding declaration (NAT 3093) to advise the payer that you no longer want to claim the tax-free threshold from them.

If you receive any taxable Centrelink payments or allowances such as Newstart, Austudy or Youth Allowance, you are probably already claiming the tax-free threshold with Centrelink. This means you cannot also claim it from another payer.

If you expect to earn more than \$16,500 from the job where you have claimed the tax-free threshold, you may end up with a tax debt at the end of the income year. To avoid having a debt, you should ask one or more of your payers to withhold additional amounts by completing a Withholding declaration upwards variation (NAT 5367).

For more information on deciding whether you can claim the tax-free threshold, which payer you should claim it from or how to vary your withholding rate, see 'More information' on page 6.

Question 9

Do you want to claim the senior Australians tax offset by reducing the amount withheld from payments made to you?

CLAIM BENEFITS AND TAX OFFSETS WITH ONLY ONE PAYER

It is against the law to reduce your withholding amounts, or claim the senior Australians tax offset with more than one payer at the same time.

If you receive income from more than one source, contact us on 1300 360 221 between 8.00am and 6.00pm, Monday to Friday for advice prior to completing this question.

Answer 'YES' if you are eligible and choose to receive the senior Australians tax offset by reducing the amount withheld from payments made to you during the year. You need to complete a Withholding declaration (NAT 3093). If your payer does not have copies of the form, see 'More information' on page 6.

Answer 'NO' if you are:

not eligible for the senior Australians tax offset, or

eligible and want to claim your entitlement to the tax offset as a lump sum in your end-of-year income tax assessment.

Condition 1: Age

To meet this condition, on 30 June 2009 you must be a:

- male aged 65 years or more or a female aged 63 years and 6 months or more, or
- male veteran or war widower aged 60 years or more or a female veteran or war widow aged 58 years and 6 months or more, who meets the veteran pension age test.

If you are not sure whether you meet the veteran pension age test, contact the Department of Veterans' Affairs, see 'Other agencies' on page 6.

Condition 2: Eligibility for an Australian Government age pension or similar type of payment

To meet this condition, you must either:

- m have received an Australian Government age pension, or a pension, allowance or benefit from the Department of Veterans' Affairs, at any time during the 2008–09 income year.
- be eligible for an Australian Government age pension, but are not receiving one because you have not made a claim or because of the application of the income test or the assets test.
- be a veteran with eligible war service or a Commonwealth veteran, allied veteran or allied mariner with qualifying service and you are eligible for a pension, allowance or benefit from the Department of Veterans' Affairs but are not receiving it because you have not made a claim or because of the application of the income test or the assets test.

If you need help working out your eligibility for a social security or Centrelink pension, contact Centrelink, see 'Other agencies' on page 6.

If you are a veteran and not sure if you are eligible for a payment, contact the Department of Veterans' Affairs, see 'Other agencies' on page 6.

Condition 3: Taxable income threshold

To meet this condition for the 2008-09 income year, you must satisfy one of these income thresholds:

- wyou do not have a spouse (married or de facto) and your taxable income will be less than \$46,707
- vou have a spouse (married or de facto) and you and your spouse's combined taxable income will be less than \$74,992
- you have a spouse (married or de facto), and for some or all of the income year you have to live apart due to illness or because one of you is in a nursing home, and you and your spouse's combined taxable income will be less than \$87,840.

The threshold amounts shown here relate to determining your eligibility for the senior Australians tax offset, they are not tax-free thresholds.

Œ The term 'Had to live apart due to illness' applies when you and your spouse (married or de facto) are paying higher living expenses because:

mone or both of you has a continuing illness or infirmity, and wyou cannot live together in your home as a result.

Condition 4: Not in jail

To meet this condition, you must not be in jail for the whole income year, 1 July 2008 to 30 June 2009.

How your income affects the amount of your tax offset If you meet the eligibility conditions above, you may receive the senior Australians tax offset. Your taxable income determines the amount, if any, of senior Australians tax offset you will receive.

For more information on your entitlement:

- visit www.ato.gov.au and search for 'senior Australians tax offset', or
- phone 13 28 61 between 8.00am and 6.00pm, Monday to Friday.

Question 10

Do you want to claim a zone, overseas forces, dependent spouse or special tax offset by reducing the amount withheld from payments made to you?

CLAIM TAX OFFSETS WITH ONLY ONE PAYER It is against the law to claim tax offsets from more than one payer at the same time.

Answer 'YES' to this question if you are eligible and choose to receive any of these tax offsets by reducing the amount withheld from payments made to you. You also need to complete a *Withholding declaration* (NAT 3093).

Answer 'NO' to this question if you are not eligible or choose to receive any of these tax offsets as an end-of-year lump sum through the tax system.

You may be eligible for:

- a zone tax offset if you live or work in certain remote or isolated areas of Australia
- an overseas forces tax offset if you serve overseas as a member of Australia's Defence Force or a United Nations armed force
- a dependent spouse (married or de facto) tax offset if your spouse's separate net income is expected to be less than \$8,918 for the income year ended June 2009

a special tax offset for a dependent invalid relative, dependent parent, housekeeper caring for an invalid spouse or a dependent child-housekeeper.

INCOME TEST

As part of the 2008–09 Budget, the Government announced that the dependent spouse and special tax offsets can only be claimed by taxpayers whose taxable income is \$150,000 or less. Whilst this legislation was not passed at the time this publication was printed, you should consider whether the income test applies to you before choosing to claim these offsets.

If you are not sure whether you are eligible for the zone, overseas forces, dependent spouse or special tax offset:
 visit www.ato.gov.au and select 'Individuals', or

phone 13 28 61 between 8.00am and 6.00pm, Monday to Friday.

Question 11

(a) Do you have an accumulated Higher Education Loan Programme (HELP) debt?

Answer 'YES' if you have an accumulated HELP debt.

Answer 'NO' if you do not have an accumulated HELP debt, or you have repaid all your HELP debt.

HELP

The Higher Education Loan Programme (HELP) was introduced on 1 January 2005, replacing the Higher Education Contribution Scheme (HECS). If you had a HECS debt, it became an accumulated HELP debt on 1 June 2006. If the Australian Government lends you money under any of the schemes below, you will have a HELP debt:

HECS-HELP

🛚 FEE-HELP

IN OS-HELP

(b) Do you have an accumulated Financial Supplement debt?

The Student Financial Supplement Scheme closed on 31 December 2003 and new loans are no longer being issued. Existing Financial Supplement debts will continue to be collected through the tax system.

OFFICIAL of the second second

> Answer 'NO' if you do not have an accumulated Financial Supplement debt, or you have repaid all your Financial Supplement debt.

Repaying your HELP or Financial Supplement debt

You must start repaying your debt when your repayment income is above the minimum threshold. The minimum threshold for 2008–09 is \$41,594. We will calculate your compulsory repayment for the year and include it on your income tax notice of assessment.

If your annual income is likely to be above the minimum repayment threshold, your payer will regularly withhold additional amounts to cover any compulsory repayment that may be calculated.

