

By email:		
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Dear		

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

I confirm receipt of your email dated 15 July 2012 seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

Specifically, you have sought access to "any correspondence between the Department of Immigration and Citizenship and the ABC in relation to an apology made on 8 July 2012 by ABC television following a report aired on ABC television on by Ms Jane Bardon on the use of the points system in immigration detention."

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.

The ABC is exempt from the operation of the FOI Act in relation to documents relating to its program material (see FOI Act, s7(2) and Part II, Schedule 2). I am satisfied that documents relating to the broadcast of content, including the broadcast of an apology on ABC Television, have a clear and direct relationship with the ABC's program material such that they fall outside the operation of the FOI Act. Accordingly, access to any documents which may exist will not be granted.

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 FOI Coordinator Direct line 02 8333 5316