



19 November 2019

P Johns

E) [foi+request-5549-289e8646@righttoknow.org.au](mailto:foi+request-5549-289e8646@righttoknow.org.au)

Dear P Johns

**FOI REQUEST – REFERENCE NUMBER 201920-011**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act), which was clarified in your email of 15 August 2019. Specifically, you sought access to the following documents:

*“Communications between Ita Buttrose and David Anderson regarding the AFP search warrants, as well as any communications they may have had with either Hugh Marks or Michael Miller in relation to the AFP search warrants, between 4 June 2019 and 31 July 2019 inclusive. These communications include emails, letters, sms and messaging apps etc.”*

**Authorisation**

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.

**Locating and identifying documents**

I confirm that reasonable steps have been taken to identify and locate all relevant documents. This involved contacting the Chair of the ABC and the Managing Director, whose offices proceeded to search for documents relevant to this request.

As a result of those searches, one (1) document was found to be in scope of your request.

**Third party consultation**

I can confirm that the ABC conducted consultation processes with all affected third parties, and any submissions received were duly considered.

***Access to documents***

Access is granted to Document 1. A copy of that document is attached to the email containing this decision.

***Review rights***

You have rights in relation to this decision. Those rights are set out at **Annexure A**.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal line that curves slightly upwards at the end.

**Connie Carnabuci**  
**ABC General Counsel & FOI Coordinator**  
[foi.abc@abc.net.au](mailto:foi.abc@abc.net.au)

## **Annexure A – Review rights**

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.

### **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 make an application for 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 completely fresh decision on the merits of the case.

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

Application for a review of the decision should be addressed to:

The FOI Coordinator  
ABC Legal Services  
Building B Level 13  
700 Harris Street  
ULTIMO NSW 2007

Or sent to: [xxx.xxx@xxx.xxx.xx](mailto:xxx.xxx@xxx.xxx.xx)

### **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)
- include a copy of the decision for which a review sought.

You should be aware that 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>

Application for a review of the decision by the Information Commissioner should be addressed to:

Director of FOI Dispute Resolution  
GPO Box 5218  
Sydney NSW 2001

Or sent to: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

### **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 should be made via the OAIC's online form <https://www.oaic.gov.au/freedom-of-information/foi-complaints>, or to the following address:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001