If you have claimed the tax-free threshold, the additional withholding for repaying your debt will commence at weekly earnings of \$799. If you have not claimed the tax-free threshold, the additional withholding will commence at weekly earnings of \$482.

Do you have more than one job and a HELP or Financial Supplement debt?

If your payments from all jobs add up to more than the repayment threshold for the income year, you will have a compulsory repayment included in your next income tax notice of assessment. You can ask one or more of your payers to withhold additional amounts to cover your compulsory repayment.

What happens to the additional amounts withheld?

The additional amounts withheld by your payer are not credited to your HELP or Financial Supplement account during the year but form part of the amount shown on your annual *PAYG payment summary* at 'total tax withheld' and on your income tax notice of assessment at 'PAYG withholding credits'. If you had too much withheld during the year and you have no other outstanding debts, we will refund the excess to you.

Have you repaid this debt?

When you have repaid your accumulated HELP or Financial Supplement debt, you must complete a new *Withholding declaration* (NAT 3093).

For more information about HELP or Financial Supplement debts, see 'More information' on page 6.

SIGN AND DATE THE DECLARATION

Make sure you have answered all the questions in Section A and have signed and dated the declaration. Give your completed declaration to your payer.

Section B: To be completed by the payer

The following information will help you comply with your pay as you go (PAYG) withholding obligations.

IS YOUR EMPLOYEE ENTITLED TO WORK IN AUSTRALIA?

It is a criminal offence to knowingly or recklessly allow someone to work, or to refer someone for work, where that person is from overseas and is either in Australia illegally or is working in breach of their visa conditions.

People or companies convicted of these offences may face fines and/or imprisonment. To avoid penalties, ensure your prospective employee has a valid visa to work in Australia before you employ them. You can check a visa holder's status online on the Department of Immigration and Citizenship website at **www.immi.gov.au**

For more information, contact the Department of Immigration and Citizenship, see 'Other agencies' on page 6.

Payer obligations

If you withhold amounts from payments, or are likely to withhold amounts, the payee may give you this form with Section A completed. A TFN declaration applies to payments made after the declaration is provided to you. The information provided on this form is used to determine the amount of tax to be withheld from payments based on the PAYG withholding tax tables published by the Tax Office. If the payee gives you another declaration, it overrides any previous declarations.

What if a payee advises you that they have applied for a TFN, or enquires about their existing TFN?

Where the payee indicates at question 1 on this form that they have applied for an individual TFN, or enquired about their existing TFN, they have 28 days to give you their TFN. During the 28 day period, you withhold tax at the standard rate according to the PAYG withholding tax tables. If, after 28 days, the TFN has not been supplied, you must withhold an amount at the top marginal rate of tax plus the Medicare levy (46.5% for the 2008-09 financial year) unless we tell you not to.

What if a payee does not give you a completed form? You must:

- notify the Tax Office within 14 days of the start of the withholding obligation by completing as much of the payee section of the form as you can. Print 'PAYER' in the payee declaration and lodge the form - see 'Lodging the form', and
- withhold an amount at the highest marginal rate of tax plus the Medicare levy (46.5% for the 2008-09 financial year) from any payment to that payee.

Lodging the form

You need to lodge TFN declarations with the Tax Office within 14 days after the form is signed by the payee or completed by you (if not provided by the payee). You need to retain the payer's copy for your records.

You may lodge the information to us:

- electronically do not complete 'Section B' of each form, the payer information is supplied by your software. Lodge your TFN declaration reports via the internet using Electronic Commerce Interface (ECI) or electronic media. This will require software that complies with Tax Office specifications.
- by paper complete Section B and send the original to the Tax Office within 14 days.

– For WA, SA, NT, VIC or TAS, send to: Australian Taxation Office PO Box 795 ALBURY NSW 2640

- For NSW, QLD or ACT, send to: Australian Taxation Office PO Box 9004 PENRITH NSW 2740

Display For more information about lodging your TFN Declaration report electronically, visit www.ato.gov.au and search for 'Lodging your TFN declaration data electronically'.

Provision of payee's TFN to the payee's superannuation fund

If you make a superannuation contribution for your payee, you need to give your payee's TFN to their superannuation fund within 14 days of receiving this form from your payee. If you do not make a contribution for the payee in that period, you may pass the payee's TFN on to their superannuation fund at the time when you make such a contribution.

OFFICING and disposing of TFN declarations OFFICING the TFN guidelines in the *Privacy Act 1988*, you must use secure methods when storing and disposing of TFN information.

Under tax laws, if a payee submits a new Tax file number declaration (NAT 3092) or leaves your employment, you must retain a copy of the completed form for the current and next financial year.

Penalties

You may incur a penalty if you do not:

- In lodge TFN declarations to us electronically or by paper
- keep the payer copy of completed TFN declarations for your records, or
- provide the payee's TFN to the payee's superannuation fund.

For more information, see page 6.

OUR COMMITMENT TO YOU

We are committed to providing you with guidance you can rely on, so we make every effort to ensure that our publications are correct.

If you follow our guidance in this publication and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we must still apply the law correctly. If that means you owe us money, we must ask you to pay it but we will not charge you a penalty. Also, if you acted reasonably and in good faith we will not charge you interest.

If you make an honest mistake in trying to follow our guidance in this publication and you owe us money as a result, we will not charge you a penalty. However, we will ask you to pay the money, and we may also charge you interest.

If correcting the mistake means we owe you money, we will pay it to you. We will also pay you any interest you are entitled to.

If you feel that this publication does not fully cover your circumstances, or you are unsure how it applies to you, you can seek further assistance from us.

We regularly revise our publications to take account of any changes to the law, so make sure that you have the latest information. If you are unsure, you can check for a more recent version on our website at www.ato.gov.au or contact us.

This publication was current at July 2008.

PRIVACY OF INFORMATION

We are authorised by the tax laws, including the Income Tax Assessment Act 1936 to ask for information on this declaration. We need this information to help us administer those laws.

Where we are authorised by law to do so, we may give this information to other government agencies. These agencies could include Centrelink, the Australian Federal Police, the Child Support Agency, the Departments of Families, Housing, Community Services and Indigenous Affairs, Veterans' Affairs, and Education, Employment and Workplace Relations.

Only certain people and organisations can ask for your TFN. These include employers, some Australian Government agencies, trustees for superannuation funds, payers under the PAYG system, higher education providers, the Child Support Agency and investment bodies such as banks. We are authorised by the Taxation Administration Act 1953 to collect your TFN. You are not required by law to provide your TFN. However, quoting your TFN reduces the risk of administrative errors and having extra tax withheld.

If you need more information about how the tax laws protect your personal information, or have any concerns about how the Tax Office has handled your personal information, phone 13 28 61 between 8.00am and 6.00pm, Monday to Friday.

