



Thursday 10 November 2022

Senator Karen Grogan
Chair of Environment and Communications Legislation Committee
PO Box 6100
Senate
Parliament House
Canberra ABC 2600
c/- senator.grogan@aph.gov.au

Dear Senator,

**2022-23 BUDGET ESTIMATES: LETTERS FROM SENATOR HENDERSON TABLED
ON 8 NOVEMBER 2022**

1. I refer to the following letters from Senator the Hon Sarah Henderson to the ABC, referenced at the Senate estimates hearing before the Environment and Communications Legislation Committee on Tuesday 8 November 2022:
 - (a) Letter from Senator Henderson to the ABC dated 6 November 2022 on disclosure of total remuneration of highly paid staff; and
 - (b) Letter from Senator Henderson to the ABC dated 6 November 2022 on disclosure of role, gender, place of work and remuneration band of ABC employees.
2. The ABC received multiple versions of the letter referred to in 1(a) above, including versions 1 and 2 sent to the ABC by email from Senator Henderson on Friday 4 November at 9.53pm and 11.22pm respectively, and Sunday 6 November at 1.24pm. All three versions are included at **Appendix A** to this letter. There are minor variations between the three letters as well as a change in the definition of Highly Paid Staff from \$180,000 per annum to \$230,000 per annum. The ABC's public interest immunity claim tabled at the hearing on Tuesday 8 November refers to the letter of 4 November, being version 2. In an email accompanying version 2, Senator Henderson asks that the ABC disregard the previous

version she had provided. The third version of the letter did not contain any request to ignore the previous version. As there are only minor variations between the three versions of the letter, the ABC submits that the public interest immunity claim tabled during the committee hearing on 8 November 2022 applies equally to all three letters.

Letter from Senator Henderson to the ABC dated 6 November 2022 on disclosure of total remuneration of highly paid staff

3. The ABC has obtained information regarding the references to salary data of Australia Post which Senator Henderson referred to in the letter and at the hearing. We have reviewed correspondence between Australia Post and the Committee following the October 2016 Supplementary Budget Estimates round, which was subsequently published by the Committee. On review of that correspondence, it appears that the salary information that was provided by Australia Post is akin to that which the ABC already publishes in its annual report in respect of senior executives and other highly paid staff. The data provided by the ABC in its annual report is more detailed and reflects the PGPA Rule requirements that were introduced in 2019. A copy of the Australia Post and Committee correspondence is included at **Appendix B** of this letter.
4. The ABC has not found any precedent for the scope of information requested in either of the letters referred to in paragraphs 1(a) and 1(b) above.

Letter from Senator Henderson to the ABC dated 6 November 2022 on disclosure of role, gender, place of work and remuneration band of ABC employees (copy attached at Appendix C)

5. The letter referred to in paragraph 1(b) above requests the following information:
 1. *For each ABC employee, contractor, sub-contractor or other worker currently working for the ABC (ABC Employee), please provide a spreadsheet listing the position title or job description of each ABC Employee, categorised into departments, divisions, programs, offices or other applicable working groups. Where a department includes multiple programs or divisions, each separate program or division should be specified. Where an ABC Employee works across a number of programs or divisions for instance, please provide the name of the entity to which the ABC Employee is currently assigned.*
 2. *For each ABC Employee, please provide their gender where such information is available, place of employment and a total remuneration band in forty thousand dollar increments, starting at \$00.00 - \$40,000, being the amount of total remuneration per annum that each ABC*

Worker receives as defined in the Public Governance, Performance and Accountability Rule 2014 (TRB).

3. So that there is no confusion, I am seeking this information for every ABC Employee. Please see the following theoretical example of how this information should be presented. I reiterate that the table below contains no factual information and is being provided as an example only.

ABC Legal

• General counsel	F	Sydney	TRB \$240,000 - \$280,000
• Senior solicitor (programming)	F	Sydney	TRB \$200,000 - \$240,000
• Senior solicitor (IP)	M	Melbourne	TRB \$160,000- \$200,000
• Solicitor (general)	N/A	Brisbane	TRB \$120,000 - \$160,000
• Paralegal (general)	M	Sydney	TRB \$80,000 - \$120,000

Radio National AM Program

• Presenter	F	Melbourne	TRB \$280,000 - \$320,000
• Executive Producer	F	Melbourne	TRB \$160,000 - \$200,000
• Line-up producer	M	Hobart	TRB \$120,000 - \$160,000
• Story producer	M	Rockhampton	TRB \$80,000 - \$120,000
• Story producer (evening shift)	F	Sydney	TRB \$80,000 - \$120,000

6. As a Commonwealth entity, the ABC is already required to disclose information regarding remuneration in its annual report in accordance with the *Public Governance, Performance and Accountability Rule 2014*. Sections 17CB and 17CC indicate how remuneration for senior executives and other highly paid staff should be reported. The ABC has included in this letter at **Appendix D** extracts of the ABC Annual Report 2021-2022 relating to remuneration and location of staff as follows:

- (a) Page 176 – Notes to and Forming Part of the Financial Statements – Employee Provisions;
- (b) Page 178 and 179 – Notes to and Forming Part of the Financial Statements – Key Management Personnel Remuneration;
- (c) Appendix 6, pages 210 to 214 inclusive – Executive remuneration reporting which at page 214 breaks down Senior executive remuneration and Other highly paid staff remuneration by salary brackets; and
- (d) Page 68 – Where ABC employees live and work: distribution by job group, distribution by region, and distribution by team.

7. The ABC reports annually in its Diversity & Inclusion Annual Report on gender distribution of its workforce by occupation group. This information is available on pages 50-51 of the ABC’s latest Diversity & Inclusion Annual Report and is included in **Appendix E** of this letter for

ease of reference. The ABC conducts an annual gender pay equity review and has reported on the Gender Pay Gap on page 77 of the ABC's latest annual report, which is included in **Appendix F**.

8. A gender pay analysis was conducted in 2021 across the ABC workforce to identify meaningful pay gaps (defined as +/- 3%) unfavourable to women at any level in the ABC. There is only one meaningful pay gap of 3.9% at Band 9, and this is favourable to women. This gap has significantly reduced from 7.9% in 2020 and is closing. Based on these results, the ABC believes its pay practices are equitable and that it pays fairly for roles at each level in the organisation. There continues to be a whole-of-organisation pay gap of 5.3% favourable to men. This reflects the higher representation of women in the lower-paid bands in the ABC's structure, rather than inequitable pay practices or bias during pay decisions.
9. From 2022, the ABC has aligned its reporting methodology to the reporting requirements to the Workplace Gender Equality Agency (WGEA) under the *Workplace Gender Equality Act 2012*, which will become mandatory for public sector entities from 2023. As part of this alignment, the ABC elected to voluntarily report to WGEA in October 2022 and has consented to external publication of the report. WGEA have advised this report will be published in early 2023.

Claim of public interest immunity

10. The ABC wishes to make a claim for public interest immunity in respect of the information requested in the letter referred to in paragraph 1(b) above.
11. The ABC is mindful of its obligations under the *Australian Broadcasting Corporation Act 1983* and does not wish to compromise its independence, its obligations to its employees, or the proper functioning of the ABC. Further details of the ABC's concerns are set out below.
12. *Odgers' Australian Senate Practice* (14th ed) (**Odgers**) acknowledges that the disclosure of some information can damage the commercial interests of participants in the marketplace, and potentially compromise the privacy of individuals (see Chapter 19 - Orders to ministers and public interest immunity claims). See also *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters*, specifically Attachment A (at paragraph 13) which provides that it may

be appropriate to decline to provide information if to do so would unreasonably disclose personal information.

