



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

Dear

FOI REQUEST FOI15/141 ABC REFERENCE NUMBER 2015-032

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your application to the Attorney-General's Department, which was received by them on 15 July 2015. The ABC has accepted a partial transfer of your request from that Department under section 16(1) of the FOI Act, in order to address the subject matter of part 5 of your application. Specifically, you have sought access to the following:

5. ABC 4 Corners program

"Details of the sources and/or research material relied upon" in production of the
 '4 Corners' program, involving allegations against

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 Schedule 2, Part II 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."

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The sources used and research material relied upon to produce the program in question would have been found or utilised respectively for the purpose of creating that program for broadcast and/or online publication. Accordingly, any documents which fall within the scope of point 5 of your request

¹ Australian Broadcasting Corporation and Herald and Weekly Times Pty Limited and Anor [2012] AATA 914 (21 December 2012), see [57].

would clearly be material that was "acquired or created for the purpose of creating the program, whether or not incorporated into the completed program".

On that basis, I am satisfied that the requested documents would, by their nature, fall within the definition of 'program material', and that the ABC would be exempt from the operation of the FOI Act in relation to them. In those circumstances, I do not propose taking further steps to process your request.

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