MORE INFORMATION

Useful Products

You can get the following forms and publications from our website **www.ato.gov.au/onlineordering** or by phoning **1300 720 092** (some of these products are also available from most newsagents):

- Withholding declaration (NAT 3093)
- Medicare levy variation declaration (NAT 0929)
- Withholding declaration upwards variation (NAT 5367)
- Repaying your HELP debt in 2008-09 (NAT 3913)
- Repaying your Financial Supplement Ioan 2008-09 (NAT 2789)
- Tax file number application or enquiry for an individual (NAT 1432)
- Tax file number application or enquiry for individuals living outside Australia (NAT 2628)
- Tax file number application or enquiry for an Aboriginal or Torres Strait Islander (NAT 1589)
- Tax file numbers (NAT 1753).

Internet

Visit www.ato.gov.au:

- download publications, rulings and other general tax information.
- permanent migrants or temporary visitors to Australia can apply for a TFN online at any time after entering Australia.
- Visit www.abr.gov.au apply for an Australian business number (ABN) online for sole traders, companies, partnerships, trusts and superannuation funds.

Payers who use payroll software can lodge TFN declaration reports online through the Electronic Commerce Interface (ECI). Visit **www.ato.gov.au** and search for 'Lodging your TFN declaration data electronically'.

Phone

- Personal tax enquires phone 13 28 61 between 8.00am and 6.00pm, Monday to Friday. You can get advice about completing this form, TFNs, privacy of information, Australian residency, claiming the tax-free threshold and senior Australians tax offset.
- General business enquiries phone 13 28 66 between 8.00am and 6.00pm, Monday to Friday. You can find out about obtaining a withholding payer number (if not in business). You can also get advice on most small business tax issues, including ABN, PAYG withholding, PAYG instalments and amounts withheld from employees' wages.
- PAYG withholding variation enquiries phone 1300 360 221 between 8.00am and 6.00pm, Monday to Friday.

If you phone we need to know we are talking to the correct person before discussing your tax affairs. We will ask you for details only you, or your authorised representative, would know.

Other Services

If you do not speak English well and want to talk to a tax officer, phone the Translating and Interpreting Service on **13 14 50** for help with your call.

If you have a hearing or speech impairment and have access to appropriate TTY or modem equipment, phone **13 36 77**. If you do not have access to TTY or modem equipment, phone the Speech to Speech Relay Service on **1300 555 727**.

Other agencies

- Centrelink:
 - visit www.centrelink.gov.au
 - Retirement Services phone **13 23 00** between 8.30am and 5.00pm, Monday to Friday.
- Department of Immigration and Citizenship:
 - visit www.immi.gov.au
 - Employer's Immigration Hotline phone **1800 040 070** between 8.30am and 4.30pm, Monday to Friday.
- Department of Veterans' Affairs:
- visit www.dva.gov.au
- General enquiries phone 13 32 54 between 8.30am and 5.00pm, Monday to Friday.

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Australian Taxation Office Canberra July 2008 JS 10739

PUBLISHED BY

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* ************************************		ORIGINAL – Tax Office copy
Australian Government	Tax file num <mark>be</mark>	
Australian Taxation Office		plication for a tax file number. print clearly in BLOCK LETTERS.
www.ato.gov.au	 Print X in the appropriate box Read all the Instructions before 	xes, 30920708
Section A: To be completed by the		
1 What is your tax file number (TFN)?		6 On what basis are you paid? (Select only one.)
	ate application/enquiry to	Full-time Part-time Labour Superannuation Casual employment employment hire income stream employment
of information	for a new or existing TFN.	7 Are you an Australian resident Yes No You must answer No
on page 5 of the Instructions. OR I am claiming an exem 18 years of age and do not		
	xemption because I am in signal signa	8 Do you want to claim the tax-free threshold from this payer?
, 16061pt 01 a point		Only claim the tax-free threshold from one payer.
2 What is your name? Title: Mr Mrs	Miss Ms	If you have more than one source of income and currently claim the tax-free threshold from another payer, do not claim it now.
		Yes Answer No at questions 9 and 10 unless you are a non-resident claiming a senior Australians, zone or overseas forces tax offset.
First given name		9 Do you want to claim the senior Australians tax offset by reducing the
		amount withheld from payments made to you?
		Yes Complete a <i>Withholding declaration</i> (NAT 3093), but only if you are claiming the tax-free threshold from this payer. If you have more than one payer, see page 3 of the Instructions.
		10 Do you want to claim a zone, overseas forces, dependent spouse or special
3 If you have changed your name since you last dea	alt with the Tax Office,	tax offset by reducing the amount withheld from payments made to you?
show your previous family name		Yes Complete a <i>Withholding declaration</i> (NAT 3093).
		11 (a) Do you have an accumulated Higher Education Loan
	Month Year	Programme (HELP) debt?
4 What is your date of birth?		to cover any compulsory repayments.
5 What is your home address in Australia?		(b) Do you have an accumulated Financial Supplement debt?
		Yes voice any compulsory repayments.
		DECLARATION by payee: I declare that the information I have given is true and correct.
Suburb or town		Signature Date Day Month Year
State Postcode		There are penalties for deliberately making a false or misleading statement.
	-	
Once Section A is completed and signed, give		
Section B: To be completed by the 1 What is your Australian business number (ABN) o		ot lodging via electronic media) 4 What is your business address?
withholding payer number?	(if applicable)	
2 If you don't have an ABN or withholding payer nur for one?	mber, have you applied	Suburb or town
Vas		
		State Postcode
3 What is your registered business name or trading name if not in business)?	name (or your individual	
		5 Who is your contact person?
		Business phone number
		6 If you no longer make payments to this payee, print X in this box
DECLARATION by payer: I declare that the information I had	ve given is true and correct.	Payers can lodge this
Signature of payer Date Day	Month Year	Return the completed original Tax Office copy to: Information to us For WA, SA, NT, VIC or TAS For NSW, QLD or ACT
		Australian Taxation Office Australian Taxation Office PO Box 795 PO Box 9004 receipt. Ensure you keep
There are penalties for deliberately making a false or mis	leading statement	ALBURY NSW 2640 PENRITH NSW 2740 a copy in a secure place
Released un	der the Freedom of Informat	on Act 1982 - FOI-2028A1094Av-MRA309782 (when completed)



Childers Street, Canberra, Physical Security Access

Physical security includes access to the building at 14 Childers Street including the Ombudsman's Office on the 5th floor and 3rd floor (via Allsop Street). Authorised users include official officers and contract staff specifically authorised to make use to the Office's facilities. Incidental personal use of these facilities is permitted, provided this use complies with the Office's guidelines.

Staff acknowledge that they will:

- > Be issued with a numbered pass which must be kept securely when not in use.
- NOT allow anyone else to use their pass.
- Report lost passes immediately to the Office Help Desk (x143).
- The Help Desk staff will issue you with a Daily Staff pass which must be returned before leaving the Office for the day.
- Sign in all Visitors and escort the Visitor at all times.
- Understand that the standard business hours pass will provide
 - Access to our Office between 6am and 9pm on weekdays and
 - 24 hour access to the base building
- Remember that the Office is protected by a security alarm system which will be active when there is no staff member on site.
- NOT park a car in the basement during business hours (unless they have been allocated a specific car park).

I require the ability to:

Park my push bike in the basement during Office hours and I acknowledge that I will not move my bike via the foyer or in the lifts. I will secure my bike in the bike racks and I will not store my bike permanently in the basement,

and/or

Access the basement change rooms.