13. The ABC considers that disclosing a spreadsheet detailing the role, gender, place of work and remuneration band of every ABC employee at an individual level as requested in the letter well exceeds established disclosure practice in Australia and unreasonably discloses personal information in circumstances where a significant amount of aggregated information is publicly available. As an alternative to assist the Committee, and in addition to the information the ABC already discloses, the ABC will provide by Friday 18 November a copy of the workforce statistics submitted by the ABC to the WGEA for 2022.
14. The ABC does not make a practice of disclosing staff information at an individual level, aside from the information published for Key Management Personnel and Board members in the ABC's annual report.
15. The ABC is seeking to make a public interest immunity claim to the Committee on the following grounds:
 - (a) First, that the combined disclosure of the role, gender, place of work and remuneration band of every ABC employee at an individual level would in many instances identify those individuals. Disclosure of this personal information would be an unreasonable invasion of privacy for those affected individuals and goes beyond what is necessary to ensure that the ABC is accountable for its expenditure of taxpayer funds. It is in the public interest that private information about individuals not be unreasonably disclosed. That is the basis for the *Privacy Act 1988*. The ABC considers that the requested disclosure places individuals in precisely the situation which the Privacy Act intends to guard against as it would unduly impinge on the privacy of individuals. In that respect, the ABC is concerned that care be taken in assessing potential damage from allowing the circumvention of an established area of law (privacy law) that is of increasing importance to the Australian community, and the knock-on effects if similar requests are made in the future.
 - (b) Second, the protection of ABC staff from work health and safety risks, including unwarranted public criticism or targeted online abuse that may arise from the requested disclosure. A significant number of ABC staff already experience abuse on a regular basis. Unfortunately, it is likely that such disclosure will amplify abuse for those staff and also increase the number of staff experiencing

abuse. The ABC is taking steps to support staff in this area, and disclosure of the requested information will only serve to undermine that work. ABC staff members remain accountable to the public for their performance without this information.

- (c) Third, the ABC is distinguishable from many other entities and agencies. Its statutory independence and role as Australia's largest public broadcaster and member of the fourth estate, mean that requests for the production of information (including the personal information of its employees), should be assessed with an additional degree of caution.
- (d) Fourth, the information requested is commercially sensitive and disclosure would damage the ABC's commercial interests. The ABC competes with the private sector for talent. The requested level of disclosure would give commercial competitors an unfair advantage as they will have full visibility of the ABC's remuneration strategies and structures. This will inevitably undermine the ABC's ability to attract and retain quality talent, including by actually increasing the overall running costs of the ABC (by increasing the cost to the ABC to secure talent in the future) which would not be in the public interest.
- (e) Fifth, during the Committee hearing, Senator Henderson raised a specific allegation as a basis for obtaining information across all employees. That allegation concerned the number of producers allegedly working on a Radio National program, on a particular day, at a particular moment in time. The ABC would be prepared to examine that specific allegation once we receive further, more specific, information. In the ABC's view, that is a more appropriate, and direct, way to deal with the Senator's allegation and concern.

16. For the reasons set out in the immediately preceding paragraph, the ABC claims public interest immunity in relation to the requested information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Anderson', with a long horizontal flourish underneath.

David Anderson
Managing Director



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR COMMUNICATIONS
SENATOR FOR VICTORIA

Mr David Anderson
Managing Director
Australian Broadcasting Corporation
700 Harris St
Ultimo NSW 2007
via email: david.anderson@abc.net.au

Dear Mr Anderson

2022-23 Budget estimates: disclosure of total remuneration of highly paid staff

I write to provide you with advanced notice that during your appearance at Senate estimates before the Environment and Communications Legislation Committee on Tuesday 8 November 2022, I am seeking answers to the following questions:

1. For this financial year and the previous financial year, please provide:
 - a. the name and title of each ABC employee, contractor, sub-contractor or other worker who has or is being paid total remuneration (as defined in the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule)) that is equal to or greater than \$180,000 (**Highly Paid Staff**); and
 - b. the amount of total remuneration for each such Highly Paid Staff and a breakdown of the total amount into the following categories:
 - i. base salary;
 - ii. performance pay and bonuses;
 - iii. other benefits and allowances (including overtime);
 - iv. employer superannuation contributions;
 - v. long-service leave;
 - vi. other long-term benefits; and
 - vii. termination benefits.
2. I have today received advice from the Clerk of the Senate in relation to these proposed questions who states, in part, that:

“...officers do not have an independent discretion to withhold information. As with any other witness, if officers of the ABC or the other entities you have mentioned consider that information sought by senators at estimates ought not be disclosed, they should raise a public interest immunity (PII) claim to that effect. This obligation and the proper process for doing so is set out in a resolution of the Senate of 13 May 2009. It is then a matter for the committee (in the first instance) and ultimately for the Senate to determine whether to press for the information.”

3. The Clerk, in his advice, refers to questions on notice about remuneration for highly paid staff asked by the Environment and Communications Legislation Committee (**Committee**) in 2017. In response, the ABC provided only the number of ABC staff who received a salary within particular salary bands. In declining to identify individual recipients, the then managing director of the ABC cited possible breaches of the Privacy Act. However, the Clerk states that:

“It should be noted that the Privacy Act does not restrict parliamentary committees in seeking information or the provision of information to such committees. Of course, a committee may agree that the principles in that Act should inform its consideration of relevant PII claims.”

4. The Clerk also references a Committee decision to publish details of executive remuneration at Australia Post which that organisation sought to provide on a confidential basis. The Clerk states that:

“The committee rejected belated public interest immunity claims made on the grounds of privacy, contractual obligation and commercial-sensitivity, finding an overriding public interest in publishing the information.”

5. In seeking details about the total remuneration of Highly Paid Staff, I am cognisant of the acute public interest in understanding how the ABC expends its budget, particularly given the ongoing debate about the adequacy of ABC funding. Disclosure of this information will also assist the Committee to assess whether the ABC is implementing remuneration policies which guard against any gender pay gap. This, too, is a matter of significant public interest.
6. Please note, as a courtesy, that I may make this letter public including by way of tabling it at Senate estimates.

Thank you for your consideration of these matters.

Yours sincerely



Sarah Henderson

4 November 2022



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR COMMUNICATIONS
SENATOR FOR VICTORIA

Mr David Anderson
Managing Director
Australian Broadcasting Corporation
700 Harris St
Ultimo NSW 2007
via email: david.anderson@abc.net.au

Dear Mr Anderson

2022-23 Budget estimates: disclosure of total remuneration of highly paid staff (Version 2)

I write to provide you with advanced notice that during your appearance at Senate estimates before the Environment and Communications Legislation Committee on Tuesday 8 November 2022, I am seeking answers to the following questions:

1. For this financial year and the previous financial year, please provide:
 - a. the name and title of each ABC employee, contractor, sub-contractor or other worker who has or is being paid total remuneration (as defined in the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule)) that is equal to or greater than \$230,000 per annum (**Highly Paid Staff**); and
 - b. the amount of total remuneration per annum paid to each Highly Paid Staff including a breakdown of this remuneration into the following categories:
 - i. base salary;
 - ii. performance pay and bonuses;
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6. I note that the ABC is required to keep detailed records in relation to highly paid staff remuneration and, accordingly, I trust that the information I seek is readily accessible and available to the Senate.
7. Please note, as a courtesy, that I may make this letter public including by way of tabling it at Senate estimates.

Thank you for your consideration of these matters.

Yours sincerely



Sarah Henderson

4 November 2022



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR COMMUNICATIONS
SENATOR FOR VICTORIA

Mr David Anderson
Managing Director
Australian Broadcasting Corporation
700 Harris St
Ultimo NSW 2007
via email: managingdirectorsoffice@abc.net.au

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Thank you for your consideration of these matters.

Yours sincerely



Sarah Henderson

6 November 2022

Appendix B



14 December 2016

CORPORATE SECRETARY
GPO Box 1777
MELBOURNE VIC 3001
111 BOURKE STREET
MELBOURNE VICTORIA 3000

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Ms Christine McDonald
Secretary, Standing Committee on
Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms McDonald

I make reference to the Senate Estimates Hearing on 18 October 2016, and the Questions on Notice received by Australia Post.

Australia Post wishes to provide responses to the below questions under Standing Order 25(2) as the information requested contains personal and sensitive information and the disclosure of such information in the public domain may be prejudicial against those individuals to which the information relates.

As such, please refer to [Attachment 1](#) for Australia Post's response to the following Questions on Notice, which are provided to the Committee as *Commercial-in-Confidence*, and should be treated as 'In-Camera' evidence.

- QoN 90 Executive pay breakdown
- QoN 96 Termination/Retirement benefits

Yours sincerely

Erin Kelly

COMMERCIAL IN CONFIDENCE - 'IN-CAMERA' EVIDENCE

QUESTION ON NOTICE 90 – EXECUTIVE PAY BREAKDOWN

Senator Dastyari asked:

CHAIR: Senator Dastyari, you do not actually have the call.

