

4 March 2013



Australian
Broadcasting
Corporation

Ms Margot Kingston

Corporate Affairs

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Dear Ms Kingston

FOI REQUEST - REFERENCE NUMBER 2013-15

I am writing in relation to your recent request made under the *Freedom of Information Act 1982* (the FOI Act). Specifically, you have sought access to the following 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. *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.*

In accordance with subsection 29(1) of the FOI Act, you are liable to pay a charge in respect of the processing of your request. An assessment of the work involved in processing your request has been undertaken and the preliminary estimate of the applicable charge is \$312.50 calculated in accordance with the attached schedule.

It is important to note that the attached estimate of processing time – and the relevant fees – may increase or decrease, depending on the nature of the work required. However, you will be advised if the fees increase beyond the estimate outlined above. As the charge exceeds \$100, a deposit of 25% (\$78.10) is required. Within 30 days of this notice you are required to:

- agree to pay the charge and forward the deposit; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- narrow the scope of your request (which may reduce the charge payable); or
- withdraw your request.

If you fail to notify the ABC in a manner mentioned above within 30 days of this notice, your request will be taken to have been withdrawn.

If you contend that the estimated charge has been wrongly assessed, or should be reduced or not imposed, you must notify the ABC of your contention, providing reasons, and evidence where relevant, to support your contention. In deciding whether to reduce or not to impose a charge, the decision-maker will consider all relevant factors, including:

- whether payment of the charge, or a part of it, would cause you financial hardship; and
- whether the giving of access is in the general public interest.

Once the ABC has completed the processing of your request, the assessment of the charge payable will be revised based on the actual amount of work involved in processing your request. If you are refused access to any of the documents that are relevant to your request, the ABC may not impose an actual charge that is higher than the estimated charge. This means that, if you are refused access to any document, the actual charge that will be payable will be lower than or equal to, but not more than, the total estimated charge indicated above. It is only if you are granted access to all the documents that are relevant to your request that the actual charge that is imposed may be higher than the estimated charge.

If you agree to pay the estimated charge set out above, or the deposit for that charge, you should complete and return the attached Payment Form.

Please note that if you provide a deposit and the processing of your request progresses to a point where a decision on access is made, a decision about the imposition of the actual charge will be made at that time. As a result, the balance of the actual charge will become a debt due to the

Commonwealth, which the ABC would be obliged to pursue, unless other arrangements are made, or the ABC agrees to waive the fees.

In accordance with s31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice, being today's date. Please be advised that the charge notice day is not counted in calculating the processing time limit. I confirm that 13 days have already passed, and the processing time limit will resume:

- On the day upon which the ABC receives your deposit.
- Alternatively, if you decide to contest the charge, the processing time limit will resume on the day upon which the ABC notifies you of its decision not to impose a charge – if the ABC so makes a decision.

In the event that the ABC decides to reduce the charge and deposit is required, the processing time limit will recommence on the day upon which you pay the reduced deposit.

More information about charges under the FOI Act is available in Fact Sheet 7 on the Office of the Australian Information Commissioner's website: www.oaic.gov.au/publications/factsheets.html and in part 4 of the Australian Information Commissioner's FOI guidelines: www.oaic.gov.au/publications/guidelines.html#foi_guidelines.

Yours sincerely



Judith Maude

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