I require after hours access to conduct my Office duties and I acknowledge that an alarm system is in use in the Office and that I will comply with the office guidelines in relation to after hours access.

"I understand and will comply with the Office Building Services and physical security arrangements as described above and I will report any issues immediately to the help desk or Agency Security Advisor."

NAME:.....DATE:.....

Approval for after hours access:

SAO / Deputy Ombudsman / Ombudsman:_____ Date:_____

Office	Use Only	Officer & Date
	Pass issued	





Information Technology Services

STAFF ACKNOWLEDGMENT

Information technology (IT) facilities are provided by the Ombudsman's Office ("the Office") for the purpose of enabling authorised users to conduct government business. These facilities include all computer facilities, Internet connections, internal and external electronic mail, telephones and facsimiles. Authorised users include official officers and contract staff specifically authorised to make use of the Office's IT facilities. Incidental personal use of these facilities is permitted, provided this use complies with the office guidelines.

- Staff members need to read the <u>ICT Acceptable Use Policy</u>. This document is available from the Office Intranet site. This document is also contained within induction material.
- Once read, you should acknowledge your understanding and acceptance of the guidelines by signing this form.

STAFF MEMBER

'I have read and understood the <u>ICT Acceptable Use Policy</u>, including the privacy aspects, and I agree to comply with the guidelines'.

NAME.....

SIGNATURE	DATE
-----------	------



ACKNOWLEDGEMENT OF CONFLICT OF INTEREST OBLIGATIONS

All employees of the Office of the Commonwealth Ombudsman are required by the Commonwealth Ombudsman to acknowledge their obligations in relation to declaring real, apparent, or perceived conflicts of interest.

Declaration

l,	
of	
hereby declare that I have been provided with a copy of the Ombudsman's Information on Conflict of Interest.	ne office of the Commonwealth
I have read and understand the contents of these docume and policies contained therein.	ents and agree to abide by the laws
Signature of employee Date	
Witness	
Declared at	
This day of	
D (

(signature)



Information on Conflict of Interest

Staff have an obligation under the *Public Service Act 1999* and the *Public Governance, Performance and Accountability Act 2013* to disclose and take reasonable steps to avoid any real or apparent conflict of interest in relation to our employment. A conflict of interest exists when it appears likely that a staff member could be influenced, or where it could be perceived that they are influenced, by a personal interest in carrying out their duty.

Real conflicts of interest include:

- dealing with a complaint where you or your spouse, family member or friend, was the decision-maker in the agency concerned
- dealing with complaints made by friends or relatives.

An apparent or perceived conflict of interest could include:

- strong social or personal relationships with an agency the subject of a complaint
- circumstances in which you are seeking assistance from or are in dispute with an agency in a
 private capacity (that would involve more significant interaction than the public generally has
 with the agency lodgement of your tax return with the ATO or claiming a payment through
 Centrelink would not preclude you from responding to approaches in relation to those
 agencies).

Any real or perceived conflict must be immediately reported to your supervisor. If you are in doubt, you should discuss the matter with your supervisor.

Where there is likely to be an actual conflict of interest in relation to an approach, conflicted staff members should have no dealing with the approach. They should not access the *Resolve* record, read the paper file or discuss the matter with the staff member involved with the complaint. Supervisors should remind the staff member of their privacy obligations and consider whether it is appropriate to transfer the approach to another team, create an audit trail or lock-down the *Resolve* record.

Where there might be an appearance of conflict in relation to an approach, but you are confident you would bring an open mind to the matter, the apparent conflict should be discussed with your supervisor so that they may consider what (if any) action should be taken.

Conflicts of interest can also arise when a staff member has recently worked in, or received an offer of employment from, an agency within our jurisdiction.

Where a staff member has come to the office with recent work experience in an agency within jurisdiction, the Ombudsman will consider the nature of the work previously undertaken and the duration of the previous employment when deciding whether or not there could be a real or perceived conflict of interest. He may decide that the employee should not respond to approaches in relation to that agency for a specified period of time.

Staff members should advise their supervisor if they receive a final offer of employment from an agency within jurisdiction. The supervisor will notify the relevant Senior Assistant Ombudsman (SAO) of the offer. In these circumstances, the Senior Assistant Ombudsman and the Deputy Ombudsman should consider the nature of the new position and its relationship to the work of the office when deciding whether there could be a real or perceived conflict of interest. If the Deputy Ombudsman is concerned about a conflict, they will discuss the steps that could be taken to avoid any conflict with the employee. The steps may include re-allocation of the staff member's duties, limiting the staff member's work to approaches from other agencies, or temporary movement to another work area.

Staff members involved in procurement or tendering on behalf of the office must declare any personal relationships or financial interests with any of the vendors or tenderers. The Chief Operating Officer will decide whether the staff member should continue to be involved in the procurement or tender process.



ACKNOWLEDGEMENT OF KEY OBLIGATIONS

I,acknowledge that:

- I have been provided with a list highlighting certain relevant legislation, policies and procedures applying to APS employees in the Office of the Commonwealth Ombudsman.
- In particular, my attention has been drawn to the legal provisions and policies set out below:

The APS Values and Code of Conduct – s 10 and s 13 of the Public Service Act 1999

Government information and privacy

- Public Service Regulation 2.1, Duty not to disclose information;
- The Ombudsman Act 1976, Duty to not to disclose information;
- The Privacy Act 1988, in particular the Australian Privacy Principles;
- The Archives Act 1983;
- The *Crimes Act 1914,* in particular section 70, disclosure of information by Commonwealth officers and section 79, official secrets; and
- The Criminal Code Act 1995 sets out a range of offences, including: abuse of public office; espionage and similar activities; and unauthorised access to, or modification of, restricted data held in a Commonwealth computer to which access is restricted by an access control system.

Other offences applying to Commonwealth employees

- The *Public Governance, Performance and Accountability Act 2013* creates a number of duties, including:
 - Duty of care and diligence (section 25);
 - Duty to act honestly, in good faith and for a proper purpose (section 26);
 - Duty in relation to use of position (section 27);
 - \circ Duty in relation to use of information (section 28); and
 - Duty to disclose interests (section 29).
- The *Criminal Code Act 1995* creates a range of offences, including theft, fraud, abuse of public office and bribery.

I acknowledge that it is my responsibility to familiarise myself and keep up to date with the legislation, policies and procedures applying to my work. In particular, I note that Public Service Regulation 3.16 requires that each APS employee must inform himself or herself about the Public Service Act, Regulations and the Public Service Commissioner's Directions.

I acknowledge that these legislative provisions and policies apply to my employment in the Office of the Commonwealth Ombudsman.

Signature:Date: / / /____

Witness Signature:Date: ___/___/



GUIDANCE ON KEY OBLIGATIONS

KEY OBLIGATIONS RELATING TO GOVERNMENT INFORMATION AND PRIVACY APPLYING TO APS EMPLOYEES

Archives Act 1983

Section 24 - Disposal, destruction etc. of Commonwealth records

(1) Subject to this Part, a person must not engage in conduct that results in:

(a) the destruction or other disposal of a Commonwealth record; or

(b) the transfer of the custody or ownership of a Commonwealth record; or

(c) damage to or alteration of a Commonwealth record.

