

26 February 2013



Australian
Broadcasting
Corporation

Ms Margot Kingston

Corporate Affairs

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Dear Ms Kingston

FOI REQUEST - REFERENCE NUMBER 2013-15

I refer to our telephone discussion on 26 February 2013 and your subsequent email regarding to the scope of your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

I note that the scope of your request has been clarified, and that you are seeking access to the following four categories of documents:

1. *In relation to the Jon Faine Smith/Baker broadcast interviews on 23 November 2012 via 774 ABC Melbourne:*
 - *The text of all received complaints;*
 - *The text of the ABC's Audience and Consumer Affairs unit's and involved management's responses to those complainants*
2. *In relation to the Jon Faine Smith/Baker broadcast interviews on 23 November 2012 via 774 ABC Melbourne:*
 - *The text of all documents contained in the ABC's Audience and Consumer Affairs complaints file;*
 - *The members of the complaints committee and their status;*
 - *The record of the complaints committee processes;*
 - *The detailed reasons underpinning the ultimate finding in relation to Jon Faine.*
 - *The text of all communications between the ABC's Audience and Consumer Affairs unit and involved management in relation to the complaints and investigation process.*
3. *In relation to the Jon Faine Smith/Baker broadcast interviews on 23 November 2012 via 774 ABC Melbourne:*

- *The text of all communication (after the initial complaints and any initial responses) between the ABC Audience and Consumer Affairs unit, involved ABC management and the complainants;*
 - *The text of all communication between the ABC's Audience and Affairs unit, involved ABC management and Jon Faine during the entire process of the investigation and the complaints committee process.*
 - *The text of all communications between the ABC's Audience and Consumer Affairs unit, relevant ABC management and Mark Baker and Michael Smith during the entire process of the investigation and the complaints committee process.*
4. *All documents concerning Mr Faine's response to the finding and any request to review the finding, including details of the complaints decision review process.*

In relation to paragraph 4 above, the scope of this part of your request is still extremely broad, and potentially describes documents which I am not able to easily identify. In the interests of progressing this matter without further delay, I propose interpreting paragraph 4 as being limited to:

"Mr Faine's response to the finding and any request made by Mr Faine to review the finding, including details of the complaints decision review process".

If you are not satisfied with that approach, please let me know as soon as possible.

I confirm that the 30 day statutory period for processing your request commences from the day after the scope of your request was clarified, being 27 February 2013.

Subject to any suspension of the processing period or extension of the time for deciding this application, the ABC is required to make a determination in relation to this application by 28 March 2013. Please note that processing charges may be imposed and that consultation with third parties may be required. If it is necessary to seek agreement to pay charges or to consult with third parties, additional processing time is provided under the FOI Act. You will be advised of any charges as well as any need to consult third parties in relation to your request.

Please note that the ABC is required by the FOI Act to publish decisions and accessed information on its website within 10 working days after the release of the documents to the FOI applicant.

If you wish to discuss this matter, please do not hesitate to contact me quoting the reference number set out above.

Yours sincerely



Judith Maude
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