Senator DASTYARI: I am sorry. I will wait for my opportunity.

CHAIR: Senator Urquhart.

Senator URQUHART: What I was asking for was for you to provide specific details of these salaries. I would like that broken down and I would like it attached to each of those positions.

Mr Fahour: Yes. We are very happy to give the information on notice and we will do that when we get the exact data for you.

Senator URQUHART: So how long will that take you?

Mr Fahour: When we get back to the office we will do the work and we will follow the customary process of how it works.

Answer:

Senior Executive and Director Remuneration – Year Ended 30 June 2016

	Short-term employee benefits	Post-employment benefits	Other long-term benefits (b)	Termination/retirement benefits	Total
Senior Executives (a)	11,966,029	1,461,821	4,067,430	368,052	17,863,332
Directors	764,949	74,372	-	-	839,321
TOTAL	12,730,978	1,536,193	4,067,430	368,052	18,702,653

Notes:

- (a) The senior executives remuneration total includes short-term employee benefits of \$4,388,131 and post-employment benefits of \$1,239,829 for the Managing Director & Group CEO.
- (b) Other long-term benefits comprises long-service leave accruals and the accrued cost of long-term incentive programs implemented for a number of senior executives which require performance against Board approved hurdles over a number of years.

COMMERCIAL IN CONFIDENCE - 'IN-CAMERA' EVIDENCE

QUESTION ON NOTICE 96 – TERMINATION/RETIREMENT BENEFITS

Senator Dastyari asked:

Senator DASTYARI: There is termination/retirement benefits here. How many people on senior executive level were terminated and retired in the past year?

Mr Fahour: There was no-one terminated but for retirements in that 2016 year I can think of at least probably one person, I suspect.

Senator DASTYARI: So, we think that one person is the \$368,000 but it may be more? You can take that on notice.

Mr Fahour: Whatever their benefit is but I will find that out.

Answer:

The “termination and retirement benefits” of \$368,052 included in Australia Post’s 2015/16 Annual Report comprise a retirement benefit for the Chief Operating Officer.



THE SENATE

ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

13 January 2017

Mr Ahmed Fahour
Managing Director & Group CEO
Australia Post
GPO Box 1777
MELBOURNE VIC 3001

Dear Mr Fahour

Request for confidentiality: senior executive remuneration

I refer to the letter dated 14 December 2016 from Ms Erin Kelly, Corporate Secretary, Australia Post, seeking to provide evidence to the Committee on a confidential basis under standing order 25(2)(a). The evidence relates to questions taken on notice (nos. 91 and 97) during the supplementary budget estimates 2016–17 hearing on 18 October 2016. The questions sought information about the remuneration of senior executives at Australia Post.

Senate estimates is a key accountability mechanism that is open and transparent. This is reflected in the rules of the Senate that all committees considering estimates must take all their evidence in public.

Australia Post has not made a claim of public interest immunity to *withhold* information from the Committee. Instead, Australia Post has provided some of the information sought under standing order 25(2)(a), rather than as part of the estimates process, and has requested that the information not be published. This occurred at Australia Post's initiative; the Committee did not invite Australia Post to provide evidence under standing order 25(2)(a), as is standard committee practice.

Australia Post's 14 December 2016 letter is now a Committee document and it is open to the Committee, and the Senate, to authorise the publication of it.

Although the Committee may decide to receive evidence on a confidential basis under standing order 25(2)(a), this mechanism is not intended to keep valuable information from parliamentary and public scrutiny, but is intended to ensure that confidential information may remain confidential in those exceptional cases in which it can be justified.

The Committee has considered the reasons given in Ms Kelly's letter to support the request for confidentiality. Based on the information before it, and the principles and rules of the Senate outlined above, the Committee's view is that it is appropriate for it to publish the document in question. Prior to finalising its decision, however, the Committee has agreed to provide you with an opportunity to put forward reasons for the Committee to consider if Australia Post wishes to maintain that the document should not be made public.

If you conclude that it would not be in the public interest for the document in question to be published, you will need to provide to the Committee a statement of the ground(s) for that conclusion, specifying the harm to the public interest that could result from the publication of the document by the Committee. The Committee will consider your statement and advise you of its final decision. Alternatively, if Australia Post does not object to the publication of the document, the Committee would appreciate receiving a statement to that effect.

To enable the timely finalisation of this matter, the Committee seeks your response by 24 January 2017.

Finally, the Committee has noted that question 91 sought information regarding the remuneration of all Australia Post senior executives. Ms Kelly's 14 December 2016 letter provided specific details regarding only the remuneration of the Managing Director and CEO and it did not provide information regarding the remuneration of other senior executives, as was requested. On behalf of the Committee, I request that this information be provided.

Yours sincerely

|

Senator James Paterson
Chair



CORPORATE SECRETARY
GPO Box 1777
MELBOURNE VIC 3001
111 BOURKE STREET
MELBOURNE VICTORIA 3000

24 January 2017

www.auspost.com.au

Ms Christine McDonald
Secretary, Standing Committee on
Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms McDonald

I make reference to Senator James Paterson's letter to Australia Post's Managing Director & Group CEO, Mr Ahmed Fahour, dated 13 January 2017, regarding information provided to the Standing Committee on Environment and Communications (Committee) under Standing Order 25(2).

Australia Post maintains that the information provided in response to Question on Notice 91 and 97 regarding executive remuneration should remain confidential and not be released publicly. The reasons for this position are detailed below:

Legislative requirements

Australia Post's requirements for the reporting of senior management personnel remuneration were altered in 2015 with the introduction of the Public Governance, Performance and Accounting ("PGPA") (Financial Reporting) Rule 2015, which came into force on 1 July 2015.

PGPA Rule 27 sets out the disclosure requirements which Australia Post, as a reporting entity, must meet for senior management personnel (senior executive and director) remuneration.

The information which Australia Post must disclose to comply with PGPA requirements after 1 July 2015 has been published in the Corporation's Annual Reports (see for example, the current 2016 Annual Report at page 91). These disclosures fully provide the necessary information to comply with our public interest accountability.

Public Interest immunity claims

Strong corporate governance processes exist around the level of remuneration paid to senior executives at Australia Post which are outlined in the Corporation's Annual Reports (see for example, the current 2016 Annual Report at page 52-63). The Board is responsible for setting the remuneration arrangements for the Managing Director & Group CEO. Remuneration arrangements for other senior executives are reviewed and determined by the Nomination & Remuneration Committee of Australia Post and approved by the Board based on recommendations by the Managing Director & Group CEO.

Advice is sought annually from independent specialised remuneration consultants on the structure of remuneration packages applying in the external market and the quantum of increases that have occurred in comparable Australian corporations over the previous 12 months. On the basis of this advice, the Managing Director & Group CEO ensures that payments to senior executives are in line with market practice, and that they are competitively placed to attract and retain the necessary talent for the work required by these roles.

The public disclosure of executive remuneration would involve the unreasonable disclosure of personal information. In making this determination, consideration has been given to public interest in the free flow of information to the public, balanced with the public interest in the protection of personal information and the efficient functioning of a government business enterprise. It is Australia Post's view that there is no public interest in the disclosure of the personal information pertaining to senior executive and officers of Australia Post. In making this decision, we are cognisant that the release of the personal information would not promote or inform debate of issues of public importance.

The public disclosure of executive remuneration may be prejudicial against those Australia Post and those individuals to which the information relates. Australia Post and/or those individuals may become targets for unwarranted media attention. This may lead to brand damage for Australia Post, which, when operating in a competitive market, may be significantly detrimental to our business and future profitability. This will impact all our key stakeholders, including those that rely heavily on our business for their own sustainability. Additionally, consideration must be given to issues around personal safety and security that may arise.

Additionally, Australia Post is a self-funded government business enterprise that does not rely on any government funding. This is despite providing a community service obligation that loses money. In fact, Australia Post has actually provided over \$6.3bn (see [Attachment 1](#)) to the Government in the form of dividend payments, income taxes, GST and community service obligations in the last 10 years. Given the fact that no public money or resources are used to fund the company and its executive remuneration, the public disclosure of such would in no way be of any relevance.

