



By email:

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 - REFERENCE NUMBER 2012-22

I refer to your email of 7 December 2012 in which you sought access to the following documents under the *Freedom of Information Act 1982* (the FOI Act):

"copies of all "hot issues briefs" including any attachments, prepared by [the ABC] for the last Senate Estimates round".

I had written to you subsequently to clarify the scope of your request as I considered that it was unlikely that any search would uncover documents which would be called "hot issues briefs". However, having now conducted a search I have identified a range of documents described as "priority briefs", which appear to fall within the scope of your request. The priority briefs address matters which have been the subject of recent public discussion, and are therefore considered to be topical issues. I have proceeded on the basis that your request is for access is to those documents.

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.

I have identified a document comprising 102 pages which falls within the scope of your request. For the reasons set out below, I consider that the document contains some conditionally exempt material. I have decided to provide access under s22 to an edited copy of the document which has had the exempt material deleted. A copy of the redacted document is attached.

The basis for the deletions is set out below.

1 Section 47C(1)

Subsection 47C(1) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of ... an agency or ...a Minister

I have decided that one (1) page contains deliberative matter. The page contains information about consultation between the ABC and the Minister for Broadband, Communications and

the Digital Economy in relation to decisions directly related to the ABC, and includes recommendations and opinions. This consultation was undertaken for the purposes of, or in the course of, a deliberative process. Having assessed the substance and content of the page, I am satisfied that the page is conditionally exempt under s47C(1) of the FOI Act.

Section 11A(5) of the FOI Act requires access to be granted to a document that is conditionally exempt unless access to the document at that time would, on balance, be contrary to the public interest.

I have considered and weighed the public interest factors for and against disclosure. In favour of disclosure, I have taken into account the extent to which disclosure would promote the objects of the FOI Act, inform debate on matters of public importance, and promote effective oversight of public expenditure.

Balanced against these considerations are factors which indicate that access would be contrary to the public interest. These include the extent to which disclosure would compromise the ABC's ability to communicate effectively with its responsible Minister and hinder the conduct and administration of the ABC.

Having considered all of these factors, it is my view that access to this page at this particular time would, on balance, be contrary to the public interest.

2 Section 47E(c)

Subsection 47E(c) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to ... have a substantial adverse effect on the management or assessment of personnel by the ... agency

I have decided that six and a half (6½) pages contain information which could be expected to have a substantial adverse effect on the ABC's management of its personnel. The pages relate to the Radio National Production Sustainability Project and proposed changes to the Radio National schedule. Radio management are currently consulting with staff who may be potentially affected, and discussions with the relevant union are also underway. It is my opinion that providing access to these pages has the potential to compromise the consultation process, and to potentially create unnecessary concern for Radio National employees. For these reasons I have decided that these pages are conditionally exempt under s47E(c) of the FOI Act.

Section 11A(5) of the FOI Act requires access to be granted to a document that is conditionally exempt unless access to the document at that time would, on balance, be contrary to the public interest.

I have considered and weighed the public interest factors for and against disclosure. In favour of disclosure, I have taken into account the extent to which disclosure would promote the objects of the FOI Act, inform debate on matters of public importance, and promote effective oversight of public expenditure.

Balanced against these considerations are factors which indicate that access would be contrary to the public interest. These include the extent to which disclosure could reasonably be expected to:

- Compromise the ABC's ability to meet its obligations to deliver distinctive radio programs that serve local and regional communities throughout Australia, and satisfy diverse audience needs.
- Compromise the consultation process with staff and their representatives.

Having considered all of these factors, it is my view that access to these six and a half (6½) pages at this particular time would, on balance, be contrary to the public interest.

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