



## Corporate Affairs

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007 GPO Box 9994 Sydney NSW 2001

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Dear

## **FOI REQUEST - REFERENCE NUMBER 2013-02**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 16 January 2013. Specifically, you have sought access to the following documents:

"written authorisation from senior ABC management authorising the broadcast of footage obtained by deception, using a hidden camera, to go to air on the 7.30 Report on two occasions, as listed below:

Hunting rights hide horror for dugongs, turtles

http://www.abc.net.au/7.30/content/2012/s3448943.htm

Broadcast: 08/03/2012

Reporter: Sarah Dingle and Lesley Robinson

Will inquiry stop cruelty to turtles, dugongs?

http://www.abc.net.au/7.30/content/2012/s3458727.htm

Broadcast: 19/03/2012 Reporter: Sarah Dingle

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.

I have identified four (4) documents which fall within the scope of your request. I have reviewed those documents and I am satisfied that they are all 'program material'. 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...[and including] a

document created after a program is broadcast [such as] transcripts of programs ... and documents produced by the ABC or incorporated in its records directly concerning the substantive content of the broadcast program"

The documents you have requested were created for the purpose of creating the content which was broadcast on the 7.30 programs that you have identified. Accordingly, they fall within the definition of 'program material' and the ABC is exempt from the operation of the FOI Act in relation to them. In those circumstances, a decision regarding access is not required.

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

**Judith Maude** 

Head, Corporate Governance Direct line 02 8333 5316