



By email:

Dear

Corporate Affairs

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FOI REQUEST - REFERENCE NUMBER 2013-10

I refer to your email of 1 February 2013 regarding the ABC's estimate of charges in relation to your request for access to documents under the *Freedom of Information Act* 1982 (FOI Act).

I note that you have contended that the charge which was set out in the ABC's letter of 31 January 2013 should not be imposed on the basis that it would cause you financial hardship.

In light your request, I am required by s29(4) of the FOI Act to decide whether the charge will be reduced or not to be imposed. 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 the imposition of a charge in this matter.

Section 29(5) stipulates that, in addition to any matter which I may take into account, I must consider whether the proposed charge would cause financial hardship, and also whether giving access to the documents in question is in the general public interest, or in the interest of a substantial section of the public.

I have had regard to whether the documents you are seeking access to are in the interests of the general public or a substantial section of the public. I note that there is a significant amount of information already available to the general public regarding the subject of your request, being the process of program classification by the ABC. For instance:

- As required by s8(1) of the Australian Broadcasting Corporation Act 1983, the ABC is required to develop codes of practice relating to programming matters and notify those codes to the ACMA. The ABC's Code of Practice is available on the ABC's website: http://about.abc.net.au/reports-publications/code-of-practice-2013/
- The ABC Editorial Policies require that non-exempt ABC programming is classified pursuant to the ABC Code of Practice. The ABC Editorial Policies are available ABC's website: http://about.abc.net.au/reports-publications/editorial-policies/

Information about program classification is provided in the Television Program Classification
Associated Standard, which is available on the ABC's website:
http://about.abc.net.au/reports-publications/television-program-classification-associated-standard-2/

 Additional classification information is provided on the ABC's independent production site: http://www.abc.net.au/tv/independent/

• The ABC made a joint submission (with SBS) to the ALRC National Classification Scheme Review in November 2011. That submission is publicly available: http://about.abc.net.au/wp-content/uploads/2012/06/ABC-SBSSubmissionALRCClassificationReviewDec2011.pdf

 The ALRC's Final Report in relation to the National Classification Scheme Review was tabled on 1 March 2012. That report is publicly available: http://www.alrc.gov.au/publications/classification-content-regulation-and-convergent-media-alrc-report-118

 The ABC made changes to classification time zones for each ABC television channel, effective 1 January 2013. The ABC communicated these changes to audiences onair and online. That information is still available. http://www.abc.net.au/tv/classification

Given the volume of information already in the public domain, the extent of the ABC's transparency in relation to classification of programs, and the fact that ABC program classification is not a matter of active public debate, I am not satisfied that access to the documents in question is in the interest of the general public or a substantial section of the general public.

In relation to your contention of financial hardship, I acknowledge the evidence that you have provided regarding your current employment status and income, and I recognise that the charge may cause you financial hardship.

I have reviewed the estimate of charges, and I am satisfied that the estimate fairly reflects the work involved in providing access to the documents. I have also had regard to the very broad scope of your request.

Taking all of these matters into account, I have decided that the charge will not be reduced or not imposed.

I note that you have requested access to a substantial volume of documents, and that significant work will be required to process the request. If you would like to reduce the scope of the request, I would be happy to recalculate the estimate of charges.

Yours sincerely

Judith Maude

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