



By email:

## Corporate Affairs

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Dear

I refer to your email of 2 November 2011 in which you sought access to documents under the *Freedom of Information Act 1982* (the FOI Act). Specifically, you have sought copies of:

- 1. The "rate card" or budget extracts for facilities used on fully internal productions (such as Art Nation, Collectors, the New Inventors and Spicks and Specks). The facilities include:
  - weekly/daily costs for edit suites and edit personnel,
  - daily charges for fully crewed studio
  - rent for ABC owned production offices
  - use of ABC archive material per minute used, and
  - level of back charging of ABCTV management executive producers into the show budget.
- 2. The "Rate Card" or budget extracts for facilities used on a typical external production for the ABC (or "Co-production"). The request lists the same facilities as those above.
- 3. The charge out "Rate Card" and actual rate for the use of ABC fully crewed studio facilities in Sydney for a production undertaken for broadcast on a third party network (such as Good News Week production for the Ten Network at Studio 22 in Sydney).

Following is my decision in relation to your request.

## Point 1 – "Rate card" for internal productions

I have identified four (4) documents which meet the description of "rate card".

Access to these documents is denied. I am satisfied that the documents are exempt under s47(1)(b) of the FOI Act, being documents which contain information which has a commercial value which could reasonably be expected to be destroyed or diminished if the information were disclosed.

The documents contain information which is used as the basis for determining the internal value of production, as well as the value of the ABC's equity in other productions. The ABC's ability to negotiate with external producers would be significantly compromised if the information about the ABC's internal costs, which forms the basis for those negotiations, was disclosed. This information clearly has a commercial value which would be diminished if it were disclosed. Accordingly, access to these documents is refused.

In relation to "budget extracts", there is no overall budget for facilities for internal productions from which an extract could be obtained. Budgets are established on a case-by-case basis for individual productions.

## Point 2 - "Rate card" for typical external productions

The manner in which the ABC commissions external productions will vary depending on a number of factors, including the funding model that is used and the equity contribution that the ABC is making to the production. Accordingly, there is no such thing as a "typical external production". The four documents referred to above provide guidance in relation to the cost of labour and facilities for external productions. I have identified one (1) additional document which falls within the scope of this part of your request. Access to this document is denied for the same reason as set out above.

In relation to "budget extracts for facilities used on a typical external production", the ABC does not have an overall budget for facilities for external productions. Budgets are established on a case-by-case basis for individual productions.

## Point 3 – "Rate card" for use of ABC fully crewed studio facilities

In relation to point 3, the ABC does not have any documents which meet this description. The rates charged for ABC production facilities in Sydney for third party productions are negotiated on a case-by-case basis, using the attached documents. Accordingly, there is no "rate card" or standard rates, and the actual rates charged will vary.

As you may be aware, the ABC is an agency governed by the *Commonwealth Authorities and Companies Act 1997*. As such, the principle of "competitive neutrality" requires that the ABC should not enjoy net competitive advantages over its private sector competitors by virtue of public sector ownership. This means that the ABC prices its production services on a comparable basis to private sector organisations.

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** 

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