Penalty: 20 penalty units.

(1A) For the purposes of an offence against subsection (1), strict liability applies to the physical element of circumstance of the offence, that the record is a Commonwealth record.

Note: For strict liability, see section 6.1 of the Criminal Code.

(2) Subsection (1) does not apply to anything done:

(a) as required by any law;

- (b) with the permission of the Archives or in accordance with a practice or procedure approved by the Archives;
- (c) in accordance with a normal administrative practice, other than a practice of a Department or authority of the Commonwealth of which the Archives has notified the Department or authority that it disapproves; or
- (d) for the purpose of placing Commonwealth records that are not in the custody of the Commonwealth or of a Commonwealth institution in the custody of the Commonwealth or of a Commonwealth institution that is entitled to custody of the records.
- (3) Subsection (1) does not apply to the destruction of a Commonwealth record, being a record to which subsection 47(1), 70(1) or 107(1) of the Copyright Act 1968 applies, where the Director-General has declined to consent to the delivery of the record to the Archives.
- (4) This section does not authorize the Archives to permit the destruction or other disposal of a Commonwealth record that is in the possession of, or has been transferred to the care of the Archives by, a Commonwealth institution, without the consent of that institution or of a Commonwealth institution that has succeeded to the relevant functions of that institution.
- (5) For the purposes of the application of subsection (1) to a record of a kind used by means of any mechanical or electronic device or equipment, including a computer, any treatment or modification of the record that would prevent the obtaining from the record of information or matter that could previously have been obtained from the record shall be deemed to be destruction of the record.



Public Service Act 1999

Section 10 – APS Values

Committed to service

(1) The APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Ethical

(2) The APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

Respectful

(3) The APS respects all people, including their rights and their heritage.

Accountable

(4) The APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Impartial

(5) The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

Section 13 – The APS Code of Conduct

- (1) An APS employee must behave honestly and with integrity in connection with APS employment.
- (2) An APS employee must act with care and diligence in connection with APS employment.
- (3) An APS employee, when acting in connection with APS employment, must treat everyone with respect and courtesy, and without harassment.
- (4) An APS employee, when acting in connection with APS employment, must comply with all applicable Australian laws. For this purpose, Australian law means:
 - (a) any Act (including this Act), or any instrument made under an Act; or
 - (b) any law of a State or Territory, including any instrument made under such a law.
- (5) An APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction.
- (6) An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- (7) An APS employee must:
 - (a) take reasonable steps to avoid any conflict of interest (real or apparent) in connection with the employee's APS employment; and

- (b) disclose details of any material personal interest of the employee in connection with the employee's APS employment.
- (8) An APS employee must use Commonwealth resources in a proper manner and for a proper purpose.
- (9) An APS employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment.
- (10) An APS employee must not improperly use inside information or the employee's duties, status, power or authority:
 - (a) to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - (b) to cause, or seek to cause, detriment to the employee's Agency, the Commonwealth or any other person.
- (11) An APS employee must at all times behave in a way that upholds:
 - (a) the APS Values and APS Employment Principles; and
 - (b) the integrity and good reputation of the employee's Agency and the APS.
- (12) An APS employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.
- (13) An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

Public Service Regulations 1999

Section 2.1 – Duty not to disclose information (Act s 13)

- (1) This regulation is made for subsection 13(13) of the Act.
- (2) This regulation does not affect other restrictions on the disclosure of information.
- (3) An APS employee must not disclose information which the APS employee obtains or generates in connection with the APS employee's employment if it is reasonably foreseeable that the disclosure could be prejudicial to the effective working of government, including the formulation or implementation of policies or programs.
- (4) An APS employee must not disclose information which the APS employee obtains or generates in connection with the APS employee's employment if the information:
 - (a) was, or is to be, communicated in confidence within the government; or
 - (b) was received in confidence by the government from a person or persons outside the government;

whether or not the disclosure would found an action for breach of confidence.

- (5) Subregulations (3) and (4) do not prevent a disclosure of information by an APS employee if:
 - (a) the information is disclosed in the course of the APS employee's duties; or
 - (b) the information is disclosed in accordance with an authorisation given by an Agency Head; or



- (c) the disclosure is otherwise authorised by law; or
- (d) the information that is disclosed:
 - (i) is already in the public domain as the result of a disclosure of information that is lawful under these Regulations or another law; and
 - (ii) can be disclosed without disclosing, expressly or by implication, other information to which subregulation (3) or (4) applies.
- (6) Subregulations (3) and (4) do not limit the authority of an Agency Head to give lawful and reasonable directions in relation to the disclosure of information.

Note: Under section 70 of the Crimes Act 1914, it is an offence for an APS employee to publish or communicate any fact or document which comes to the employee's knowledge, or into the employee's possession, by virtue of being a Commonwealth officer, and which it is the employee's duty not to disclose.

Crimes Act 1914

Section 70 – Disclosure of information by Commonwealth officers

- (1) A person who, being a Commonwealth officer, publishes or communicates, except to some person to whom he or she is authorized to publish or communicate it, any fact or document which comes to his or her knowledge, or into his or her possession, by virtue of being a Commonwealth officer, and which it is his or her duty not to disclose, shall be guilty of an offence.
- (2) A person who, having been a Commonwealth officer, publishes or communicates, without lawful authority or excuse (proof whereof shall lie upon him or her), any fact or document which came to his or her knowledge, or into his or her possession, by virtue of having been a Commonwealth officer, and which, at the time when he or she ceased to be a Commonwealth officer, it was his or her duty not to disclose, shall be guilty of an offence.

Penalty: Imprisonment for 2 years.

Section 79 – Official secrets

- (1) For the purposes of this section, a sketch, plan, photograph, model, cipher, note, document, or article is a prescribed sketch, plan, photograph, model, cipher, note, document or article in relation to a person, and information is prescribed information in relation to a person, if the person has it in his or her possession or control and:
 - (a) it has been made or obtained in contravention of this Part or in contravention of section 91.1 of the *Criminal Code*;
 - (b) it has been entrusted to the person by a Commonwealth officer or a person holding office under the Queen or he or she has made or obtained it owing to his or her position as a person:
 - (i) who is or has been a Commonwealth officer;
 - (ii) who holds or has held office under the Queen;
 - (iii) who holds or has held a contract made on behalf of the Queen or the Commonwealth;
 - (iv) who is or has been employed by or under a person to whom a preceding subparagraph applies; or
 - (v) acting with the permission of a Minister;

and, by reason of its nature or the circumstances under which it was entrusted to him or her or it was made or obtained by him or her or for any other reason, it is his or her duty to treat it as secret; or

- (c) it relates to a prohibited place or anything in a prohibited place and:
 - (i) he or she knows; or
 - by reason of its nature or the circumstances under which it came into his or her possession or control or for any other reason, he or she ought to know;

that it should not be communicated to a person not authorized to receive it.

