



Name withheld  
via email: foirequest-4365-f6703116@righttoknow.org.au

Dear Name withheld

**Notice under s 24AB of the *Freedom of Information Act 1982* - request consultation process**

I am writing about your request for access under the *Freedom of Information Act 1982* (FOI Act) received on 7 February 2018 and your subsequent clarification of the scope received on 12 February 2018.

You have requested access to documents which detail the salaries paid to SES officers in the department for the financial years 2014/15, 2015/16 and 2016/17.

In relation to the above, you are seeking the following:

- Information that discloses the relevant SES officer's name
- Information that discloses the officer's precise salary for the relevant financial year
- Information that identifies what the document is (eg. a group certificate/payment summary, an employment contract or a s.23(1) Determination) and the period that it covers.

I understand that you also confined this request to current SES officers employed at the time of your request.

**Practical refusal reasons**

Under s 24AA(1)(a)(i) of the FOI Act, a '*practical refusal reason exists if the work involved in processing the request ... would substantially and unreasonably divert the resources of the agency from its other operations*'. Under s 24 of the FOI Act, an agency may also refuse an FOI request if a practical refusal reason exists in relation to a request after a request consultation process.

I have consulted with the departmental business area responsible for retrieving the documents you have requested in relation to the number of documents within the scope of your request and the work involved in processing your request. Documents relevant to your request would include PAYG summaries for approximately 85 officers and over 200 documents. The information you have requested is their personal information and would require consultation with each employee in their personal capacity.

The processing time to search, retrieve and schedule relevant documents, redact each document, undertake consultations and assess relevant exemption considerations would be extensive. I estimate that this would require approximately 11 hours to search, retrieve and schedule documents and over 100 hours for consultation, assessment, redaction and decision making. This would be a substantial diversion of the resources of the department from its other operations. I also consider this work to be an unreasonable diversion of departmental resources taking into account the fact that there is information about remuneration of senior executive staff and other highly paid

employees published on the department's website<sup>1</sup> and annual reports<sup>2</sup> and the APS Remuneration report 2016.<sup>3</sup>

On this basis, I am satisfied that the work in processing your request on the above terms would involve a substantial and unreasonable diversion of the department's resources from its other operations.

I intend to refuse access to the document(s) you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

I note that you have also indicated that you would be open to receiving copies of PAYG payment summaries with the names of relevant officers redacted but only if the names of officers are redacted and replaced by a single identifier unique to each SES officer. I do not consider that this is a form of access required under s 22 of the FOI Act. It goes beyond the redaction of exempt or irrelevant material and effectively requires the department to create new documents. I also do not consider the requirement in s 17 to produce such documents is enlivened. Documents in that form are not ordinarily available, nor could the department produce through the use of computer or other equipment that is ordinarily available.

#### **Further information – general information in relation to SES remuneration**

I understand that you are interested in information about SES salary increases over the last few financial years. I can provide you with the following information regarding general pay increases for SES employees.

The Department has generally adopted an approach of aligning pay outcomes for SES employees, with the pay outcomes of non-SES employees. This approach has been taken with regard to the Government's Workplace Bargaining Policy remuneration components with some minor adjustments to address anomalies and reduce the salary ranges in each band. In 2014/15, SES Band 1 and 2 staff did not receive any general increase in salary, SES Band 3 received a 4% increase in salary. In 2015/16 SES Band 1 and 2 officers received a 2% increase in salary and SES Band 3s did not receive a general increase in salary. In 2016/17 and for 2017/18, SES officers received a general increase in salary of 2%.

#### **Time for consultation**

You have 14 days, from the receipt of this notice, to consult with the department concerning your request.

Under sub-section 24AB(6) of the FOI Act, you are required within the 14 day period to:

- withdraw the request
- make a revised request; or
- indicate that you do not wish to revise the request.

If you consult with the department within the next 14 days, the department will assist you to revise your request, so that processing the request would not substantially and unreasonably divert the resources of the agency from its other operations.

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<sup>1</sup> [www.agriculture.gov.au/about/reporting/obligations/remuneration](http://www.agriculture.gov.au/about/reporting/obligations/remuneration).

<sup>2</sup> [www.agriculture.gov.au/about/reporting/annualreport](http://www.agriculture.gov.au/about/reporting/annualreport).

<sup>3</sup> [www.apsc.gov.au/publications-and-media/current-publications/remuneration-surveys/remuneration-report-2016](http://www.apsc.gov.au/publications-and-media/current-publications/remuneration-surveys/remuneration-report-2016).

If you do not consult with the department or do one of these things within the next 14 days, your request will be taken to have been withdrawn. Even with consultation, if the scope of your request cannot be sufficiently revised, the request may be refused.

Please note that the time period for making a decision in response to your request is suspended until the conclusion of the consultation process described in this letter.

**Contact details**

If you have any questions or seek assistance, you can contact Charine Bennett on 02 6272 5505 or email [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Yours sincerely



Tiffany Blight  
Assistant Secretary  
Workforce and HR Strategy Branch

09 March 2018