Commercial Confidentiality

With over 70 per cent of the Australia Post business operating in a commercial environment, the information that the Senate Committee is requesting be publicly disclosed relates to the commercial activities of Australia Post. The disclosure of such information may harm the commercial interests of Australia Post (as mentioned above) and the senior executive team.

Furthermore, the Managing Director & Group CEO and each executive are employed under individual contracts of employment which sets out the terms on which they are employed including details of their duties and responsibilities, rights and remuneration entitlements. One of these rights pertains to confidentiality, which if this information is disclosed, will be in breach of the terms of their employment.

Lastly, I note the Senate's request for additional information to be provided in response to Question on Notice 91. Please refer to [Attachment 2](#) for an updated response to Question on Notice 91 and 97. This information is again provided under Standing Order 25(2) and should be treated as 'in-camera' evidence. As you will note, salary payments over the last three years have remained flat, whilst short-term incentive payments have moved in-line with the performance of the business and board or management discretion.

We would appreciate the Committee informing us of their final decision on the disclosure of the information pertaining to executive remuneration. Should the Committee's position be different to Australia Post's, we would appreciate the opportunity to be provided with a week's notice before the information is made publicly available so that we can manage and plan for any issues that will arise from a stakeholder perspective.

Yours sincerely

Erin Kelly

Cash Payments made to the Federal Government & CSO costs (2007-2016)

\$m	Dividends Paid*	Income Tax Paid / (Refunded)*	GST Paid*	Community Service Obligation	TOTAL
2007	279.4	125.3	208.2	93.4	706.3
2008	306.3	186.0	215.6	108.6	816.5
2009	427.8	142.4	208.4	113.8	892.4
2010	171.9	77.5	217.7	147.7	614.8
2011	78.5	54.1	225.7	144.7	503.0
2012	193.9	-2.2	230.2	165.9	587.8
2013	243.7	51.3	236.0	173.9	704.9
2014	142.3	59.7	250.8	205.8	658.6
2015	0.0	14.7	247.8	211.6	474.1
2016	0.0	-18.5	258.8	182.5	422.8
TOTAL	1,843.8	690.3	2,299.2	1,547.9	6,381.2

* Source = Australia Post Annual Reports 2007 - 2016

'IN-CAMERA EVIDENCE – COMMERCIAL IN CONFIDENCE'

QUESTION ON NOTICE 91 – EXECUTIVE PAY BREAKDOWN

Senator Dastyari asked:

CHAIR: Senator Dastyari, you do not actually have the call.

Senator DASTYARI: I am sorry. I will wait for my opportunity.

CHAIR: Senator Urquhart.

Senator URQUHART: What I was asking for was for you to provide specific details of these salaries. I would like that broken down and I would like it attached to each of those positions.

Mr Fahour: Yes. We are very happy to give the information on notice and we will do that when we get the exact data for you.

Senator URQUHART: So how long will that take you?

Mr Fahour: When we get back to the office we will do the work and we will follow the customary process of how it works.

Answer: Refer below.

QUESTION ON NOTICE 96 – TERMINATION/RETIREMENT BENEFITS

Senator Dastyari asked:

Senator DASTYARI: There is termination/retirement benefits here. How many people on senior executive level were terminated and retired in the past year?

Mr Fahour: There was no-one terminated but for retirements in that 2016 year I can think of at least probably one person, I suspect.

Senator DASTYARI: So, we think that one person is the \$368,000 but it may be more? You can take that on notice.

Mr Fahour: Whatever their benefit is but I will find that out.

Answer: Refer below.

Senior Executive and Director Remuneration
Detail

	Number of senior executives	Short-term employee benefits (a)	Post-employment benefits (b)	Total
Year ended 30 June 2016				
<i>Senior Executives</i>				
Less than \$735,000	1	686,594	19,308	705,902
\$855,000 to \$884,999	1	844,794	43,102	887,896
\$915,000 to \$944,999	2	1,820,264	38,616	1,858,880
\$1,305,000 to \$1,334,999	1	1,303,014	19,308	1,322,322
\$1,485,000 to \$1,514,999	1	1,478,426	19,308	1,497,734
\$1,515,000 to \$1,544,999	1	1,444,806	82,350	1,527,156
\$5,625,000 to \$5,654,999	1	4,388,131	1,239,829	5,627,960
SUB-TOTAL	8	11,966,029	1,461,821	13,427,850
		Other long-term benefits (c)		4,067,430
		Termination/retirement benefits (d)		368,052
TOTAL SENIOR EXECUTIVES				17,863,332

(a) Short-term employee benefits includes cash salary, accrued annual leave, and accrued short term incentives as follows (with comparative figures shown for FY2014 and FY2015):

	FY2014	FY2015	FY2016
Cash salary	5,875,013	5,776,084	6,159,375
Annual Leave	442,238	420,954	441,578
Accrued short term incentives	5,896,428	1,433,505	5,365,076
TOTAL	12,213,679	7,630,543	11,966,029

(b) Post-employment benefits comprises superannuation contributions.

(c) The cost of "other long term benefits" comprises long service leave accruals and the accrued cost of long term incentive programs implemented for a number of senior executives which require performance against Board-approved hurdles over a number of years.

(d) The "termination and retirement benefits" of \$368,052 comprise a retirement benefit for a senior executive.

	Number of directors	Short-term employee benefits (a)	Post-employment benefits (b)	Total
Year ended 30 June 2016				
<i>Directors</i>				
Less than \$15,000	3	24,561	2,334	26,895
\$15,000 to \$44,999	1	14,351	1,363	15,714
\$45,000 to \$74,999	4	244,525	23,391	267,916
\$75,000 to \$104,999	2	180,467	17,144	197,611
\$105,000 to \$134,999	1	118,525	12,801	131,326
\$195,000 to \$224,999	1	182,520	17,339	199,859
TOTAL DIRECTORS	12	764,949	74,372	839,321
TOTAL	20	12,730,978	1,536,193	18,702,653



ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE

7 February 2017

Mr Ahmed Fahour
Managing Director & Group CEO
Australia Post
GPO Box 1777
MELBOURNE VIC 3001

Dear Mr Fahour

Request for confidentiality: senior executive remuneration

I refer to the letters dated 14 December 2016 and 24 January 2017 from Ms Erin Kelly, Corporate Secretary, Australia Post, seeking to provide evidence to the Committee on a confidential basis.

As I noted in my letter to you of 13 January 2017, Senate estimates is a key accountability mechanism that is open and transparent. This is reflected in the rules of the Senate that all committees considering estimates must take all their evidence in public. It is only in extraordinary circumstances that the Committee will agree to receive information sought during estimates on a confidential basis under another process.

After considering the nature of the information contained in the correspondence and the grounds against publication provided in the letter of 24 January 2017, the Committee remains of the view that the answers to the questions on notice should be made publicly available as part of the estimates process. Fundamentally, the Committee considers there are no compelling reasons for this particular information about the remuneration of senior executives at Australia Post to be hidden from public scrutiny.

In accordance with Senate standing order 26(2), the documents have been authorised for publication and will be made available on the Committee's website and to anyone on request.

In addition, the Committee has also agreed to make public Australia Post's and the Committee's correspondence relating to this matter. This correspondence has been published as additional information on the Committee's website.

As noted above, in coming to its decision the Committee considered the claims put forward in Ms Kelly's letter of 24 January 2017. The Committee's response to these claims and its expectations regarding future disclosure of such information are outlined below.

Claim relating to legislative requirements

Ms Kelly's letter refers to changed requirements for the reporting of senior management personnel remuneration made by the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015. The Committee wishes to emphasise that the approach taken

to the disclosure of senior executive remuneration as prescribed in financial reporting rules made by the Government from time to time has no status as far as the rules of the Senate are concerned and it cannot be presumed that the Senate or its committees will not insist on public disclosure of such information.

In addition, the Committee has previously been assured by the Minister for Finance that, despite the changes to financial reporting requirements made by the Government, Commonwealth entities are able to provide details of remuneration to the Committee upon request. As the Committee conducts the overwhelming majority of its activities in public, the Committee's expectation is that any information provided upon request would similarly intended for publication.

