

7 February 2013



Australian
Broadcasting
Corporation

Mr Luke Mansillo

Corporate Affairs

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Dear Mr Mansillo

FOI REQUEST - REFERENCE NUMBER 2013-11

I refer to your emails of 4 February 2013 seeking access to documents under the *Freedom of Information Act 1982 (Cth)*. Having reviewed your emails, it appears that four of your requests are for the same information, but relating to four different programs. In my view, these requests can be combined in order to save administration time. Accordingly, I propose dealing with the applications as a single request for the following:

“copies of correspondence from the ABC to offices of federal Members of Parliament and replies from their offices detailing requests made since 21 August 2010 for interviews on the following programs:

- *7.30;*
- *Lateline;*
- *Four Corners; and*
- *Insiders.”*

Could you please confirm that you are happy for me to proceed on that basis.

If so, I would also like to clarify the scope of your request to enable me to accurately identify and locate relevant documents. As presently drafted, I am of the opinion that the scope of this request is so broad that any searches would likely constitute an unreasonable diversion of the ABC's resources.

As you would be aware, there are currently 150 members of the House of Representatives and 76 members of the Senate. A search for correspondence with all 226 would require ABC staff to search through an extensive number of hard and soft copy records in order to identify all Members of Parliament who have been contacted by any employee working on the relevant programs since 21 August 2010. This does not take into account the time needed to identify Members of Parliament who

may have retired or resigned in the period between 21 August 2010 and 4 February 2013. There will be a further body of work required to make an assessment as to relevance and access.

It would be of assistance to clarify and refine your request to limit the scope to (among other matters):

- Refer to specific Members of Parliament; and
- Requesting only documents provided to or by specific ABC employees, such as the Production Manager or Executive Producer.

Please note that in seeking to clarify the scope of your request I am not making any representations about the existence of documents, or whether access to documents will be granted.

I note also that 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"

You should be aware that in considering whether to exclude any document in relation to your request, I will have regard to whether it falls within this definition of 'program material'.

I would be grateful if you could contact me to discuss the scope and 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



Judith Maude

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