- (2) If a person with the intention of prejudicing the security or defence of the Commonwealth or a part of the Queen's dominions:
 - (a) communicates a prescribed sketch, plan, photograph, model, cipher, note, document or article, or prescribed information, to a person, other than:
 - (i) a person to whom he or she is authorized to communicate it; or
 - a person to whom it is, in the interest of the Commonwealth or a part of the Queen's dominions, his or her duty to communicate it;

or permits a person, other than a person referred to in subparagraph (i) or (ii), to have access to it;

- (b) retains a prescribed sketch, plan, photograph, model, cipher, note, document or article in his or her possession or control when he or she has no right to retain it or when it is contrary to his or her duty to retain it; or
- (c) fails to comply with a direction given by lawful authority with respect to the retention or disposal of a prescribed sketch, plan, photograph, model, cipher, note, document or article;

he or she shall be guilty of an indictable offence.

Penalty: Imprisonment for 7 years.

- (3) If a person communicates a prescribed sketch, plan, photograph, model, cipher, note, document or article, or prescribed information, to a person, other than:
 - (a) a person to whom he or she is authorized to communicate it; or
 - (b) a person to whom it is, in the interest of the Commonwealth or a part of the Queen's dominions, his or her duty to communicate it;

or permits a person, other than a person referred to in paragraph (a) or (b), to have access to it, he or she shall be guilty of an offence.

Penalty: Imprisonment for 2 years.

- (4) If a person:
 - (a) retains a prescribed sketch, plan, photograph, model, cipher, note, document or article in his or her possession or control when he or she has no right to retain it or when it is contrary to his or her duty to retain it;
 - (b) fails to comply with a direction given by lawful authority with respect to the retention or disposal of a prescribed sketch, plan, photograph, model, cipher, note, document or article; or
 - (c) fails to take reasonable care of a prescribed sketch, plan, photograph, model, cipher, note, document or article, or prescribed information, or to ensure that it is not communicated to a person not authorized to receive it or so conducts himself or herself as to endanger its safety;

he or she shall be guilty of an offence.

Penalty: Imprisonment for 6 months.

(5) If a person receives any sketch, plan, photograph, model, cipher, note, document, article or information, knowing or having reasonable ground to believe, at the time when he or she receives it, that it is communicated to him or her in contravention of section 91.1 of the Criminal Code or subsection (2) of this section, he or she shall be guilty of an indictable offence unless he or she proves that the communication was contrary to his or her desire.

Penalty: Imprisonment for 7 years.

(6) If a person receives any sketch, plan, photograph, model, cipher, note, document, article or information, knowing, or having reasonable ground to believe, at the time when he or she receives it, that it is communicated to him or her in contravention of subsection (3), he or she shall be guilty of an offence unless he or she proves that the communication was contrary to his or her desire.

Penalty: Imprisonment for 2 years.

- (7) On a prosecution under subsection (2) it is not necessary to show that the accused person was guilty of a particular act tending to show an intention to prejudice the security or defence of the Commonwealth or a part of the Queen's dominions and, notwithstanding that such an act is not proved against him or her, he or she may be convicted if, from the circumstances of the case, from his or her conduct or from his or her known character as proved, it appears that his or her intention was to prejudice the security or defence of the Commonwealth or a part of the Queen's dominions.
- (8) On a prosecution under this section, evidence is not admissible by virtue of subsection (7) if the magistrate exercising jurisdiction with respect to the examination and commitment for trial of the defendant, or the judge presiding at the trial, as the case may be, is of the opinion that that evidence, if admitted:
 - (a) would not tend to show that the defendant intended to prejudice the security or defence of the Commonwealth or a part of the Queen's dominions; or
 - (b) would, having regard to all the circumstances of the case and notwithstanding subsection (9), prejudice the fair trial of the defendant.
- (9) If evidence referred to in subsection (8) is admitted at the trial, the judge shall direct the jury that the evidence may be taken into account by the jury only on the question whether the defendant intended to prejudice the security or defence of the Commonwealth or a part of the Queen's dominions and must be disregarded by the jury in relation to any other question.
- (10) A person charged with an offence against subsection (2) may be found guilty of an offence against subsection (3) or (4) and a person charged with an offence against subsection (5) may be found guilty of an offence against subsection (6).

Criminal Code 1995

Section 91.1 – Espionage and similar activities

- (1) A person commits an offence if:
 - (a) the person communicates, or makes available:
 - (i) information concerning the Commonwealth's security or defence; or
 - (ii) information concerning the security or defence of another country, being information that the person acquired (whether directly or indirectly) from the Commonwealth; and
 - (b) the person does so intending to prejudice the Commonwealth's security or defence; and
 - (c) the person's act results in, or is likely to result in, the information being communicated or made available to another country or a foreign organisation, or to a person acting on behalf of such a country or organisation.

Penalty: Imprisonment for 25 years.

- (2) A person commits an offence if:
 - (a) the person communicates, or makes available:
 - (i) information concerning the Commonwealth's security or defence; or
 - (ii) information concerning the security or defence of another country, being information that the person acquired (whether directly or indirectly) from the Commonwealth; and
 - (b) the person does so:
 - (i) without lawful authority; and
 - (ii) intending to give an advantage to another country's security or defence; and
 - (c) the person's act results in, or is likely to result in, the information being communicated or made available to another country or a foreign organisation, or to a person acting on behalf of such a country or organisation.
 - Penalty: Imprisonment for 25 years.
- (3) A person commits an offence if:
 - (a) the person makes, obtains or copies a record (in any form) of:
 - (i) information concerning the Commonwealth's security or defence; or
 - (ii) information concerning the security or defence of another country, being information that the person acquired (whether directly or indirectly) from the Commonwealth; and
 - (b) the person does so:
 - (i) intending that the record will, or may, be delivered to another country or a foreign organisation, or to a person acting on behalf of such a country or organisation; and
 - (ii) intending to prejudice the Commonwealth's security or defence.

Penalty: Imprisonment for 25 years.

- (4) A person commits an offence if:
 - (a) the person makes, obtains or copies a record (in any form) of:
 - (i) information concerning the Commonwealth's security or defence; or
 - (ii) information concerning the security or defence of another country, being information that the person acquired (whether directly or indirectly) from the Commonwealth; and
 - (b) the person does so:
 - (i) without lawful authority; and
 - (ii) intending that the record will, or may, be delivered to another country or a foreign organisation, or to a person acting on behalf of such a country or organisation; and
 - (iii) intending to give an advantage to another country's security or defence.

Penalty: Imprisonment for 25 years.

- (5) For the purposes of subparagraphs (3)(b)(i) and (4)(b)(ii), the person concerned does not need to have a particular country, foreign organisation or person in mind at the time when the person makes, obtains or copies the record.
- (6) A person charged with an offence under this section may only be remanded on bail by a judge of the Supreme Court of a State or Territory. This subsection has effect despite anything in section 93.1.

Note: Section 93.1 deals with how a prosecution is instituted.

(7) Section 15.4 of the Criminal Code (extended geographical jurisdiction—category D) applies to offences under this section.