Claim relating to the unreasonable disclosure of personal information and commercial confidentiality

Ms Kelly's letter claims that the public disclosure of executive remuneration would involve the unreasonable disclosure of personal information that:

- would not promote or inform debate of issues of public importance;
- may have commercial implications for Australia Post; and
- may present issues of personal safety and security.

The public disclosure of senior executive remuneration is a common feature of accountability within the public sector and for listed companies. While information about the salaries and bonuses paid to individual senior executives for major Australian companies and other postal services globally is freely available to senators and the Australian public, similar information is not available for Australia Post. The Committee also notes that the information sought was available in the Australia Post annual report up to 2013–14 and was reported against individual senior executives, by name, in the 2010–11 annual report. Accordingly, any potential issues of personal safety and security do not appear to be compelling reasons to withhold publication.

The Committee also disagrees with the assertion that disclosure of the information would not promote or inform debate about issues of public importance. As a government business enterprise governed by Act of Parliament, Australia Post is accountable to the Parliament, and its committees, for the use of the public resources with which it has been entrusted. As Ms Kelly's letter acknowledges, Australia Post also, at times, declares a dividend to the Australian Government as its shareholder. The shareholder ministers are the Minister for Communications and the Minister for Finance, who are accountable to the Parliament.

The provision of information is in itself a necessary, but not sufficient, condition of accountability. Senators must also have the opportunity to seek explanations about information provided regarding expenditure and other aspects of administration. It is only in public session that financial and performance information about the public sector can be effectively scrutinised and that the public sector's compliance with accountability requirements to the Parliament, and the Australian people, can be clearly demonstrated.

Ms Kelly's letter also notes that Australia Post is a self-funded government business that does not rely on any government funding and, therefore, Ms Kelly asserts that the public disclosure of information about Australia Post's expenditure on senior executive remuneration is not relevant when considering public expenditure.

This statement is of particular concern to the Committee. As part of the estimates process, the Committee is empowered to take evidence from any bodies that have an impact on the expenditure of public funds. Even if an organisation does not receive money through the appropriation bills, its operations may have significant implications for the expenditure of public funds. In this regard, the Committee notes that operations of Australia Post have a very large financial significance to the Commonwealth. The Committee also notes that Australia Post has a statutory monopoly for reserved services and is subject to community service obligations.

Breach of contractual confidentiality rights

Ms Kelly's letter advises that the Managing Director & Group CEO and other senior executives are employed under individual contracts that include confidentiality obligations.

Confidentiality agreements in contracts do not apply to the taking and giving of evidence before a Senate committee and, because of parliamentary privilege, a party to a settlement cannot be liable for disclosing the terms of a contract to a committee.

Other matters and future approach

For your future reference, the Committee emphasises that it will not agree to information being provided on a confidential basis outside of the estimates process unless a compelling case has been made that public disclosure would harm the public interest. Even in cases where there may appear to be valid reasons for not publishing particular information, there can still be an overriding public interest in the information being made public.

Furthermore, the Committee remains concerned that, despite your assurances to the Committee that the information senators sought regarding senior executive remuneration would be provided on notice promptly (*Committee Hansard*, 18 October 2016, p. 76), Australia Post instead sought to provide answers to those questions outside of the estimates process and on a confidential basis without the Committee's prior agreement.

As noted above, there may be extraordinary circumstances where the Committee is willing to receive confidential evidence, either in response to a claim of public interest immunity or where it is otherwise apparent that particular information should not be publicly disclosed. It is a fundamental principle, however, that it is the Committee which must decide whether initiating such a course of action is appropriate, not Australia Post.

Moreover, the Committee considers that Australia Post should be considering ways to increase transparency about its operations and expenditure. In particular, the Committee notes that NBN Co, another wholly-government owned business enterprise, publishes detailed information about the remuneration paid to its senior executives as part of its annual report. Questions from the Committee seeking basic facts about senior executive remuneration could be avoided in future, and the public interest better served, if Australia Post were to follow NBN Co's example.

Finally, the Committee notes that Ms Kelly has requested that Australia Post be provided with a week's notice to 'manage and plan for any issues that will arise from a stakeholder perspective'. Beyond this statement, no further explanation is given as to why one week is required and what management and planning is required. The opportunity given to Australia Post by the Committee to provide reasons as to why publication of the evidence should not occur, and the time taken by the Committee to consider its response, has given Australia Post adequate time to prepare for any necessary stakeholder management. Given that Committee

members initially sought this information at a public hearing in October 2016, and that publication of estimates evidence occurs automatically on receipt, a delay will not be provided.

Yours sincerely

Senator James Paterson
Chair



SENATOR THE HON
SARAH HENDERSON
SHADOW MINISTER FOR COMMUNICATIONS
SENATOR FOR VICTORIA

Mr David Anderson
Managing Director
Australian Broadcasting Corporation
700 Harris St
Ultimo NSW 2007
via email: managingdirectorsoffice@abc.net.au

Dear Mr Anderson

2022-23 Budget estimates: Disclosure of role, gender, place of work and remuneration band of ABC Employees

I write to provide you with advanced notice that during your appearance at Senate estimates before the Environment and Communications Legislation Committee (**Committee**) on Tuesday 8 November 2022, I am seeking answers to the following questions:

1. For each ABC employee, contractor, sub-contractor or other worker currently working for the ABC (**ABC Employee**), please provide a spreadsheet listing the position title or job description of each ABC Employee, categorised into departments, divisions, programs, offices or other applicable working groups. Where a department includes multiple programs or divisions, each separate program or division should be specified. Where an ABC Employee works across a number of programs or divisions for instance, please provide the name of the entity to which the ABC Employee is currently assigned.
2. For each ABC Employee, please provide their gender where such information is available, place of employment and a total remuneration band in forty thousand dollar increments, starting at \$00.00 - \$40,000, being the amount of total remuneration per annum that each ABC Worker receives as defined in the *Public Governance, Performance and Accountability Rule 2014 (TRB)*.
3. So that there is no confusion, I am seeking this information for every ABC Employee. Please see the following theoretical example of how this information should be presented. I reiterate that the table below contains no factual information and is being provided as an example only.

ABC Legal

• General counsel	F	Sydney	TRB \$240,000 - \$280,000
• Senior solicitor (programming)	F	Sydney	TRB \$200,000 - \$240,000
• Senior solicitor (IP)	M	Melbourne	TRB \$160,000 - \$200,000
• Solicitor (general)	N/A	Brisbane	TRB \$120,000 - \$160,000
• Paralegal (general)	M	Sydney	TRB \$80,000 - \$120,000

Radio National AM Program

• Presenter	F	Melbourne	TRB \$280,000 - \$320,000
• Executive Producer	F	Melbourne	TRB \$160,000 - \$200,000
• Line-up producer	M	Hobart	TRB \$120,000 - \$160,000
• Story producer	M	Rockhampton	TRB \$80,000 - \$120,000
• Story producer (evening shift)	F	Sydney	TRB \$80,000 - \$120,000

4. Total remuneration of ABC Employees makes up approximately half of the ABC's total budget. Given the quantum of the ABC's total budget and the ongoing debate about the adequacy of ABC funding including in regional Australia, it is a matter of acute public interest that the ABC provides greater transparency about the role, gender, place of work and remuneration band of ABC Employees as well as how various departments, divisions, programs and offices are resourced.
5. In requesting this information, I am seeking to strike a balance between the privacy of ABC Employees with the right of the Parliament to scrutinise more comprehensively the expenditure of the ABC, and the manner in which the ABC is resourced.

Please note, as a courtesy, that I may make this letter public including by way of tabling it at Senate estimates.

Thank you for your consideration of these matters.

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Henderson". The signature is written in a cursive, flowing style.

