

6 March 2013



Australian
Broadcasting
Corporation

Mr Luke Mansillo

Corporate Affairs

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By email: foi+request-51-e00ed687@righttoknow.org.au

Dear Mr Mansillo

FOI REQUEST - REFERENCE NUMBER 2013-12

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 4 February 2013. Specifically, you have sought access to the following documents:

“emails from the ABC to the Leader of the Opposition’s Office and replies from his Office detailing requests made regarding his appearance [on Q&A] since 16 August 2010”.

I am authorised by the Managing Director under section 23 of the FOI Act to make decisions in respect of requests made under that Act. Following is my decision in relation to your request.

I have identified 26 documents which fall within the scope of your request. I have reviewed those documents and I am satisfied that they are all ‘program material’. The ABC is specifically excluded from the operation of the FOI Act in relation to its program material by virtue of s7(2) and Part II, Schedule 2 of the FOI Act. ‘Program material’ for the purposes of that Part has been interpreted to mean:

“the program and all versions of the whole or any part of the program, any transmission broadcast or publication of the program, and includes a document of any content or form embodied in the program and any document acquired or created for the purpose of creating the program, whether or not incorporated into the completed program...[and including] a document created after a program is broadcast [such as] transcripts of programs ... and documents produced by the ABC or incorporated in its records directly concerning the substantive content of the broadcast program”

The documents you have requested were created for the purpose of creating the Q&A program. Accordingly, they fall within the definition of ‘program material’ and the ABC is exempt from the operation of the FOI Act in relation to them. In those circumstances, a decision regarding access is not required.

If you are dissatisfied with this decision you can apply for Internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review. Information about your review rights is attached.

Yours sincerely

A handwritten signature in blue ink that reads "jmaude." The signature is written in a cursive, lowercase style.

Judith Maude

Head, Corporate Governance
Direct line 02 8333 5316