



## Corporate Affairs

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007 GPO Box 9994 Sydney NSW 2001 Tel. +61 2 8333 5261 abc.net.au

Dear

## **FOI REQUEST - REFERENCE NUMBER 2015-023**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your letter of 20 May 2015. Specifically, you have sought access to the following:

... any photographs or video footage taken by the ABC at [7-9 View Road, 'The Patch', in the Dandenong Ranges, Victoria]..."

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.

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..."

Any photographs or video footage taken by the ABC at the identified location would only have been obtained for the purpose of creating a program for broadcast and/or online publication. Your request refers explicitly to material that would have formed part of a completed program, for instance a news or current affairs program, and to material that would have been created for the purpose of creating any such program.

I am satisfied that the requested documents would, by their nature, fall within the definition of 'program material', and that the ABC would be exempt from the operation of the FOI Act in relation to them. In those circumstances, I do not propose taking further steps to process your request.

If you are dissatisfied with this outcome you can apply for Internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review. Information about your review rights is attached.

Yours sincerely



**Judith Maude** Head, Corporate Governance