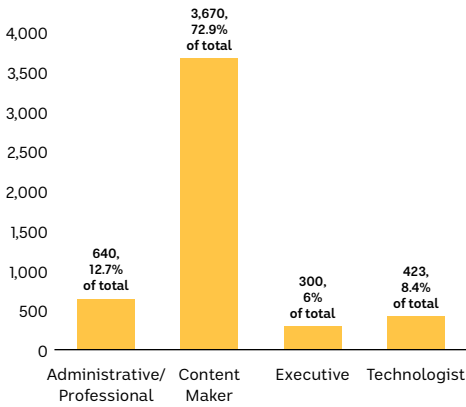
Sarah Henderson

6 November 2022

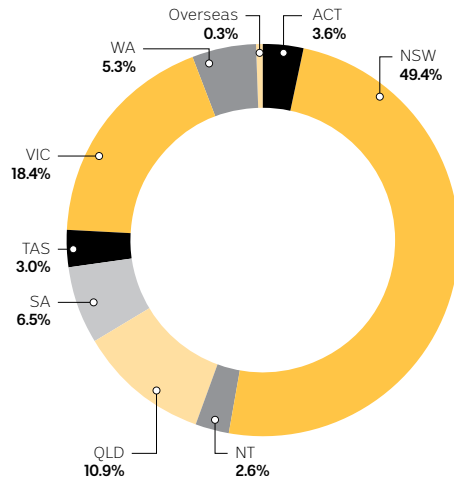
Where ABC employees live and work

ABC employees

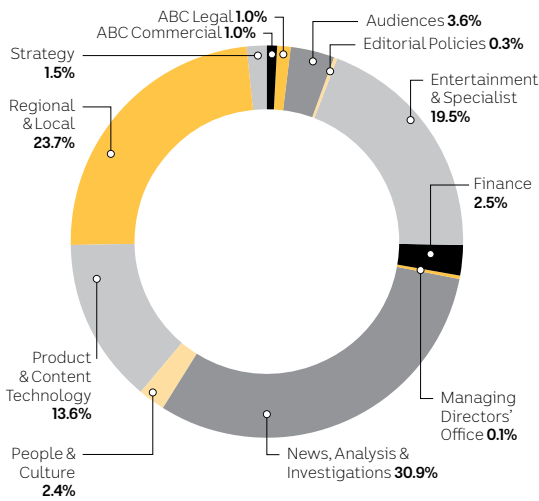
Distribution by job group*



Distribution by region*



Distribution by team*



* Statistics based on employees paid in the last pay period of June 2022, including casual employees. Does not include employees engaged locally overseas. **FTE** means Full Time Equivalent.

Notes to and Forming Part of the Financial Statements

for the year ended 30 June 2022

People and Relationships

11. Employee Provisions

Note 11

	2022 \$'000	2021 \$'000
11 Employee provisions		
Annual leave ^(a)	55,728	53,038
Long service leave ^(a)	90,484	91,615
Salaries and wages ^(b)	5,150	8,432
Superannuation ^(b)	1,523	1,268
Redundancy	4,347	2,394
Total employee provisions	157,232	156,747

(a) The settlement of employee leave provisions is based on the individual employee's entitlement to leave. Where an employee has a current entitlement to leave (i.e. is presently entitled to take the leave) or will have a present entitlement within 12 months, the value of that entitlement is included in the employee provisions expected to settle in no more than 12 months. Where the Corporation expects that an employee will be entitled to leave in the future but will not yet be entitled to that leave in 12 months, the value of the leave is included in the employee provision expected to settle in more than 12 months.

(b) A provision is made for estimated historical salary and wages, and superannuation entitlements owed to certain employees. This estimate is based on an extrapolation of entitlements calculated for a portion of potentially affected employees and factors in risks and uncertainties associated with the settlement of the liability. The provision for superannuation also includes an amount in respect of an outstanding employer contribution to a defined benefit superannuation scheme.

Accounting Policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts. Other long-term employee benefits are measured as the net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

Leave liabilities are calculated based on employees' remuneration at the estimated salary rates that will apply at the time the leave is taken, including the employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination. The calculation is based on the anticipated length of time taken for an employee to fully settle their leave entitlement. The long service leave liability is calculated by an actuary.

This amount is determined by reference to attrition rates and pay increases through promotion and inflation. This discount rate is based on the Commonwealth Government bond yield for a bond with a similar term to the liability.

Redundancy

A provision is made for separation and redundancy benefit payments. The ABC recognises a provision for termination when it has developed a detailed formal plan that will result in the terminations and has informed those employees affected that it will carry out the plan.

Superannuation

ABC employees are members of the Commonwealth Superannuation Scheme (CSS), Public Sector Superannuation Scheme (PSS), the Public Sector Superannuation Accumulation Plan Scheme (PSSap) or another non-Commonwealth superannuation fund.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap and other non-Commonwealth funds are defined contribution schemes.

Notes to and Forming Part of the Financial Statements

for the year ended 30 June 2022

12. Key Management Personnel Remuneration

Note 12

	2022					2021				
	€					€				
	Short-term employee benefits	Post employment benefits: Superannuation	Other long-term employee benefits: Long Service Leave	Termination Benefits	Total	Short-term employee benefits	Post employment benefits: Superannuation	Other long-term employee benefits: Long Service Leave	Termination Benefits	Total
Executive management										
David Anderson (Managing Director)	901,145	143,334	(7,577)	–	1,036,902	897,596	144,251	56,387	–	1,098,234
Michael Carrington	423,968	23,568	7,403	–	454,939	451,262	21,694	12,135	–	485,091
Melanie Kley	572,078	23,568	15,711	–	611,357	526,177	21,694	14,172	–	562,043
Gaven Morris	372,526	31,606	(31,368)	–	372,764	561,786	73,199	41,025	–	676,010
Justin Stevens	148,290	8,529	99,793	–	256,612	–	–	–	–	–
Judith Whelan	480,024	23,568	7,615	–	511,207	448,605	21,694	15,658	–	485,957
Board										
Ita Buttrose (Chair)	178,190	27,441	–	–	205,631	169,281	26,069	–	–	195,350
Fiona Balfour	58,670	5,867	–	–	64,537	9,778	929	–	–	10,707
Jane Connors	58,670	11,030	–	–	69,700	55,737	9,698	–	–	65,435
Mario D’Orazio	58,670	5,867	–	–	64,537	9,778	929	–	–	10,707
Kirstin Ferguson	–	–	–	–	–	26,391	2,507	–	–	28,898
Joseph Gersh	58,670	5,867	–	–	64,537	55,737	5,295	–	–	61,032
Vanessa Guthrie	–	–	–	–	–	41,069	3,902	–	–	44,971
Peter Lewis	58,670	9,035	–	–	67,705	55,737	8,583	–	–	64,320
Georgina Somerset	58,670	5,867	–	–	64,537	55,737	5,295	–	–	61,032
Peter Tonagh (Deputy Chair)	78,203	7,820	–	–	86,023	9,778	929	–	–	10,707
Donny Walford	–	–	–	–	–	22,001	2,090	–	–	24,091
Total	3,506,444	332,967	91,577	–	3,930,988	3,396,450	348,758	139,377	–	3,884,585
Total number included above					14					16

Notes on remuneration

- a. All Executive Managers served for the full reporting period in 2022 except as follows:
 - Gaven Morris served from 1 July 2021 to 3 December 2021 (resigned).
 - Justin Stevens served from 4 April 2022 to 30 June 2022.
- b. All Executive Managers served for the full reporting period in 2021.
- c. All Board members served for the full reporting period in 2022. Peter Tonagh was appointed to the Deputy Chair position on 11 November 2021.
- d. The following Board members served for part of the reporting period in 2021:
 - Kirstin Ferguson – 1 July 2020 to 11 November 2020 (term ended)
 - Donny Walford – 1 July 2020 to 23 November 2020 (term ended)
 - Vanessa Guthrie – 1 July 2020 to 19 March 2021 (resigned)
 - Fiona Balfour – 13 May 2021 to 30 June 2021
 - Mario D’Orazio – 13 May 2021 to 30 June 2021
 - Peter Tonagh – 13 May 2021 to 30 June 2021
- e. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister’s remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the Corporation.
- f. The above table is prepared on an accrual basis, including remuneration at risk which is included under short term employee benefits. Remuneration at risk is recognised in the period in which the decision to pay the entitlement is made. Short term employee benefits also include the movement in the employees’ accrued annual leave entitlements during the period. Other long-term employee benefits: Long Service Leave reflects the estimated entitlement to long service leave that was accrued during the period, calculated in accordance with the methodology explained in Note 10 *Employee Provisions*. This includes changes to the value of an employee’s accrued leave entitlement that resulted from a change in their salary during the period and changes to the discount rate and other factors used to calculate the present value of the liability.
- g. Remuneration of the Chair and Directors of the Board is determined by the Remuneration Tribunal. In addition to the remuneration of the Chair and Directors of the Board disclosed above, the Board incurred expenses of **\$272,843** (2021 \$217,373).
- h. The aggregate remuneration of other Senior Executives and Other Highly Paid Employees is published in the ABC’s Annual Report.

