



ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007 GPO Box 9994 Sydney NSW 2001 Tel. +61 2 8333 1500 abc.net.au

## **FOI APPLICATION**

Dear

I refer to your email of 1 November 2011 seeking access to documents under the Freedom of Information Act 1982 (the FOI Act).

You have requested access to a range of documents relating to the following organisations:

- The Centre for Independent Studies (CIS)
- The Institute of Public Affairs (IPA)
- The Sydney Institute
- Australian Strategic Policy Institute
- The Lowy Institute for International Policy
- US Studies Institute
- Spectator Australia magazine
- American Enterprise Institute
- The Heritage Foundation
- Competitive Enterprise Institute
- The Cato Institute
- FreedomWorks
- Centre for Strategic and International Studies (CSIS)
- George Marshall Institute
- Hoover Institution
- Manhatten Institute
- The Atlas Foundation/Network
- National Empowerment Television (NET)
- National Centre for Journalism (NCJ)
- Institute for Economic Affairs
- Adam smith Institute
- Centre for Policy Studies
- Policy Exchange

Mon Pelerin Society.

You have described these organisations collectively as "Advocacy Organisations" and for simplicity I will adopt the same protocol in my decision. Please note that I have limited my decision to the Advocacy Organisations identified. If there are other organisations you would like to include in the list (for instance, subsidiaries), please identify them by name.

My decision in relation to your request is as follows:

1. Any arrangements made since January 1 2000 for commentary or program services provided by the [Advocacy Organisations] either on a one-off or continuing basis.

The ABC does not have any documents which reflect arrangements with any of the Advocacy Organisations for commentary or program services on a continuing basis.

It is possible that documents exist relating to the provision of a one-off commentary. However, given the scale of the ABC's operations and the nearly 12 year time frame you have specified, it would be extremely time-consuming for ABC employees in every program area throughout its domestic and international operations to search for any relevant documents. In accordance with s24AB(2), I am required to notify you of my intention to refuse access to the documents requested on the basis that processing the request would substantially and unreasonably divert ABC resources from other operations.

The FOI Act provides that you have 14 days from receipt of this notification in which to consult with the ABC, during which time you must either:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise your request.

I am available to discuss this aspect of your request on (02) 8333 5316 or by email at maude.judith@abc.net.au.

 The identification terms (captions, super titles and/or voice introductions) used to inform listeners/viewers of the status, qualifications or relevance of those staff/members who were interviewed or used for commentary following such arrangements with the organisations, and details of the status, qualifications or relevance of the Advocacy Organisations, and of the person involved.

Captions and voice-overs which appear in ABC programs are very clearly related to program material and are therefore out of scope of the FOI Act.

However, you may find information relevant to your request in the *ABC Editorial Policies* Guidance Note relating to Attribution of Sources. A copy is available online at www.abc.net.au/corp/pubs/edpols.htm

3. Any resource material discovered by 'due diligence' or compiled in any way by ABC staff and circulated to program-producers which includes instructions relevant to the above, or which informs, warns or guides producers as to the appropriate use of such Advocacy Organisations.

The ABC does not have resource materials which relate specifically to the Advocacy Organisations.

However, the *ABC Editorial Policies* provide guidance to content makers in relation to the production and presentation of content. The *ABC Editorial Policies* are available online at the link provided above.

4. Any report produced within the ABC which has examined the sources of funding, the independence (eg. claimed 'non-partisan' status), legal structures, mission-statements, special agendas and propaganda output of these Advocacy Organisations and/or their staff/members.

The ABC does not have any documents which meet this description.

5. Details of ABC training programs, lecture series, or information exchanges intended to assist program producers and journalists in the identification of these Advocacy Organisations.

The ABC does not have any documents which meet this description.

6. Any ABC-implemented investigations into the names and reputations of those in control of these Advocacy Organisations, the sources of their funding, the nature and extent of past political and ideological lobbying activities, and any political and commercial connections they might have had, or now have (other than broadcast programmes), including any reports or database information compiled for, or circulated on this subject within the ABC. Also anything detailing the ways in which the Advocacy Organisations in general provide propaganda and lobbying services to large corporations, industry umbrella groups, political parties, and US government agencies.

In relation to the first part of this request, the ABC does not have any documents which meet this description. Please note that this does not include any relevant documents which the ABC may hold as a result of research conducted for the purpose of producing program material.

In relation to documents "detailing the ways in which the Advocacy Organisations in general provide propaganda and lobbying services to large corporations, industry umbrella groups, political parties, and US government agencies", it is not clear why this request is being addressed to the ABC. The ABC does not have documents relating to the operation or activities of the Advocacy Organisations.

7. Any financial arrangements (one-off or extended) which ABC producers or executives have made with such Advocacy Organisations for them to provide (possibly free or at low-cost) use of studio time, equipment, production crews, uplink satellite facilities, satellite air-time, and the services of the organisation's executives, staff, scholars, fellows, etc. as commentators. Also any journalistic junkets, or payment for air-fares, accommodation, etc to individuals or crews to cover certain events.

In relation to the first part of this request, the ABC does not have any documents which meet this description.

In relation to the second part of your request, I have assumed that you are referring to "journalistic junkets, or payment for air-fare, accommodation etc" which have been provided by the Advocacy Organisations. While it is unlikely that the ABC has any documents which meet this description, you will need to clarify what is meant by "certain events" in order for me to be able to identify any relevant documents.

8. Any arrangements made for the ABC to use on-air material produced by these Advocacy Organisations in the form of prepared print or broadcast material, documentaries (including segments of documentaries), pre-packaged interviews, Video News Releases (VNRs), sound, or TV 'bites'.

Any arrangements (if they exist) for the use of on-air material would be related to program material, and therefore out of scope of the FOI Act.

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** 

**FOI Coordinator** 

Direct line 02 8333 5316