

ABC Australian Broadcasting Corporation

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007

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FOI APPLICATION

Dear

I refer to your letter of 14 June 2011 in which you sought access to documents under the *Freedom of Information Act 1982* (the FOI Act).

Specifically, you have requested access to:

All documents containing information held by the ABC relating to the Four Corners program '[A] Bloody Business' broadcast on 30 May 2011 including all information in all documents, tapes, films computer entries and phone records held by the ABC that in any way relate to that program.

I have decided to refuse access on the basis that any documents which contain information relating to material broadcast on *Four Corners* are outside the scope of the FOI Act.

Under section 7(2) and Part 2 of Schedule II of the FOI Act, the ABC is exempt from the operation of the Act in relation to documents that relate "to its program material and datacasting content". The Federal Court of Australia considered the scope of this exclusion in *Australian Broadcasting Corporation v The University of Technology, Sydney* [2006] FCA964, and decided that the exclusion applies to "program material" (such as scripts and tapes) as well as any document that has a "direct or indirect relationship to program material".

I am satisfied that the documents you have described have a direct relationship with the ABC's program material such that it falls outside the operation of the FOI Act.

You may find the information you are looking for on the *Four Corners* website, which contains additional information regarding the program 'A Bloody Business'. The site contains a transcript of the program, as well as transcripts of interviews, reports, related news and media and other background information. You can access that information by copying the following URL into your web browser: <u>http://www.abc.net.au/4corners/content/2011/s3228880.htm</u>

If you have concerns regarding the factual accuracy of the *Four Corners* program, you may contact the ABC's Audience and Consumer Affair's unit. The unit is separate to the content making areas of the ABC, and is responsible for assessing and considering written complaints. The unit will investigate complaints which raise serious editorial issues. Information about the ABC Editorial Policies is available on the ABC's website at www.abc.net.au/corp/

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. Information about your review rights is attached.

Yours sincerely

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Judith Maude FOI Coordinator Direct line 02 8333 5316