



**Australian Government**

**Department of Finance**

Reference: FOI 17/43  
Contact: FOI Team  
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**via email:** [foi+request-3183-dd1f5df6@righttoknow.org.au](mailto:foi+request-3183-dd1f5df6@righttoknow.org.au)

Dear Sir/Madam,

**Freedom of Information Request – FOI 17/43**

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act).

*Accordingly, I request documents which detail the remuneration paid to each of the Department of Finance's (the 'Department's') SES officers in the following financial years - FY2013/14, FY 2014/15 and FY2015/16. The group certificates/end-of-year PAYG payments summaries issued by the Department to each of its SES staff in those years can be quickly and easily identified and retrieved, and will efficiently and accurately provide the information the subject of my request. Accordingly, those documents are the subject of my request.*

*I am willing to agree to the decision maker redacting information relating to the tax file numbers, the home addresses and information relating to the amount of tax withheld for each of the relevant SES officers that may be contained in the relevant documents. I am willing to further narrow the scope of my request by limiting it to officers employed by the Department who, at the time of my application, were categorised as SES officers, meaning that:*

- Departmental staff who were once SES officers at the Department, but weren't categorised as such at the time of this application; and*
- the documents the subject of my request that pertain to SES officers who are no longer employed by the Department;*

*are discounted from the scope of my application.*

The statutory period for processing your request commences from the day after Finance received your request. Your request was received by Finance on 3 March 2017.

## **Section 24AA – Practical Refusal Reason**

Section 24AA of the FOI Act provides that:

*(1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:*

*(a) the work involved in processing the request:*

*(i) in the case of an agency – would substantially and unreasonably divert the resources of the agency from its other operations; or*

...

Finance considers that the work that would be involved in attempting to process your request would substantially and unreasonably divert the resources of the agency from its other operations. Therefore, Finance considers that a practical refusal reason exists in relation to your request.

The purpose of this letter is to provide you with a notice that outlines Ms Rachael Jackson's (FOI Decision Maker) intention to refuse your request on the grounds that a practical refusal reason exists.

### **Resources available to process your request**

In considering your request, Finance acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions and FOI requests may require reallocation of resources within an agency. However, the FOI Act recognises that Finance may refuse a request if the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

### **Why the department intends to refuse your request**

Ms Jackson has considered the time it would take to:

- identify, locate and collate the document/s within the filing system of the agency;
- decide whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request);
- make a copy or an edited copy, of the document/s; and
- notify any interim or final decision on the request.

#### ***Time taken to identify locate and collate the documents***

It is estimated that it would take approximately five hours to identify, locate and collate the documents relevant to your request. This time includes time taken to identify and retrieve the relevant documents stored within Finance's IT system/s.

#### ***Time to decide whether to grant, refuse or defer access to a document***

The document/s are categorised as containing information that is personal in nature. As such, Finance may need to consult with each affected third parties, approximately 77 individuals. Allowing for two hours per consultation, the resulting 150 hours of consultation would be a substantial and unreasonable amount of time and work. Each document would need to be reviewed in order for Ms Jackson to decide whether to grant, refuse or defer access. It is estimated that this would take approximately five hours.

***Time to make a copy or an edited copy of the document and notify of decision***

It is estimated that it may take approximately five hours to make an edited copy of the documents and notify you of a final decision.

Ms Jackson considers that it would take in excess of 165 hours (the total of the number of hours considered above) to process your request. As such, Ms Jackson has concluded that identifying, consulting on and assessing the documents sought would involve a considerable amount of work. This work would unreasonably interfere with the performance of the functions of the department, a practical refusal reason in terms of subparagraph 24AA(1)(a)(i) of the Act.

**Section 24AB – Request Consultation Process**

Where an agency is satisfied that a practical refusal reason exists in relation to a request under the FOI Act, the agency must undertake a request consultation process.

As part of this consultation process, you have an opportunity to clarify the terms of your request to enable it to proceed. The request consultation process runs for 14 days after the day you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request; or
- revise your request; or
- advise us that you do not wish to revise your request.

If you would like to revise your request in order to reduce it to a more reasonable scope, you may like to consider whether you could reduce the time period or the number of individuals that your request relates to.

**Timeframe**

If you wish to revise your request, please provide a response by close of business Tuesday, 11 April 2017.

Please note that the time taken for a request consultation process is not taken into account for the 30 day statutory timeframe for processing FOI requests.

If you do not complete one of the three options listed above during the consultation period, or you do not consult with the FOI Team during this period, your request will be taken to have been withdrawn.

**Contact**

Please contact the FOI Team on (02) 6215 1783 or [foi@finance.gov.au](mailto:foi@finance.gov.au) if you have any questions in relation to your request or this consultation notice.

Yours sincerely



FOI Coordinator (A/g)  
Legal Services Branch  
Department of Finance  
28 March 2017