

18 December 2012



Australian
Broadcasting
Corporation

Mr David Reid

Corporate Affairs

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By email: foi+request-35-e407e208@righttoknow.org.au

Dear Mr Reid

FOI REQUEST - REFERENCE NUMBER 2012-23

I refer to your email of 14 December 2012 in which you sought access to the following documents under the *Freedom of Information Act 1982* (the FOI Act):

“Documents from the ABC concerning the nomenclature used to refer to Taiwan in its reporting. These documents could include policies, guidelines, memos, emails, presentations and letters issued or available to reporters, producers and other editorial staff... In particular I seek documents which may be related to reporting on the following issues and events:

- 1 2012 London Olympic Games;*
- 2 Summits and meetings of APEC;*
- 3 The United Nations and affiliated bodies such as the World Health Organisation, UNFCCC and Civil Aviation Organisation;*
- 4 Meetings of the WTO and negotiations surrounding free trade agreements; and*
- 5 Territorial disputes in the “South China Sea” and Sankaku Islands”.*

I am writing to clarify the scope of your request so that I may effectively and efficiently identify and locate all relevant documents.

Your request as presently drafted refers to “memos, emails, presentations and letters” which have been issued or available to “reporters, producers and other editorial staff”. Locating all such documents would require a search through a significant volume of the ABC’s hard and soft copy records, as well as all relevant employees’ email records. This would involve a substantial amount of time, not taking into account the additional time that will be required to identify and review relevant documents, as well as make a formal decision in relation to such documents. In the circumstances, it would be useful to limit the scope of your request to (among other matters):

- Only specific types of documents and excluding certain documents, such as draft documents;
- Documents provided to specific employees within the ABC; and
- Documents written or provided within a specific time frame.

At this stage, having regard to the above, I am of the opinion that the scope of this request is not sufficiently precise to enable me to commence processing your application. Without sufficient clarity, any searches would likely constitute an unreasonable diversion of the ABC’s resources.

I note also that documents relating to the ABC's program material are outside the scope of the FOI Act by virtue of s7(2) and Part II, Schedule 2 of the FOI Act. The exemption in that Part has been considered by the Federal Court of Australia and was interpreted to apply not just to 'program material', but also to any document that has a 'direct or indirect relationship to program material'. This exemption may be applicable to all or some of the documents that you are requesting access to, and you may want to consider the application of this exemption when you clarify the scope of your request.

I would be grateful if you could contact me to discuss the terms of your application. Once I have clarified the scope of your request, the 30-day processing period will commence.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink, appearing to read "J Maude".

Judith Maude

Head, Corporate Governance
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