



**Australian Government**  
**Department of Defence**  
Defence Support and Reform Group

Freedom of Information and  
Information Management Branch  
Department of Defence

CPI-6-001  
PO Box 7910  
CANBERRA BC ACT 2610  
Tel: 02 626 62200  
Fax: 02 626 62112  
FOI@defence.gov.au

Our reference: FOI 338/12/13



By email: 

Dear 

1. I refer to your email, dated 28 March 2013, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*"...the Mercer review of Australian military senior leaders' remuneration, as listed with CN1151972."*

2. The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

**FOI decision maker**

3. Mr Joel Patterson, Chief of Staff, Defence People Group is the accredited decision maker, under the FOI Act, in relation to your request.

**Identified document**

4. Mr Patterson identified one, 14 page document titled, "Work Value Analysis of Star Rank Roles" as matching the description of your request.

## **Decision**

5. Mr Patterson decided to release the identified document with material deleted, in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is exempt under section 46 [documents disclosure of which would be contempt of Parliament or contempt of court] of the FOI Act. His reasons are set out below.

## **Material taken into account**

6. In making his decision Mr Patterson had regard to:
- a. the content of the identified document in issue;
  - b. relevant provisions in the FOI Act;
  - c. Defence guidance material on the FOI Act and the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the guidelines);
  - d. advice from staff in the Directorate of Military Salaries & Allowances Policy whose duties relate to the matters referred to in the document;
  - e. the third party response to formal consultation;
  - f. an order made by Her Honour Anne Harrison, President of the Defence Force Remuneration Tribunal in Matter No. 18 of 2012 on 16 Apr 13.

## **Reasons for decision – section 46**

7. Upon examining the identified document, Mr Patterson contacted the Director of Military Salaries and Allowances Policy to discuss his proposed views on release. He was advised that on 16 April 2013, the President of the Defence Force Remuneration Tribunal (the tribunal), Her Honour Anne Harrison, made an order in relation to Matter No. 18 of 2012 restricting publication of, and access to, specific parts of the ADF's submission. The specific parts were contained in the identified document as follows:

- i. the file location on each page; and
- ii. the notes on page 6.

8. Section 46(b) of the FOI Act provides that documents are exempt from disclosure if the release would be contrary to an order given by a tribunal.

9. Having regard to the above, Mr Patterson was satisfied that the specific parts noted in paragraph 7 above are exempt from disclosure under the FOI Act, and the remainder of the document could be released intact.

### Payment of Charges

10. In our letter, dated 2 April 2013, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request and you were sent an invoice for the preliminary assessment deposit of [REDACTED] on 3 April 2013.

11. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. The remaining balance is the difference between actual charges and the deposit you have already paid.

12. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please complete and return the form at Enclosure 1 to the FOI Directorate, this form is an agreement to pay charges and enables the FOI Directorate to continue processing your request without delay. Upon receipt of the form an invoice will be generated, noting this can take up to 3 business days. Details about payment of the invoice are on the form.

### Rights of review

13. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights", setting out your rights of review is at Enclosure 2.

### FOI Disclosure Log

14. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within two working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions. I will advise you of the publication date when the documents are dispatched to you.

15. The FOI Act can be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>.

16. Should you have any queries about this matter please contact me directly on (07) 3332 6359. Alternatively, the FOI team can also be contacted on the details at the top of this letter.

Yours sincerely



Theresa Stinson  
Assistant Director - Media Case Management  
Freedom of Information

28 May 2013

#### Enclosures:

1. Freedom of Information Payment Authorisation Form
2. Fact Sheet: Freedom of Information – Your Review Rights