



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2017/188

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Name Withheld

DECISION BY: Ms Emma Greenwood
Chief People Officer
People Branch

The FOI request

In an email dated 24 November 2017 to the Department of the Prime Minister and Cabinet (the Department), the applicant made a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

*I request that DPMC prepare a document, pursuant to section 17 of the FOI Act or otherwise, by adding a column to the document previously provided and available here:
<https://www.pmc.gov.au/sites/default/files/foi-log/FOI-2017-035.pdf> representing the precise salaries paid to the five relevant SES officers for the 2016/17 financial year.*

On 12 December 2017, the applicant varied their request to be made in the following terms:

... a document that contains information about the specific salaries of SES Band 3 officers in the Department for several financial years, including 2016-17.

Further, I am amenable to the DPMC redacting the names of the SES band 3 officers concerned but only on the condition that each relevant SES officer's name be replaced by a single unique identifier such that each relevant SES officer's precise salary can be tracked over the three relevant financial years (eg. SES officer #1, SES officer #2, SES officer #3 etc).

...

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Document relevant to the decision

The document relevant to the FOI request is an Excel spreadsheet containing information about the salaries and commencement dates of Senior Executive Service Band 3 staff members in the Department. The document contains two data tables. Table 1 outlines the remuneration of SES Band 3 Officers from 2013/14 to 2016/17, with names redacted. Table 2 provides remuneration for those officers from 2013/14 to 2015/16 identifying officers with a

unique identifier. It is possible to determine that both tables operate together to allow the applicant to track salaries over the relevant financial years, as requested by the applicant.

Material taken into account

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

- the FOI request;
- the document that falls within the scope of the request;
- the FOI Act; and
- the 'Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*' (the FOI Guidelines).

Deletion of exempt or irrelevant matter

Section 22 of the FOI Act provides that exempt or irrelevant information may be deleted from a copy of a document, and access granted to such an amended copy, where it is reasonably practicable to do so, unless it is apparent that the applicant would not wish to have access to such a copy. Material irrelevant to the terms of the applicant's request has been deleted from the document.

Processing and access charges

I have decided not to impose processing and access charges for this request as the document relevant to the request was able to be retrieved easily and at minimal cost.

Publication of the documents

Under section 11C of the FOI Act, the Department will make arrangements to publish the document as released to the applicant on the Department's web site in its FOI Disclosure Log.

Review rights

Information about the applicant's rights of review is attached.

Complaint rights

The applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>.



Emma Greenwood
Chief People Officer
People Branch

25 January 2018

Original Data Names	Surname	2013-14	2014-15	2015-16	2016-17	Date Commenced
s 22	s 22			\$ 71,729.00	\$ 363,273.52	s 22
				\$ 335,787.00	\$ 359,420.10	
			\$ 261,536.00	\$ 355,562.00	\$ 343,193.88	
		\$ 228,243.00	\$ 316,490.00	\$ 349,841.00	\$ 347,145.97	
		\$ 290,687.00	\$ 296,927.00	\$ 335,205.00	\$ 354,414.79	
					\$ 274,152.92	
					\$ 319,369.80	

Commenced with PMC during the finanical year

Department of the Prime Minister and Cabinet SES Band 3 Remuneration			
Identifier	2013-14	2014-15	2015-16
SES Band 3 Officer 1	N/A	N/A	\$71,729*
SES Band 3 Officer 2	N/A	N/A	\$335,787.00
SES Band 3 Officer 3	N/A	\$261,536*	\$355,562.00
SES Band 3 Officer 4	\$228,243*	\$316,490.00	\$349,841.00
SES Band 3 Officer 5	\$290,687.00	\$296,927.00	\$335,205.00

*commenced during the financial year



Freedom of information – Your review rights

July 2012

If you disagree with the decision of an Australian Government agency or minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if someone is to be granted access to information that is about you, if the agency has informed you that it will impose a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by the agency, and external review by the Australian Information Commissioner.

Internal review

If an agency makes an FOI decision that you disagree with, you can ask the agency to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless the agency extended the application time. You should contact the agency if you wish to seek an extension. The agency must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed.

Internal review is not available if a minister or the chief officer of the agency made the decision personally.

Review by the Information Commissioner

The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act.

Is a review the same as a complaint?

No. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that an agency decision is wrong, it will be treated as an application for a review. Your matter will be treated as a complaint when a review would not be practical

or would not address your concerns (for example, if you were not consulted about a document that contains your personal information before it was released). For more information see [How do I make an FOI complaint?](#)

Do I have to go through the agency's internal review process first?

No. You may apply directly to the Information Commissioner. However, going through the agency's internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.


Do I have to pay?

No. The Information Commissioner's review is free.

How do I apply?

