



By email:

## 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 2015-012**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 3 March 2015. Specifically, you have sought access to the following documents related to the *Four Corners* report, "Bowraville: Unfinished Business" which was first broadcast on 4 April 2011:

- "1 The unedited interview transcript with Mr [Allan] Williams.
- 2 The unedited video of the interview with Mr Williams.
- Any correspondence between the reporter(s) involved and Mr Williams—preceding or after the interview."

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.

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... it would include a document created after a program is broadcast. Such documents might include transcripts..."

Your request refers explicitly to material that formed part of a completed program; material created for the purpose of creating the program; and program material created after the program was broadcast. I am satisfied that the requested documents fall within the definition of 'program material', and that the ABC is exempt from the operation of the FOI Act in relation to them.

If you are dissatisfied with this outcome 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