Ombudsman Act 1976

Section 35 – Officers to observe confidentiality

- (1) In this section, officer means:
 - (a) the Ombudsman;
 - (b) a Deputy Ombudsman;
 - (c) a person who is a member of the staff referred to in subsection 31(1); or
 - (d) a person, not being a person referred to in paragraph (b) or (c), to whom the Ombudsman has delegated any of his or her powers under section 34 or who is an authorized person; or
 - (e) a person who is made available to the Ombudsman as mentioned in subsection 8(12).
- (2) Subject to this section, an officer shall not, either directly or indirectly, and either while he or she is, or after he or she ceases to be, an officer, make a record of, or divulge or communicate to any person, any information acquired by him or her by reason of his or her being an officer, being information that was disclosed or obtained under the provisions of this Act or under Division 7 of Part V of the Australian Federal Police Act 1979, including information furnished by the Ombudsman of a State or information disclosed to or obtained by the Commonwealth Ombudsman in the exercise of a power of the Ombudsman of a State delegated to him or her as provided by subsection 34(7).

Penalty: \$500.

- (3) Subsection (2) does not prevent an officer:
 - (a) from making a record of, or divulging or communicating to any person, information acquired by him or her in the performance of his or her duties as an officer for purposes connected with the exercise of the powers and the performance of the functions of the Ombudsman; or
 - (b) from divulging or communicating information to a person:
 - (i) if the information was given by an officer of a Department or prescribed authority in the performance of his or her duties as such an officer—with the consent of the principal officer of the Department or authority or of the responsible Minister; or
 - (ia) if the information was given by a person who is, or is an employee of, a Commonwealth service provider of a Department or prescribed authority under a contract—with the consent of the principal officer of the Department or prescribed authority or of the responsible Minister; or
 - (ii) if the information was given by a person otherwise than as set out in subparagraph (i) or (ia)—with the consent of the person who gave the information.
- (4) Subject to subsection (5), subsection (2) does not prevent the Ombudsman or a Deputy Ombudsman from disclosing, in a report made under this Act, such matters as, in his or her opinion, ought to be disclosed in the course of setting out the grounds for the findings, conclusions and recommendations contained in the report.
- (5) Where the Attorney-General furnishes to the Ombudsman a certificate in writing certifying that:
 - (a) the disclosure of information or documents concerning a specified matter or matters included in a specified class of matters; or
 - (b) the disclosure of a specified document or of documents included in a specified class of documents;

would, for a reason specified in the certificate, being a reason referred to in paragraph 9(3)(a), (b), (c), (d) or (e), be contrary to the public interest, an officer shall not, either directly or indirectly and either while he or she is, or after he or she ceases to be, an officer, except as provided in subsection (6):

- (c) divulge or communicate to any person any information acquired by him or her under the provisions of this Act concerning such a matter or such a document;
- (d) divulge or communicate any of the contents of such a document to any person; or
- (e) furnish such a document, or a copy of, or an extract from, such a document, to any person.

Penalty: Imprisonment for 2 years.

- (6) Subsection (5) does not prevent an officer, in the performance of his or her duties as an officer:
 - (a) from divulging or communicating information referred to in that subsection to another officer;
 - (b) from furnishing any of the contents of, a copy of or an extract from a document referred to in that subsection to another officer; or
 - (c) from returning such a document that has been produced to him or her to the person lawfully entitled to the custody of the document.
- (6A) Subsection (2) does not prevent the Ombudsman, or an officer acting on behalf of the Ombudsman, from giving information or documents under paragraph 6(4D)(e) or paragraph 6(18)(d).
- (7) Subject to subsection (7A), where the Ombudsman proposes, for purposes connected with the exercise of his or her powers or performance of his or her functions, to furnish information, or to send a document, or a copy of, or extract from, a document, to the Ombudsman of a State, the Ombudsman shall satisfy himself or herself that a law of the State makes provision corresponding to the provision made by this section with respect to the confidentiality of information acquired by the Ombudsman of the State.
- (7A) Subsection (7) does not apply in relation to any information or document obtained by the Ombudsman in the exercise of a power of the Ombudsman of the State that the Ombudsman was authorized to exercise in pursuance of subsection 34(7).
- (8) A person who is or has been an officer is not compellable, in any proceedings before a court (whether exercising federal jurisdiction or not) or before a person authorized by a law of the Commonwealth or of a State or Territory, or by consent of parties, to hear, receive and examine evidence, to disclose any information acquired by him or her by reason of his or her being or having been an officer, being information that was disclosed or obtained under the provisions of this Act or under Division 7 of Part V of the Australian Federal Police Act 1979.

Privacy Act 1988 – Australian Privacy Principles

See Privacy Fact Sheet 17 (copy attached to 12. APP5 – Privacy statement for employees).



Security-in-Confidence Security Clearance Request Form

This form is to ensure that Agency Security Advisors have the required information to commence the initial steps in obtaining your AGSVA Security Clearance requests through the AGSVA eVetting Portal.

All fields <u>MUST</u> be completed before sending to <u>human.resurces@ombudsman.gov.au</u>

Do you hold a clearance? If Yes, with whom
Section 1 – Level of clearance required
Baseline Negative Vetting 1 Negative Vetting 2 Top Secret (Positive Vetting)
Section 2 – Security Clearance Subject
AGS no. /Employee ID Contractor
Title
Family name
Given Names
Previous/Maiden
Name/s
Gender Female Male Unspecified
Town/City State Country
Date of birth Place
Primary contact number
Secondary contact number
Personal Email
Australian Citizenship Yes No

Please email <u>human.resources@ombudsman.gov.au</u> for further information if you require a Top Secret Positive Vetting sponsorship.



Security Clearance Privacy Statement and Informed Consent Form

Privacy Statement

Your personal information is being collected to assess your ongoing suitability to hold and maintain a security clearance and to access Australian Government official resources. Australian Government official resources include people, information and assets.

Personal information, including sensitive information, may be collected from and disclosed to any entity or person listed in the Privacy Statement to assess your ongoing suitability to hold and maintain a security clearance.

Without your personal information, your suitability to hold a security clearance cannot be assessed. The inability to obtain a security clearance may have an adverse effect on your employment, where it is a condition of engagement to hold and maintain a security clearance.

Where you are simultaneously engaged by more than one agency, each agency will have access to your personal information, including sensitive information. The security clearance assessment, involves a series of assessments and background checks to determine if you are a suitable person to access security classified information, and other Australian Government official resources.

It is your responsibility to provide accurate information and continue to update your personal information by advising the Office of the Commonwealth Ombudsman's security area and the Australian Government Security Vetting Agency (AGSVA) of any changes in circumstances (<u>relevant</u> form can be found here).

The security clearance process is intrusive by its nature. However, your privacy and dignity will be respected. If you have any enquiries relating to the *Privacy Act 1988* (Cth), or how your information will be collected, used or disclosed, please email Hamish Millikan, Director HR (hamish.millikan@ombudsman.gov.au) or call (02) 6276 0170.

The Office of the Commonwealth Ombudsman's privacy policy can be found <u>here</u>.

