

16 June 2023

Roxy Tickle

By email: foi+request-10323-f738eac5@righttoknow.org.au

Dear Roxy Tickle

DECISION – REF. NO ABC FOI 202223-065 – Correspondence

I refer to your email sent Wednesday 17 May 2023 seeking access under the *Freedom of Information Act 1982* (the **FOI Act**) to:

...all correspondence in either direction between Senator Claire Chandler and Ita Buttrose and/or any other of their staff members acting on their behalf between 27.4.2022 and 31.10.2022 regarding either of the following:

1. the following piece by Kate O'Halloran: <https://www.abc.net.au/news/2022-04-27/trans-inclusion-womens-sport-participation-politics-election/101015082>
2. application of ABC editorial guidelines to the above piece

As notified to you by email on Thursday 1 June 2023, the ABC was required to consult with a third party, such that a decision is due on your request by Monday **17 July** 2023, under s 15(6) of the FOI Act.

Authorisation

I am authorised by the Managing Director of the ABC to make decisions about FOI requests under s 23 of the FOI Act.

Decision

I have identified two documents that answer the scope of your request - **Document 1 and 2**. These documents are described in **Schedule 1**, attached.

I have granted access to **Document 1 and 2** in full.

Material taken into account

In making my decision I have considered:

- the scope of your request
- the content of the documents requested
- the FOI Act
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**the Guidelines**)
- responses to consultation undertaken with a third party

Locating and identifying documents

The search for documents included approaching the ABC's Chair's office.

I consider all reasonable steps were taken to identify and locate relevant documents that answer your request. I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate the documents relevant to your request. I find that the ABC is not in possession of further documents.

Reasons for decision

The ABC Chair consented to the release of **Document 2** being her reply to Document 1.

Third Party Consultation

The ABC consulted with Senator Chandler about **Document 1** to seek her views on the release of the document under freedom of information and she consented to its release.

Review rights

Your review rights are set out in **Annexure A**.

Yours sincerely



Ali Edwards
Head of Rights Management & FOI Decision Maker
foi.abc@abc.net.au

Schedule 1 – Document Schedule – FOI 202223-065

No.	Date	Description	Page/s	Access grant decision	Exemption section/s
01	August 2022	Letter from Senator Claire Chandler to ABC Chair	2	Full	-
02	28 September 2022	Letter from Ita Buttrose to Senator Claire Chandler	2	Full	-

Annexure A – Your Review Rights

If you are dissatisfied with this decision you can apply for Internal Review by the ABC, or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review.

APPLICATION FOR INTERNAL REVIEW

You have the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request. If you apply for an internal review, the Managing Director will appoint an officer of the Corporation (not the person who made the initial decision) to conduct a review and make a fresh decision.

You must apply in writing for an internal review of the decision within 30 days of receipt of this letter. No particular form is required, although it would help if you set out the reasons for review in your application.

Application for a review of the original decision should be emailed to ABC: foi.abc@abc.net.au

or addressed to: FOI coordinator
 ABC Legal
 Level 13, 700 Harris Street
 ULTIMO NSW 2007

APPLICATION FOR INFORMATION COMMISSIONER (IC) REVIEW

Alternatively, you have the right to apply for a review by the Information Commissioner of the decision refusing to grant access to documents in accordance with your request. Your application must:

- be in writing;
- be made within 60 days of receipt of this letter;
- give details of how notices may be sent to you (for instance, by providing an email address); and
- include a copy of the decision for which a review sought.

The Information Commissioner has a discretion not to undertake a review (see Division 5, FOI Act). Please refer to the OAIC website FOI review process page for further information and/or to access the online form for applying for IC review:

<https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Alternatively, application for IC Review can be emailed to: enquiries@oaic.gov.au or

addressed to: Director of FOI Dispute Resolution
 GPO Box 5218
 Sydney NSW 2001

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may complain to the Information Commissioner about any action taken by the ABC in the performance of functions, or exercise of powers, under the FOI Act. The Information Commissioner may make inquiries for the purpose of determining whether or not to investigate a complaint.

Complaints can be made in writing to: OAIC - GPO Box 5218 Sydney NSW 2001