You must apply in writing and you can lodge your application in one of the following ways:

online: www.oaic.gov.au
post: GPO Box 5218, Sydney NSW 2001
fax: +61 2 9284 9666
email: enquixxx@xxxx.xxv.au
in person: Level 3
175 Pitt Street
Sydney NSW 2000



An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Can I get help in completing the application?

Yes. The Information Commissioner's staff are available to help you with your application if anything is unclear.

When do I have to apply?

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

Who will conduct the review?

Staff of the Information Commissioner will conduct the review. Only the Information Commissioner, the FOI Commissioner or the Privacy Commissioner can make a decision at the end of the review.

Does the Information Commissioner have to review my matter?

No. The Information Commissioner may decide not to review an application that is frivolous, misconceived or lacking in substance, or if you fail to cooperate with the process or cannot be contacted after reasonable attempts. You cannot appeal against that decision.

Alternatively the Information Commissioner may decide that the Administrative Appeals Tribunal (AAT) would be better placed to review the matter, and if so, will advise you of the procedure for applying to the AAT. This will not be common.

Can I withdraw my application?

Yes. An application can be withdrawn at any time before the Information Commissioner makes a decision.

What happens in the review process?

The review process is designed to be as informal as possible. The Information Commissioner may contact you or any of the other parties to clarify matters and seek more information. The Information Commissioner may also ask the agency or minister to provide reasons for their decision if the reasons given were inadequate.

Most reviews will be made on the basis of the submissions and papers provided by the parties. Sometimes the Information Commissioner may decide to hold a hearing if one of the parties applies. Parties may participate in a hearing by telephone. If confidential matters are raised, the hearing may be held partly or wholly in private.

Will there be other parties to the review?

There may be. The Information Commissioner can join other parties who are affected by the application. For example, if you are objecting to someone else being granted access to information that concerns you, that person may be joined in the review.

Can someone else represent me?

Yes, including a lawyer. However, the Information Commissioner prefers the process to be as informal and cost-effective as possible and does not encourage legal representation.

Will the Information Commissioner look at all documents, including ones that are claimed to be exempt?

Yes. The Information Commissioner's review is a fresh decision, so all the relevant material must be examined, including documents that the agency or minister has declined to release. Developments that have occurred since the original decision may also be considered.

What powers does the Information Commissioner have?

While the review process is designed to be informal, the Information Commissioner has formal powers to require anyone to produce information or documents, to compel anyone to attend to answer questions and to take an oath or affirmation that their answers will be true.

An agency or minister can also be ordered to undertake further searches for documents.

What decisions can the Information Commissioner make?

After reviewing a decision, the Information Commissioner must do one of three things:

- set the decision aside and make a fresh decision
- affirm the decision, or
- vary the decision.

The Information Commissioner will give reasons for the decision.

Will the decision be made public?

Yes. The Information Commissioner will publish decisions on the website. Exempt material (that is, material that is not released) will not be included. Nor will the name of the review applicant, unless that person requests otherwise or there is a special reason to publish it.

What can I do if I disagree with the Information Commissioner's review decision?

You can appeal to the AAT. The Information Commissioner will not be a party to those proceedings. There is a fee for lodging an AAT application, although there are exemptions for health care and pension concession card holders, and the AAT can waive the fee on financial hardship grounds. For further information see www.aat.gov.au/FormsAndFees/Fees.htm.

FOI applications made before 1 November 2010

The Information Commissioner can only review an agency's or minister's FOI decision if you made your FOI request on or after 1 November 2010. If you made your FOI request before 1 November, even if the decision was made after that date, the review process is different.

You must first ask the agency for internal review of the decision. You may then appeal to the AAT if you are not satisfied with the decision.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

For further information

telephone: 1300 363 992

email: xxxxxxxxx@xxxx.xxx.au

write: GPO Box 5218, Sydney NSW 2001
or visit our website at www.oaic.gov.au



Freedom of information – Disclosure logs

May 2011

Reforms to the *Freedom of Information Act 1982* (the FOI Act), which commenced on 1 May 2011, require agencies and ministers to publish information that they have released under the Act. This publication is known as a 'disclosure log'. These reforms, together with the new information publication scheme (see *FOI fact sheet 4 – The information publication scheme for Australian government agencies*), aim to transform the freedom of information framework from one that responds to individual requests for access to documents to one that also requires agencies and ministers to take a proactive approach to publishing information. This will build a stronger foundation for greater openness and transparency in government.

What is a disclosure log?

Agencies and ministers are required to publish a disclosure log listing information that they have released after 1 May 2011 in response to FOI access requests.

A small number of agencies, including security and intelligence agencies, are exempt from the FOI Act and do not need to publish a disclosure log.

Will all information accessed under the FOI Act be published in a disclosure log?

