



17 August 2022

Julie
Right to Know
By email: Cassie foi+request-9148-401a02c8@righttoknow.org.au

Dear Julie

I refer to your email to Export Finance Australia (**EFA**) dated 18 July 2022 seeking access under the *Freedom of Information Act 1982* (**FOI Act**) to:

EFA's current salary table for its staff, which contains the pay scales for each work level or classification, or a produced document containing that information.

This letter sets out my decision on your request for access.

I am an authorised decision maker under section 23 of the FOI Act.

My decision

I cannot uphold and, as such, decline your request under section 24A(1) of the FOI Act on the basis that reasonable searches have been undertaken and the document requested does not exist.

In reaching this view, I am also satisfied that EFA:

- does not hold an existing discrete document which contains the information sought; and
- could not produce a written document containing the requested information in a discrete form by the use of a computer or other equipment that is ordinarily available to EFA for retrieving or collating stored information.

The reasons for my decision are at **Attachment A**.

Further information


Information about EFA's remuneration strategy for EFA's Board and its executive employees is set out at pages 68 – 73 of our [Annual Report 2020-21](#).

In addition, in 2021, EFA undertook significant reform to modernise its employment terms and workplace arrangements. After employee consultation, EFA transitioned to new, individual employment contracts underpinned by the Australian Government Industry Award (2016) as its workplace instrument.

Review rights

Please note that your review rights are set out at **Attachment B**.

Yours sincerely,

DocuSigned by:

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Kate Prior

Acting General Counsel

E foi@exportfinance.gov.au **W** exportfinance.gov.au

ATTACHMENT A

Reasons for decision

In making my decision I have taken into account:

- the terms of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au. Sections of the FOI Guidelines referenced can be found online at www.oaic.gov.au/freedom-of-information/foi-guidelines/.

No documents responsive to your request exist

Under section 24A(1) of the FOI Act, EFA may refuse a request if it has taken 'all reasonable steps' to find the document requested, and is satisfied that the document cannot be found or does not exist.

Having regard to the scope of your request, searches conducted by EFA have not found any discrete documents relevant to your request. There are no other searches that I am aware of that could reasonably be undertaken to locate a discrete document.

Having taken all reasonable steps to find documents relevant to your request, I am satisfied that the discrete documents you seek do not exist. Accordingly, I decline your request under section 24A(1) of the FOI Act.

Information stored in electronic form – no obligation to produce a written document

In cases such as these, section 17 of the FOI Act would require EFA to produce a written document containing that information if both of the following circumstances existed:

- EFA could produce a written document by use of a computer or other equipment that is ordinarily available to it for retrieving or collating stored information (section 17(1)(c)(i)); and
- producing the written document would not substantially and unreasonably divert the resources of EFA from its other operations (section 17(2)).

I am satisfied that EFA cannot produce a document that meets the requirement of section 17(1)(c) of the FOI Act using a computer or equipment otherwise ordinarily available to produce a written document containing the information in a discrete form.

This is because EFA does not use work levels / pay scale classifications in setting the remuneration for its employees. Instead, each employee is employed by EFA under an individual employment contract, underpinned by the Australian Government Industry Award (2016) and in respect of which the remuneration is set on a case by case basis which is market matched to the private market using benchmarking data from the Financial Institutions Remuneration Group Inc (**FIRG**).

Accordingly, it is not possible to generate from EFA's systems a document that is responsive to the terms of your request because any employee remuneration report

produced would require additional analysis and manipulation by an individual officer in consultation with others, to appropriately aggregate the data on employees and their classifications to be responsive to your request.

As the circumstances in section 17(1)(c) of the FOI Act do not exist, a document cannot be produced in accordance with section 17, and it is not necessary to consider whether the circumstances in section 17(2) of the FOI Act exist.

ATTACHMENT B

If you are not satisfied with my decision, you may apply for internal review or to the Australian Information Commissioner for review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to EFA for internal review of my decision. The internal review application must be made within 30 days of the date of this letter to:

Email: foi@exportfinance.gov.au; or

Post: Level 10, Export House, 22 Pitt Street, Sydney NSW 2000

Where possible, please attach reasons why you believe review of the decision is necessary. Although I note my decision is that no documents exist, you may wish to contend that not all the relevant documents have been identified. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Australian Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Email: foidr@oaic.gov.au

Post: GPO Box 5218, SYDNEY, NSW 2001

Fax: 02 9284 9666

Complaint rights

If you are not satisfied about any action taken by EFA in the performance of functions, or the exercise of powers, under the FOI Act, you may make a complaint by:

- writing to the Australian Information Commissioner in one of the ways provided above; and
- identify EFA as the agency in respect of which the complaint is made.