

**Australian Government****Department of the Prime Minister and Cabinet****ONE NATIONAL CIRCUIT
BARTON**

FOI/2018/201

Name withheld
foi+request-5159-bdebb9af@righttoknow.org.au

Dear Sir/Madam

I refer to your email of 29 December 2018 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following relevant terms:

Under the FOI Act, I seek access to the information that the Review found there to be a clear public interest in, and that it recommended be publicly reported. Specifically, I seek access to the names and associated remuneration of DPMC's SES Band 3 officers for the 2015/16, 2016/17 and 2017/18 financial years. This information might exist in contracts, s.24 Public Service Act determinations or perhaps a document under s.17 of the FOI Act. Alternatively, I'm happy for this request to be satisfied by DPMC's provision of the Group Certificates/PAYG summaries of DPMC's SES Band 3 officers with all information redacted with the exception of the relevant person's first name and last name, the period of payment, and the gross payment amount.

The authorised decision-maker for your request is Ms Belinda Campbell, Assistant Secretary, People Branch.

Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of paragraph 11A(1)(b) of the FOI Act and Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations) is that an applicant is required to pay any charge before any access is given.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request. The preliminary assessment of the charge for processing your request is set out below:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	1.5 hours	\$ 22.50
Decision-making	\$20 per hour	11.35 hours	\$ 227.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
TOTAL			\$ 149.50

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
 - Payment in full is \$149.50. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
 - Alternatively, payment of a deposit in the amount of \$37.37 entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. Regulation 14 provides that a deposit paid by an applicant is not refundable unless the Department decides to waive the charge or fails to make a decision on the applicant's FOI request within the statutory time limit, including any extension.

Payment should be made by cheque or postal order and made out to the "Collector of Public Monies." If you wish to pay by credit card, please provide to us in writing the credit card details with an authorisation for the Department to charge that amount to the card.

- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
- (3) You can withdraw your request.

Processing timeframe

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

If you have any queries, please contact the FOI and Privacy Section on (02) 6271 5849 or by email to foi@pmc.gov.au.

Yours sincerely

FOI Adviser
FOI and Privacy Section
Legal Policy Branch

7 March 2019