No. If publication would be unreasonable, an agency or minister does not need to publish in its disclosure log:

- personal information about any person
- information about the business, commercial, financial or professional affairs of any person
- other information of a kind determined by the Information Commissioner (any such determination will be published on our website at www.oaic.gov.au).

When do agencies and ministers need to publish information in a disclosure log?

Agencies and ministers must publish information in a disclosure log within 10 working days of giving the FOI applicant access to the information.

How do I find an agency's or a minister's disclosure log?

Disclosure logs are published on agencies' and ministers' websites. In most cases, you will be able to find the disclosure log either by clicking on a disclosure log icon (found on the homepage of some agencies' and ministers' websites), or by following the links to 'Freedom of information'.

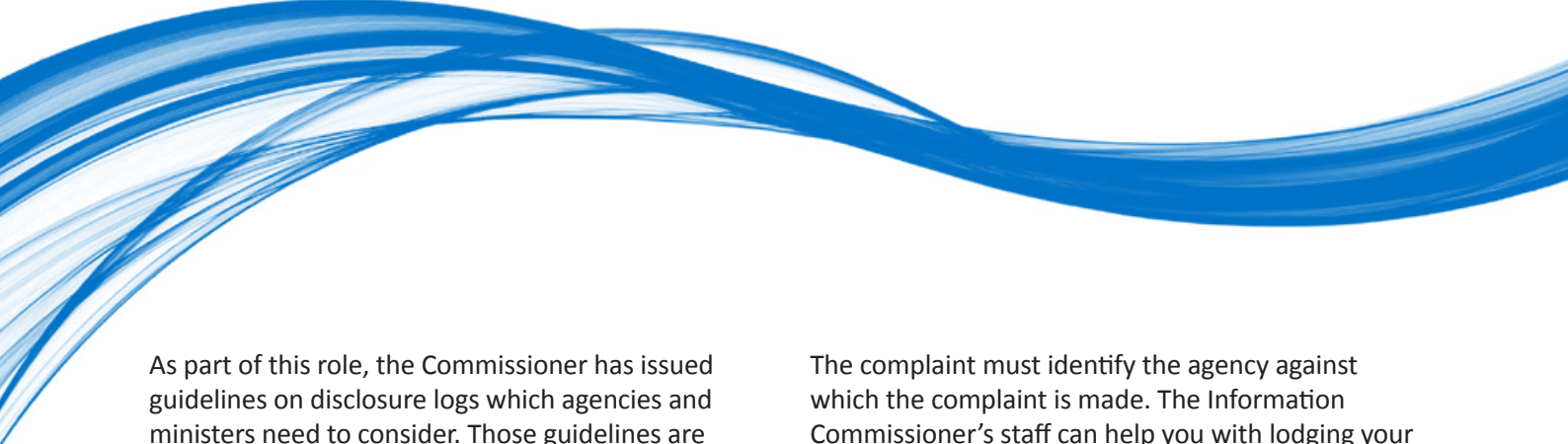
Are there any charges for accessing the information?

As a general rule, information published or made available under a disclosure log should be freely accessible by the community.

There may be circumstances where it is not practical for an agency or minister to publish information or data on its website. In making information available in another form (eg by providing a photocopy), an agency or minister may incur costs that it can recoup by imposing a charge. Where charges apply, agencies and ministers will publish details of these on their websites.

What is the Information Commissioner's role?

The Information Commissioner has a role in monitoring the administration of disclosure logs.



As part of this role, the Commissioner has issued guidelines on disclosure logs which agencies and ministers need to consider. Those guidelines are available on our website at www.oaic.gov.au. The Commissioner may also make a determination that certain kinds of information should not be published in a disclosure log.

The Information Commissioner can also investigate an agency's compliance with the disclosure log requirements.

I don't think an agency is complying with the disclosure log requirements — can I make a complaint?

Yes. Anyone can complain to the Information Commissioner about an agency's actions in relation to its disclosure log. It is best that you first raise the complaint with the agency.

You may lodge a complaint in writing in one of the following ways:

online: www.oaic.gov.au
post: GPO Box 5218, Sydney NSW 2001
fax: +61 2 9284 9666
email: enquiries@oaic.gov.au
in person: Level 3,
175 Pitt Street
Sydney NSW 2000

The complaint must identify the agency against which the complaint is made. The Information Commissioner's staff can help you with lodging your complaint.

The Commissioner's complaint and investigation functions do not extend to the actions of ministers.

Does the Information Commissioner have to investigate my complaint?

No. The Information Commissioner can decide not to investigate, or not to continue to investigate a complaint.

More information on how to make a complaint is in [**How do I make an FOI complaint?**](#)

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

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write: GPO Box 5218, Sydney NSW 2001
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