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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 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 \$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;
 - 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. 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

6 November 2022