

15 April 2011



ABC
Australian
Broadcasting
Corporation

Ms Margaret Simons
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FOI APPLICATION

Dear Ms Simons

I refer to your email of 16 March 2011 in which you sought access to documents under the *Freedom of Information Act 1982* (the FOI Act). Specifically you have requested access to documents which show the following things:

- “1 The total cost of the ABC’s Continuous News Centre from its launch date to the date of this request.
- 2 The costs involved in establishing and operating ABC24, the 24 hour digital news channel launched in 2010. I seek the additional cost of the service, not including the salaries of journalists and production staff already employed to service other platforms. The ABC Managing Director, Mark Scott, has been quoted as saying that ABC24 has been funded through cost savings elsewhere. I seek documents which show how and in what areas these cost savings have been achieved.
- 3 Procedures and protocols that govern the coverage of breaking news on ABC24, including the protocols and decision making process for abandoning scheduled programs in order to provide rolling or continuous coverage of breaking news.
- 4 Assessments, reports and records of internal communication regarding ABC24’s coverage of the Japanese earthquake of 11 March 2011, and its aftermath.
- 5 Any action taken a) as a result of the criticism of ABC24’s coverage by various media commentators b) as a result of internal assessments of the channel’s performance.”

My decision in relation to your request follows.

Point 1 – Cost of the ABC’s Continuous News Centre

In relation to the request in point 1, information regarding the total cost of the ABC’s Continuous News Centre is contained within the ABC’s finance databases. Whilst the information you have sought is not available in a discrete form as a written document, it can be retrieved in the form of a report. In accordance with s17(1) of the FOI Act, I will deal with your request as if it were a request for access to that report.

I have obtained a report which shows the annual cost directly attributed to the Continuous News Centre since its launch in 2006, and the total cost from 2006 to 31 March 2011. I have decided to grant access to that report, and a copy is attached.

There are some additional costs associated with the operation of the Continuous News Centre which are intermingled with those of other platforms and networks, for instance audience research costs. The ABC's electronic systems do not have the capacity to extract the portion of those costs which could be attributed to the Continuous News Centre, and they are not included in the attached report.

Point 2 – Cost of ABC News 24

I would like to clarify the scope of your request in point 2. There are two elements to your request:

- Documents which show the costs involved in establishing and operating ABC News 24, not including the salaries of journalists and production staff already employed to service other platforms. I have assumed that your request for the “additional cost of the service” is simply a clarification of your request for the costs, not an additional request. If this assumption is incorrect, please let me know.
- Documents which show how and in what areas cost savings to fund News 24 were achieved.

The request is quite broad, and as a result, captures a significant number of documents. For instance, there is an enormous volume of material which documents the establishment of News 24, including all of the associated costs. Similarly, the ABC implemented multiple projects across its operations to generate the cost savings which funded News24. The documentation regarding each of those projects is extensive.

In the circumstances, the work involved in processing your request would substantially and unreasonably divert the ABC's resources from its other operations. Accordingly, my intention is to refuse access on the grounds that a practical refusal reason exists under s24AA of the FOI Act. However, it may be possible to refine your request and I welcome the opportunity to consult with you in that regard. You may contact me either by phone on 02 8333 5316 or by email at maude.judith@abc.net.au. Please note that the FOI Act allows a 14 day consultation period from the date of this letter.

Points 3, 4 and 5 – Coverage of breaking news on News 24 and actions taken in response to criticism and performance assessments

In relation to the request in points 3, 4 and 5, I have decided to refuse access on the basis that the requests are outside the scope of the FOI Act.

Under section 7(2) and Part 2 of Schedule II of the FOI Act, the ABC is exempt from the operation of the Act in relation to documents that relate “to its program material and datacasting content”. The Federal Court of Australia considered the scope of this exclusion in *Australian Broadcasting Corporation v The University of Technology, Sydney* [2006] FCA 964, and held that the exclusion applies to “program material” and also to any document that has a “direct or indirect relationship to program material”. In interpreting the meaning and scope of the exclusion, the Court held that “the repeated use of “in relation to” reinforces an intention to exempt not only the category of documents specified but also documents that relate to that category”.

I am satisfied that documents which contain information ABC 24's programming decisions and assessment of ABC 24's performance have a relationship with the ABC's program material such that they fall outside the operation of the FOI Act.

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

A handwritten signature in blue ink that reads "J Maude". The signature is written in a cursive style with a large initial 'J' and a period at the end.

Judith Maude
FOI Coordinator
Direct line 02 8333 5316