Appendix 6 – Executive remuneration reporting

As a Commonwealth entity, the ABC is required to disclose executive remuneration information in annual reports in accordance with the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule).

Commonwealth entities are required to present remuneration for key management personnel, senior executives, and other highly paid staff, as defined in the PGPA Rule.

Key management personnel

Key management personnel (KMP) are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. The Corporation determined KMP as the members of the Board, the Managing Director, Content Team Directors, and the Chief Financial Officer.

Senior executives

Senior executives are employees employed in a position equivalent to classification Groups 9 to 11 of the table in Schedule 1 to the Public Service Classification Rules 2000. The Corporation determined senior executives as executive directors who are not KMP (Senior Executives).

Other highly paid staff

Other highly paid staff are employees who are neither KMP nor senior executive and whose total remuneration paid during the year exceeded \$235,000 (Other Highly Paid Staff).

Total remuneration

Total remuneration is defined in the PGPA rule as the sum of the following (calculated on an accrual basis):

- Base salary
- Performance pay and bonuses
- Other benefits and allowances
- Superannuation contributions (made by the employer)
- Long service leave
- Other long-term benefits
- Termination benefits.

Executive and employee remuneration policy

At the core of the ABC's approach to remuneration is a need to ensure the Corporation can realise its strategic priorities through an ability to attract and retain employees who deliver on its priorities and deliver value for audiences into the future.

Remuneration principles



Equitable

We ensure our remuneration approach is consistent and equitable



Market competitive

We attract and retain the best talent to meet our current and future workforce needs



Performance aligned

We recognise and reward for contribution to performance goals and targets



Transparent

We have a transparent and disciplined approach to managing remuneration decisions and costs



Remuneration framework

Fixed remuneration

At risk remuneration

Element

Fixed remuneration comprises base salary, superannuation, and benefits.

The ABC removed at risk pay as an element of remuneration for executive KMP, senior executives and other highly paid staff with effect from 1 January 2021.

Performance

Reviewed annually to reflect the experience, competence and contribution of individuals whilst remaining conservatively competitive against the market.

The Commonwealth Remuneration Tribunal (the Tribunal) has consented to the removal of at risk pay from the position of Managing Director (MD) from 1 June 2018.

Some other highly paid staff are eligible to receive a one-off bonus payment in lieu of a salary increase for exceptional performance in accordance with the ABC Enterprise Agreement 2019-22.

Alignment

Attracts and retains the best talent to meet ABC's strategic priorities.

Target remuneration mix

■ Fixed remuneration

■ At-risk remuneration

Executive KMP (excluding MD) and senior executives

100%

Eligible other highly paid staff

93-100%

0-7%

Remuneration governance

All executive KMP, senior executives and other highly paid staff are employees of the ABC. Remuneration and other terms of employment are formalised as follows:

- **executive KMP and senior executives (executives):** Individual employment agreement
- **other highly paid staff:** individual employment agreement or engaged through either the *ABC Senior Employment Agreement 2016* or the *ABC Enterprise Agreement 2019-22*.

During the year ended 30 June 2022, ABC's Audit & Risk Committee (**ARC**) assisted the Board in fulfilling its governance responsibilities in relation to remuneration. Outlined below is the ABC's approach for setting, monitoring and approving remuneration policy and amounts. Note that the Managing Director's (**MD**) remuneration arrangements, including the MD's annual total remuneration amount, are set by the Commonwealth Remuneration Tribunal (**the Tribunal**).

Non-executive director (NED) remuneration

All ABC NEDs are appointed by the Commonwealth of Australia through the Shareholder Ministers.

The Commonwealth Remuneration Tribunal, an independent statutory body overseeing the remuneration of key Commonwealth offices, determines fees for all ABC NEDs. ABC is required to comply with the Tribunal's determinations and plays no role in the consideration or determination of NED fees.

The Tribunal sets annual Chair, Deputy Chair and Board Member fees (exclusive of statutory superannuation contributions) which are inclusive of all activities undertaken by NEDs on behalf of the ABC (that is, inclusive of Committee participation). Statutory superannuation is paid in addition to the fees set by the Tribunal.

The Commonwealth Remuneration Tribunal determination for the relevant period set the following ABC Board fees:

- **Chair:** \$178,190
- **Deputy Chair:** \$87,970
- **Member:** \$58,670

MD	ARC	ABC Board
<ul style="list-style-type: none"> ✓ Recommend Executive KPIs ✓ Evaluate and provide recommendations regarding remuneration structures and incentive plans for Executives, including any changes to those structures or plans ✓ Approve Executive remuneration with respect to individual remuneration arrangements, KPIs, performance assessments and remuneration outcomes ✓ Approve performance assessments and remuneration outcomes for Other Highly Paid Staff, as recommended by ABC's managers 	<ul style="list-style-type: none"> ✓ Review and recommend to the Board Executive remuneration structures and incentive plans, policies and practices including any changes to those plans 	<ul style="list-style-type: none"> ✓ Review and approve recommendations referred by the ARC

Key management personnel remuneration

Name	Position title	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
Executives									
David Anderson	Managing Director	\$901,145	\$-	\$-	\$143,334	(\$7,577)	\$-	\$-	\$1,036,902
Michael Carrington	Director Entertainment & Specialist	\$423,968	\$-	\$-	\$23,568	\$7,403	\$-	\$-	\$454,939
Melanie Kley	Chief Financial Officer	\$533,828	\$38,250	\$-	\$23,568	\$15,711	\$-	\$-	\$611,357
Gaven Morris*	Director News, Analysis & Investigations	\$241,776	\$130,750	\$-	\$31,606	(\$31,368)	\$-	\$-	\$372,764
Justin Stevens	Director News, Analysis & Investigations	\$148,290	\$-	\$-	\$8,529	\$99,793	\$-	\$-	\$256,612
Judith Whelan	Director Regional & Local	\$444,664	\$35,360	\$-	\$23,568	\$7,615	\$-	\$-	\$511,207
Non-executive Directors (part-time)									
Ita Buttrose	Chair	\$178,190	\$-	\$-	\$27,441	\$-	\$-	\$-	\$205,631
Jane Connors	Staff Elected Director	\$58,670	\$-	\$-	\$11,030	\$-	\$-	\$-	\$69,700
Peter Tonagh	Deputy Chair	\$78,203	\$-	\$-	\$7,820	\$-	\$-	\$-	\$86,023
Fiona Balfour	Director	\$58,670	\$-	\$-	\$5,867	\$-	\$-	\$-	\$64,537
Mario D'Orazio	Director	\$58,670	\$-	\$-	\$5,867	\$-	\$-	\$-	\$64,537
Joseph Gersh	Director	\$58,670	\$-	\$-	\$5,867	\$-	\$-	\$-	\$64,537
Peter Lewis	Director	\$58,670	\$-	\$-	\$9,035	\$-	\$-	\$-	\$67,705
Georgina Somerset	Director	\$58,670	\$-	\$-	\$5,867	\$-	\$-	\$-	\$64,537

Notes on remuneration:

- All Executive Managers served for the full reporting period in 2022 except as follows:
 - Gaven Morris served from 1 July 2021 to 3 December 2021 (resigned).
 - Justin Stevens served from 4 April 2022 to 30 June 2022.
- All Board members served for the full reporting period in 2022. Peter Tonagh was appointed Deputy Chair on 11 November 2021.
- The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the Corporation.
- The above table is prepared on an accrual basis, including remuneration at risk which is included under bonuses. Remuneration at risk is recognised in the period in which the decision to pay the entitlement is made. Short term employee benefits also include the movement in the employees' accrued annual leave entitlements during the period. Other long-term employee benefits: Long Service Leave reflects the estimated entitlement to long service leave that was accrued during the period, calculated in accordance with the methodology explained in Note 10 Employee Provisions in the financial statements. This includes changes to the value of an employee's accrued leave entitlement that resulted from a change in their salary during the period and changes to the discount rate and other factors used to calculate the present value of the liability.
- Remuneration of the Chair and Directors of the Board is determined by the Remuneration Tribunal. In addition to the remuneration of the Chair and Directors of the Board disclosed above, the Board incurred expenses of **\$272,843**.