The privacy policy contains information on how:

- to access and seek correction of your personal information held by the Office of the Commonwealth Ombudsman;
- to make a complaint about a breach of the Australian Privacy Principles by the Office of the Commonwealth Ombudsman; and
- the Office of the Commonwealth Ombudsman will deal with such a complaint.

The Office of the Commonwealth Ombudsman recognises and respects your privacy and is committed to the Australian Privacy Principles set out in the *Privacy Act 1988* (Cth). The collection and use of your personal information is required in accordance with the Australian Government's Protective Security Policy Framework.

By signing the consent form contained in this security clearance pack, you consent to the collection, use and disclosure of your personal information as described below and for your Personnel Security File (PSF) to be transferred to AGSVA and to be shared with the Office of the Commonwealth Ombudsman and any future sponsoring agency.

How your information will be collected

During the security clearance assessment process and while you continue to hold an Australian Government security clearance, we may collect personal information, including sensitive information, from:

- your current and previous or future private and Government employers. If you do not consent to your current employer being contacted, please notify AGSVA with the reasons for the denial of consent;
- your referees (both nominated by you and not nominated by you);
- third parties relevant to assessing and monitoring your ongoing suitability to hold and maintain a security clearance;
- your Personnel Security File (if applicable) from the relevant Commonwealth, State or Territory Agency in relation to any existing or previous security clearances held by you;
- other service providers, such as contracted vetting providers, and medical or psychological practitioners, used during the clearance process;
- financial institutions and financial checking agencies;
- agencies to confirm residential addresses;
- the Department of Immigration and Border Protection and the Department of Foreign Affairs and Trade to check any naturalisation and/or citizenship documents and international movements;
- medical professionals to clarify any medical conditions, with your consent;
- State and Territory Registries of Births, Deaths and Marriages;
- you directly;
- the Government agency which has sponsored your clearance;
- Government agencies which have investigated any suspected breaches of law or Australian government policy;
- the Australian Federal Police (AFP) and state and territory law enforcement agencies;
- the Australian Security Intelligence Organisation (ASIO); and
- educational institutions in relation to education documentation.

Disclosure of your information

During the security clearance assessment process and while you continue to hold an Australian Government security clearance, we may disclose your personal information, including sensitive information with:

- you directly;
- the Government agency that has sponsored this clearance and any previous Government agencies which have employed you or engaged you as a contractor, and any future sponsoring or interested vetting agencies;
- financial institutions and financial checking agencies; and
- your previous and current and or future private and/or Government employers, including any employers that you worked for as a contractor. If you do not consent to your current employer being contacted, please notify AGSVA with the reasons for the denial of consent;

- your referees (both nominated by you and not nominated by you);
- third parties relevant to assessing and monitoring your ongoing suitability to hold and maintain a security clearance;
- your Personnel Security File (if applicable) from the relevant Commonwealth, State or Territory Agency in relation to any existing or previous security clearances held by you;
- other service providers, such as contracted vetting providers, and medical or psychological practitioners, used during the clearance process;
- agencies to confirm residential addresses;
- the Department of Immigration and Border Protection and the Department of Foreign Affairs and Trade to check any naturalisation and/or citizenship documents and international movements;
- medical professionals to clarify any medical conditions, with your consent;
- State and Territory Registries of Births, Deaths and Marriages;
- Government agencies which have investigated any suspected breaches of law or Australian government policy;
- AFP and state and territory law enforcement agencies;
- ASIO; and
- educational institutions in relation to education documentation.

Limited amounts of your personal information may also be disclosed to overseas recipients if you are required to access foreign government resources. The information that may be disclosed includes your clearance status, your full name and date of birth, and your position.

The Office of the Commonwealth Ombudsman will not use or disclose your personal information that is collected for the purpose of assessing your ongoing suitability to hold and maintain a security clearance, to any other person or organisation, other than those listed above, unless:

- it would be reasonably expected by you that such a disclosure would occur, in relation to your security clearance;
- disclosure is required or authorised by or under Australian law or a court/tribunal order;
- a permitted general situation exists in relation to the use or disclosure of the information, as defined in section 16A of the Privacy Act 1988 (Cth); or
- the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.



Informed Consent form

l,		
Date of Birth	Place of Birth	
Born on:	at:	
Full Residential A	ddress	
of:		
Name of organisa	ation / company / agency	
Employed by:		

Understand that:

- My personal information will be collected and disclosed with those persons, sources and agencies listed in the privacy notice.
- My personal information will be used to assess and monitor my ongoing suitability to hold and maintain a security clearance and access to Australian Government resources, while I continue to hold a security clearance.
- It is my responsibility to notify the vetting agency and the Office of the Commonwealth Ombudsman's security area of any change in circumstances, using the change of circumstances form.
- I consent for my personal information to be collected and disclosed:
 - with the agencies, people and sources listed in the privacy notice for the purpose of assessing and monitoring my ongoing suitability to hold and maintain a security clearance and to access Australian Government resources; and
 - with the agencies, people and sources listed in the privacy notice, while I continue hold a security clearance.

Signature		Date
Witness Signature	Witness Name and Add	dress



FW: Ombudsman ad now in objective [SEC=OFFICIAL]

ObjRef.obr

OFFICIAL

-----Original Message-----From: Carmen **S 47F** @ombudsman.gov.au> Sent: Friday, 25 March 2022 1:05 PM To: Jody **S 47F** @ombudsman.gov.au>; Belinda **S 47F** @ombudsman.gov.au> Subject: Ombudsman ad now in objective [SEC=OFFICIAL]

OFFICIAL

Carmen<mark>s 47F has sent you links to the following 2 documents from Objective: "Commonwealth Ombudsman appointment 2021 - Advert - final" (A2240044) "Commonwealth Ombudsman appointment 2021 - Candidate information pack" (A2240043)</mark>

Open in Navigator Double click on the attachment

Open in ECM for Browser

Commonwealth Ombudsman appointment 2021 - Advert - final https://objective.ombudsman.gov.au:8443/#/documents/A2240044/details Commonwealth Ombudsman appointment 2021 - Candidate information pack https://objective.ombudsman.gov.au:8443/#/documents/A2240043/details

Open in Your Browser

Commonwealth Ombudsman appointment 2021 - Advert - final Latest: https://objective.ombudsman.gov.au/id:A2240044/document/versions/latest Published: https://objective.ombudsman.gov.au/id:A2240044/document/versions/published Commonwealth Ombudsman appointment 2021 - Candidate information pack Latest: https://objective.ombudsman.gov.au/id:A2240043/document/versions/latest Published: https://objective.ombudsman.gov.au/id:A2240043/document/versions/published

22	
m:	The Hon Mark Dreyfus QC MP

From: Posted At: Conversation: Posted To:

Subject:

Commonwealth Ombudsman Appointment

Commonwealth Ombudsman Appointment

Microsoft Outlook Embedded Message

Thursday, 21 July 2022 9:30 PM

I am pleased to announce that Mr Iain Anderson has been appointed as Commonwealth Ombudsman. Mr Anderson replaces Mr Michael Manthorpe, who retired from the role last year.

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