



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-259
Date of Application	19 August 2024
Date of Decision	12 September 2024
Processing time (in working days)	18
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	Documents, statistical information pertaining to gender pay gap.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-259 Freedom of Information request
Date: Sunday, 18 August 2024 2:42:02 PM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

A large grey rectangular area redacting the form fields for Title, First Name, Last Name, Business/Organisation, Address, Suburb, Postcode, State/Territory, Phone/mobile, and Email address.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Documents ,statistical information and source material pertaining to the gender pay gap from Human Resource departments that has been submitted to the ACT Government to determine the gender pay gap.

I do not want to access the following documents in relation to my request::

National source material derived from WGEA department.

Thank you.
Freedom of Information Coordinator



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDDFOI 2024-259



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 August 2024.

Specifically, you have sought access to the following information:

- *Documents, statistical information and source material pertaining to the gender pay gap from Human Resource departments that has been submitted to the ACT Government to determine the gender pay gap.*
- *You did not want: National source material derived from WGEA department.*

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

Therefore, a decision is due by **30 September 2024**.

Decision on access

Searches of CMTEDD records have identified two documents within the scope of your request.

I have decided to grant **full access** to two documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

The information being released to you is provided at **Attachment B**.

Exemptions considered

Schedule 1: Information taken to be contrary to the public interest.

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

- *No relevant sections identified.*

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Schedule 2: Factors to be considered when deciding the public interest.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

I did not identify any factors favouring nondisclosure.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the Information Access Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate

12 September 2024



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

Documents, statistical information and source material pertaining to the gender pay gap from Human Resource departments that has been submitted to the ACT Government to determine the gender pay gap.
I do not want: National source material derived from WGEA department.

CMTEDDFOI 2024-259

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Gender Pay Gap Calculation Methodology and FAQ	undated	Full release	N/A	Yes
2	3	Statistical summary	undated	Full release	N/A	Yes
Total No of Docs						
2						

Gender Pay Gap Calculation Methodology and FAQ

Pay Gap Calculation Methodology

Element	Details
Name	Pay Gap (or <i>cohort group</i> Pay Gap)
Description	The Pay Gap is expressed as the percentage difference between average salaries between cohort groups. The Pay Gap can be calculated in cases where there are only two cohorts being compared (e.g.-female/male) with the result focussing on a result for a specific target cohort group (e.g.- the Gender Pay Gap reports the percentage difference between female and male salaries as a percentage of the Male average salary, the focus being on how female salaries differ from male salaries).
Calculation Method/Formula	<p>The Pay Gap calculation method involves normalising employee salary data to draw an even comparison. This is achieved by adjusting the full-time equivalent annual salary to reflect a rate based on 75 hours work per fortnight (this levels the difference between staff who work 73.5 hours per fortnight and those that may work 76.00 or 80.00 hours per fortnight).</p> <p>An average salary result is derived for each of the cohorts being compared. Using the two average salaries, the following formula is applied:</p> $\frac{(\text{Target Cohort Average Salary} - \text{Non target Cohort Average Salary})}{\text{Non target average salary}}$ <p>This method will produce a percentage result, where, in cases where the target cohort group has a lower average salary, a negative percentage result is produced and in cases where the target cohort group has a higher average salary a positive percentage result is produced.</p>
Exceptions	
Measurement Period Length	The Pay Gap is produced as at a point in time, however, can be produced as a trend over time for specific points in time.
Interpretation/ Usage	The Pay Gap is used to draw comparisons of average earnings for specific cohort groups. The results generated by the Pay Gap metrics when viewed as a trend over time can indicate whether there is a growing or reducing gap in salaries between specific groups.

Frequently Asked Questions

Does the effect of normalising salaries create a disparity in the comparisons?

No. The normalisation process effectively levels the measurement in a way that effectively means the comparison stands true down to hourly rates of pay.

Is there an impact due to differing cohort group sizes?

Yes. Where there is a significant difference between the cohort groups being measured, the impact of variations on the overall average changes.

An example would be the ACT Public Service where Female staff represent approximately 65% of the workforce, with Males making up the majority of the remaining 35%.

With this size of difference between the Male and Female cohort groups, a variation in salary for 1 Male would need an equivalent variation in salary for 1.85 Female staff to not impact the overall Pay Gap result.

What other factors will affect the Gender Pay Gap results?

While the ACT Public Service is a large workforce, there are a range of factors which will influence the Gender Pay Gap and cause minor fluctuation in the result. Many of these factors are variable and occur at an individual level.

Examples of factors that will influence the outcome include:

- Employee Commencements (average of 485 commencements per month in 2022)
- Employee Separations (average of 451 separations per month in 2022)
- Increments (average of 785 nominal increments processed per month in 2022)
- Promotions (approximately 165 promotions per month in 2022)

Act Public Service Gender Pay Gap

FinancialYear	Gender	Avg Normalised Annual Salary
2022-23	Female	104156
2022-23	Male	104030

Pay Gap	-0.1%
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