Senior executive remuneration

Senior Executives are employees employed in a position equivalent to classification Groups 9 to 11 of the Table in schedule 1 of the Public Service Classification rules 2000. The Corporation determined senior executives as executive directors who are not KMP.

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total average remuneration
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Other long-term benefits		
\$0-\$220,000	1	\$101,086	\$29,000	\$-	\$7,210	\$8,437	\$-	\$-	\$145,733
\$220,001-\$245,000	1	\$206,478	\$-	\$-	\$17,345	\$3,202	\$-	\$-	\$227,026
\$245,001-\$270,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$270,001-\$295,000	1	\$175,234	\$-	\$-	\$29,256	\$68,392	\$-	\$-	\$272,883
\$295,001-\$320,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$320,001-\$345,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$345,001-\$370,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$370,001-\$395,000	2	\$318,277	\$38,250	\$-	\$17,676	\$4,479	\$-	\$-	\$378,681
\$395,001-\$420,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$420,001-\$445,000	1	\$338,291	\$31,879	\$-	\$66,355	\$5,034	\$-	\$-	\$441,558
\$445,001-\$470,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$470,001-\$495,000	1	\$384,272	\$-	\$-	\$65,467	\$20,728	\$-	\$-	\$470,467
\$495,001-\$520,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$520,001-\$545,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$545,000-\$570,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$570,001-\$595,000	1	\$471,061	\$72,250	\$-	\$23,568	\$16,962	\$-	\$-	\$583,841

Other highly paid staff remuneration

Other highly paid staff are employees who are neither KMP or senior executive and whose total remuneration paid during the year exceeded \$235,000.

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total average remuneration
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Other long-term benefits		
\$235,001-\$250,000	24	\$193,137	\$1,901	\$-	\$31,436	\$6,786	\$-	\$9,630	\$242,890
\$250,001-\$275,000	37	\$215,488	\$2,460	\$-	\$32,826	\$9,353	\$-	\$-	\$260,128
\$275,001-\$200,000	13	\$237,115	\$2,348	\$-	\$36,138	\$9,893	\$-	\$-	\$285,492
\$300,001-\$325,000	9	\$237,444	\$5,671	\$-	\$38,681	\$5,438	\$-	\$28,683	\$315,917
\$325,001-\$350,000	9	\$251,632	\$14,223	\$-	\$35,006	\$8,643	\$-	\$29,279	\$338,782
\$350,001-\$375,000	5	\$244,101	\$-	\$-	\$33,984	\$9,049	\$-	\$72,147	\$359,281
\$375,001-\$400,000	12	\$288,683	\$6,186	\$-	\$43,667	\$7,483	\$-	\$41,597	\$387,616
\$400,001-\$425,000	2	\$187,889	\$6,750	\$-	\$29,634	\$6,966	\$-	\$178,894	\$410,133
\$425,001-\$450,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$450,001-\$475,000	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
\$475,001-\$500,000	2	\$353,410	\$28,022	\$-	\$44,103	\$55,692	\$-	\$-	\$481,228
\$500,001-\$525,000	2	\$407,658	\$6,251	\$-	\$64,419	\$28,678	\$-	\$-	\$507,005

GENDER

Women make up 54.9% of the ABC's workforce as at 31 August 2021. 44.7% of the ABC's workforce are men and 0.4% identify as gender diverse.

The Plan outlines targets for female executives and female technologists.

- For the reporting period (August 2021), the ABC has achieved strong representation of women in the executive group, with 52.4% women executives against the 2022 target of 50%. This is an increase from 50.7% from the previous reporting period (August 2020).
- There are 20.4% of women technologists against the overall target of 20% as set out in the Plan. This is an increase from 17.9% from the previous reporting period (August 2020).

Gender distribution by occupation group

Occupation Group	AUG 2021			AUG 2020		
	Female	Male	Gender Diverse	Female	Male	Gender Diverse
Senior Executive	52.4%	47.3%	0.3%	50.7%	49.3%	0.0%
Administrative/ Professional	75.3%	24.5%	0.2%	73.5%	26.3%	0.2%
Content Maker	55.5%	44.0%	0.5%	55.3%	44.5%	0.2%
Technologist	20.4%	79.4%	0.2%	17.9%	81.8%	0.3%
Total	54.9%	44.7%	0.4%	54.1%	45.7%	0.2%

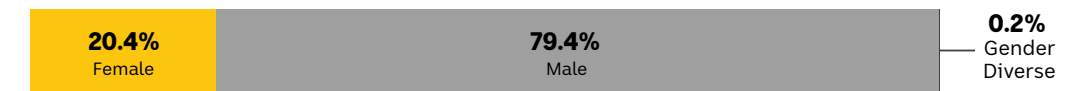
Number and percentage based on total head count, non-casual employees, within occupation group. Data as at 31-08-21.

Gender distribution by occupation group

TOTAL



TECHNOLOGIST



CONTENT MAKER



ADMINISTRATIVE/PROFESSIONAL



SENIOR EXECUTIVE



Previous page: Emma Donovan, Artist in residence on Double J

Appendix F

Development opportunities

The CALD mentoring stream was launched in June 2021 and continued in 2022. The program is part of the ABC's broader mentoring program and is designed to build a pipeline of culturally diverse staff and increase the retention of high-potential CALD staff.

CALD staff from all ABC divisions were selected to participate. The program includes Individual and group mentoring, as well as interactive participant-driven learning.

Indigenous employment

The ABC has continued its specialist Indigenous recruitment strategy, launched in 2020, to increase Indigenous representation across the organisation with 20 centrally funded roles. The initiative is part of the employment objectives outlined in the ABC's Elevate Reconciliation Action Plan 2019-2022 (RAP).

The RAP champions initiatives which recognise and embrace Australia's Indigenous history and cultures. This includes a commitment to embed Aboriginal and Torres Strait Islander languages, voices and names within the ABC's programs, so that this may become a part of the vocabulary of the nation.

The objectives in the RAP which relate directly to Indigenous employment include:

- Ensuring all ABC divisions develop an action plan for reaching Indigenous employment and other RAP targets.
- Ensuring the proportion of Indigenous staff is at least as high as the proportion of the Australian Indigenous population. The ABC's Indigenous employment target for 2022 is 3.6%.
- Increasing the number of Indigenous employees in content-making, editorial and management decision-making roles at senior and executive levels.
- Encouraging awareness of potential careers at the ABC through targeted recruitment campaigns, talent databases, industry and tertiary networks and social media campaigns.

- Maximising the retention of Indigenous employees through career development planning, mentoring, emerging and executive leadership training, and mobility support.
- Contributing to the growth of Indigenous employment in the wider media industry
- Increasing opportunities for Indigenous suppliers to work with the ABC.

The Bonner Committee is the ABC's primary advisory body on issues relating to Aboriginal and Torres Strait Islander staff, content, and communities. It is also responsible for monitoring progress against the RAP, with the Committee Chair reporting to the Managing Director on matters arising from the Committee's work. Committee members are a mix of Indigenous and non-Indigenous staff drawn from around the country. The Committee is named in honour of the first and only Indigenous ABC board member, Senator Neville Bonner.

Gender profile

Women make up 54.9% of the ABC's workforce. This is a 0.1% increase from June 2021.

The ABC has achieved gender parity in its executive group, with 54.8% of executive positions being held by women. The target was 50%. The ABC has also increased the representation of women technologists to 20.8% against a 2022 target of 20%.

A gender pay analysis was conducted in 2021 across the ABC workforce to identify meaningful pay gaps (defined as +/- 3%) unfavourable to women at any level in the ABC. There is only one meaningful pay gap of 3.9% at Band 9, and this is favourable to women. This gap has significantly reduced from 7.9% in 2020 and is closing. Based on these results, the ABC believes its pay practices are equitable and that it pays fairly for roles at each level in the organisation.

There continues to be a whole-of-organisation pay gap of 5.3% favourable to men. This reflects the higher representation of women in the lower-paid bands in the ABC's structure, rather than inequitable pay practices or bias during pay decisions.