



By email:

# Corporate Affairs

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Dear

#### **FOI REQUEST - REFERENCE NUMBER 2013-16**

I refer to your letter of 4 February 2013, which I received on 4 March 2013, in which you sought access to the following documents under the Freedom of Information Act 1982 (the FOI Act):

- 1. All correspondence, including emails, between 1 October 2006 and 31 December 2007, in relation to a complaint filed by the Mutitjulu community (and received by the ABC on 30 October 2006) about the story broadcast on 21 June 2006 entitled 'Sexual abuse reported in Indigenous community', between the ABC Complaints Review Panel and the following people:
  - a. Ms Suzanne Smith;
  - b. Mr Brett Evans;
  - c. Mr Tony Jones; and
  - d. Mr Peter Charley.
- 2. All correspondence, including emails, in relation to the story broadcast on June 21, 2006 entitled 'Sexual abuse reported in Indigenous community' between Mark Scott, or Mr Scott's office, and the following people:
  - a. Ms Suzanne Smith;
  - b. Mr Brett Evans;
  - c. Mr Tony Jones; and
  - d. Mr Peter Charley.
- 3. All correspondence, including emails, from Mr Alan Sunderland between 21 June 2006 and 31 December 2012 where it specifically relates to the story broadcast on 21 June 2006 entitled 'Sexual abuse reported in Indigenous community'.
- 4. All correspondence, including emails, between Lateline staff and staff based within the ABC Media Watch program, between 21 June 2006 and 31 December 2006 related to the story broadcast on 21 June 2006 entitled 'Sexual abuse reported in Indigenous community'.
- 5. All correspondence, including emails, between ABC Lateline journalist Suzanne Smith and Mr Stephen Mayne, between the dates of 1 June 2006 and 31 December 2006.

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.

## Locating and identifying documents

My search for these documents involved:

- contacting the Head of Audience and Consumer Affairs, who has access to correspondence with the former Independent Complaints Review Panel, for documents described in point 1;
- contacting the Managing Director's office for documents described in point 2;
- contacting Alan Sunderland directly for documents described in point 3;
- contacting Alan Sunderland as Head of Policy and Staff Development, who in turn contacted
  the relevant staff within the program areas you have identified for documents described in
  points 4 and 5.

As a result of those searches, one document has been identified which falls within the scope of point 1.

I confirm that extensive searches were conducted of electronic records. For instance, Mr Sunderland advised that he used an electronic search tool to search for all records on his computer using key words. He identified a total of 1,295 documents which include the word "Lateline" somewhere within the document. While he was not able to refine the search further by date ranges, he undertook the following further searches:

- search for documents which contain both of the words 'Lateline' and 'Indigenous'. This identified
  18 emails, 13 of which fell within the period covered by your request. All 13 were examined, and
  none related to the story which is the subject of your request.
- Search for documents which contain both of the words 'Lateline' and 'sexual'. This identified 18
  emails, 10 of which fell within the period covered by your request. All 10 were examined, and
  none related to the story which is the subject of your request.

Similarly, other employees confirmed that advanced searches of their records were conducted. I am satisfied that the steps which have been taken to identify and locate relevant documents have been reasonable.

## Access to documents

I have decided to grant access to the document. A copy of the document is attached. Personal information which is not relevant to your request has been redacted.

### Payment of charges

In accordance with Regulation 5(2) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulation), the ABC is not permitted to impose a charge in circumstances where the ABC has failed to notify you of a decision within the statutory time period specified in s15(5)(b).

Given that I have not notified you of a decision within that period, no charges are payable. In addition, I am required by Regulation 14 to refund to you the deposit of \$55 which was paid on 9 May 2013. I will arrange for this to be processed by the ABC's Accounts department.

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