



4 August 2020

Mr Angus Ferguson

E) foi+request-6432-e090e9f4@righttoknow.org.au

Dear Mr Ferguson

FOI REQUEST – REFERENCE NUMBER ABC FOI 201920-066

I refer to your email of 26 June 2020 in which you sought access to the following under the *Freedom of Information Act 1982* (the FOI Act):

“... documents informing of redundancy sent to ABC ME staff in Melbourne in June 2020.”

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. Following is my decision in relation to your request.

Locating and identifying documents

Reasonable steps were taken to identify and locate all relevant documents. The search for documents included contacting ABC Entertainment & Specialist, who oversee ABC ME and who in turn consulted with ABC People & Culture, and the Head of Children’s Production.

As a result of those searches, the staff consulted have advised that the ABC does not hold the document/s you have requested at this time.

Under section 24A of the FOI Act, the ABC may refuse a request for access if all reasonable steps have been taken to find a document and the ABC is satisfied that the document does not exist. In the present case, I consider that all reasonable steps have been taken to locate relevant documents. I am further satisfied that the requested documents do not exist and therefore access to them is refused pursuant to section 24A of the FOI Act.

Further information about this outcome is below in ***‘Background’***.

Background

The relevant contacts mentioned above have confirmed that no documents were sent directly to any of the ABC ME Melbourne team regarding redundancy, as those processes are still in consultation. As such, there has been no written confirmation of redundancy to individuals.

Staff across the ABC have been provided with information regarding the redundancies process, including expressions of interest in redundancies and entitlements upon redundancy.

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, appearing to read 'P Longstaff', with a large, stylized initial 'P'.

Pamela Longstaff
Head of Corporate Governance & FOI Coordinator
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
Level 13
700 Harris Street
ULTIMO NSW 2007

Or sent to: foi.abc@abc.net.au

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

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 in writing to the following address:

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