



Australian Government
Australian Public Service Commission

I Whittaker

By email: foi+request-31300b-46e6ee@righttoknow.org.au

Our reference: C17/2277

Dear I Whittaker,

Freedom of Information Request

I am writing in response to your request for access to documents held by the Australian Public Service Commission (the Commission), made under the *Freedom of Information Act 1982* (FOI Act).

Your request was received by the Commission on 5 December 2017. The terms of your request were as follows:

I now wish to make another FOI request along the same lines as my request of 21 February [2017] for another document or documents (likely prepared under s.17 of the FOI Act) but that details the year on year increase in remuneration (as a percentage, rounded to the nearest decimal point) paid to each of its SES staff for the period FY 2015/16 to FY 2016/17. I'm not interested in the names of the SES officers and so I'm happy for you to de-identify those.

Decision

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your request.

I have consulted with the relevant line area of the Commission, and determined that the document, or documents sought are not available in discrete form. Having considered your submissions, and the objects of the FOI Act I have determined that it is appropriate to create a document in response to your request.

Accordingly, I have identified one document relevant to the scope of your request, to which access is granted in full. A copy of the document is enclosed with this correspondence.

Third party consultation

As noted above, your request was received by the Commission on 5 December 2017. The statutory period for the processing of FOI requests is 30 days from the date of receipt, meaning your decision originally fell due on 4 January 2018.

On 19 December 2017 the Commission informed you that consultation with persons concerned with the documents to which you sought access was required. Accordingly, an extension applies to the

timeframe for the processing of your request, with your request falling due on 3 February 2018. I confirm that third party consultations have been finalised.

Apprehension of conflict of interest

I note that you have requested access to documents regarding Senior Executive Staff (SES) employees of the Commission. Such documents include my own personal information as well as that of my peers and immediate supervisor. I have determined that it is not appropriate to disqualify myself from considering your request, as any other Group Manager within the Commission would be in a similar position, nor do I consider it would sufficiently eliminate the potential for conflict of interest to delegate the decision to a more junior member of staff.

Review rights

You are entitled to seek review of this decision. Your rights are set out at **Attachment A** to this letter.

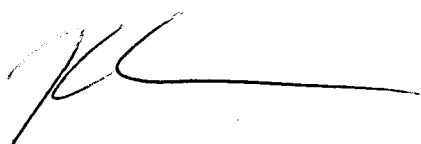
Publication

Subject to certain exceptions, section 11C of the FOI Act requires the Commission to publish on its website information within documents released in response to an FOI request. This publication is known as a disclosure log. The Commission is not required to consult with the original applicant during this process and must consider separately to the making of each decision the appropriateness of the documents for publication on the disclosure log.

Contacts

If you require clarification of any of the matters discussed in this letter you may contact the Commission's FOI co-ordinator by email at foi@apsc.gov.au.

Yours sincerely



Kerren Crosthwaite
Authorised FOI decision maker

29 January 2018

REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you a right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of this decision you must apply for the review, in writing, by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed.

Applications for internal review can be lodged in one of the following ways:

Email: foi@apsc.gov.au

Post: FOI Coordinator
Australian Public Service Commission
B Block, Treasury Building
Parkes Place West
PARKES ACT 2600

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commission for review of the internal review decision if required.

Review by the Office of the Australian Information Commissioner

Section 54L of the FOI Act gives you a right to apply directly to the Australian Information Commissioner (the Information Commissioner) for review of certain decisions made under the FOI Act. If you wish to have the decision reviewed by the Information Commissioner you must apply for the review within 60 days of receiving this notice (decision).

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

To assist the Information Commissioner, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision. You can also complain to the Information Commissioner about how an agency handled an FOI request, or about other actions the agency took under the FOI Act.

You can contact the Information Commissioner to request a review of a decision or lodge a complaint in one of the following ways:

Email: enquiries@oaic.gov.au

Post: GPO Box 2999
CANBERRA ACT 2601

***Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the OAIC remains operational until further notice. Information on the OAIC public website advises that Information Commissioner Reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. No particular form is required to make a complaint to the Ombudsman, but the request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the FOI request should be investigated. The Ombudsman may be contacted in one of the following ways:

Email: ombudsman@ombudsman.gov.au

Telephone: 1300 362 072 (local call charge)

Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601



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DOCUMENT 1

Document created January 2018 in response to FOI request C17/2277 pursuant to section 17(1) of the FOI Act.

You have sought access to a document detailing the following:

the year on year increase in remuneration (as a percentage, rounded to the nearest decimal point) paid to each of [the Commission's] SES staff for the period FY 2015/2016 to FY2016/2017.

Your request specifies that above information will be accepted in a de-identified form.

2015/16 to 2016/17 financial year

A remuneration increase was awarded to all SES employees in the abovementioned period; no pro-rata amounts have been calculated.

Percentage increase awarded to SES employees in July 2016

The majority of Commission SES employees received an increase of 2%; one employee received an incremental adjustment equivalent to 5%.