

6 January 2025

Gary

By email: foi+request-12285-7e5edead@righttoknow.org.au

Dear Gary

DECISION – ABC FOI 202425-062

I refer to your email sent Tuesday 5 November 2024 seeking access under the *Freedom of Information Act 1982* (the **FOI Act**) to:

... all information held by the Australian Broadcasting Corporation in respect of the decisions made to send Sarah Ferguson and David Speers to the United States of America to report on the United States presidential election, including (but not limited to):

- any business case or costings in respect of the decisions
- any arguments made for or against the decisions
- past and anticipated expenses in respect of flights, accommodation (sic), additional wages and other expenses for Speers and Ferguson and any required support crew for those staff to attend.

On Thursday 21 November 2024, by email agreement the scope of your request was revised with your agreement to be:

- (1) any document (including emails) seeking approval for, or approving, Mr Speers and/or Ms Ferguson to be sent to the US;
- (2) any document showing anticipated costs for US election coverage by Ms Ferguson and or Mr Speers
- (3) a table summarising submitted expenses for payment by the ABC broken down into flights, accommodation and other and any out of pocket expenses for Mr Speers and Ms Ferguson and any support crew who assisted with coverage in the US [up until 5 November, the date of the request].

On Tuesday 3 December 2024, by email, the timeframe for processing your request was extended by agreement by 30 days under s 15AA of the FOI Act. Accordingly, a decision on your request is due on Monday **6 January 2025**.

Authorisation

I am authorised by the Managing Director of the ABC to make decisions about FOI requests under s 23 of the FOI Act.

Decision

I have identified 3 documents that answer the scope of your request - **Documents 1 to 3**. These documents are described in **Schedule 1**, attached.

I have granted access to **Documents 1 and 2** in part.

I have granted access to **Document 3** in full.

Material taken into account

In making my decision I have considered:

- the scope of your request
- the content of the documents requested
- the FOI Act
- the guidelines issued by the Office of the Australian Information Commissioner under s 93A of the FOI Act (**the Guidelines**)

Locating and identifying documents

The search for documents included approaching the ABC Finance team and the News team.

I consider all reasonable steps were taken to identify and locate relevant documents that answer your request. I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate the documents relevant to your request.

Document 3 did not exist at the time of receiving your request, however the ABC was able to create it for you, as provided for under s 17 of the FOI Act.

Reasons for decision

It is my view that it is in the public interest to provide access to **Document 3** in full. It answers point 3 of your request.

Section 22 – Irrelevant information

Documents 1 and 2 answer both point 1 and point 2 of your request as they are travel proposals for the two named presenters, as well as anticipated related expenses.

Information about staff who were not named in the scope of your request is comingled within **Documents 1 and 2**. I consider this information to be irrelevant to the scope of your request. I therefore grant access to these documents in part to the extent the information relates to the two named presenters. I note that the costs submitted by the other, unnamed staff are shared in **Document 3** which is released in full.

The FOI Act and the Guidelines provide that agencies may grant access to edited versions of documents by deleting information that would reasonably be regarded as irrelevant to the request. I have deleted these irrelevant parts of the documents under s 22(1)(a)(ii) of the FOI Act, and provided an edited copy, as it was reasonably practicable to do so.

Review rights

Your review rights are set out in **Annexure A**.

Yours sincerely



Ali Edwards
Head of Rights Management & FOI Decision Maker
foi.abc@abc.net.au

Schedule 1 – Document Schedule – FOI 202425-062

No.	Date	Description	Page/s	Access grant decision	Exemption section/s
01	May to June 2024	Travel pre approval – Ms Ferguson	2	Part	22 – irrelevant material
02	October 2024	Travel pre approval – Mr Speers	4	Part	22 – irrelevant material
03	December 2024	Table showing travel costs	1	Full	-

Annexure A – Your Review Rights

If you are dissatisfied with this decision you can apply for Internal Review by the ABC, or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review.

APPLICATION FOR INTERNAL REVIEW BY THE ABC

Optional step. You have the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request. If you apply for an internal review, a delegate who is not the person who made the initial decision will undertake a review and make a fresh decision.

You must apply in writing for an internal review of the decision **within 30 days** of receipt of this letter. No particular form is required, although it helps if you set out the reasons for review in your application and include the decision under review..

Application for a review of the original decision should be emailed to: foi.abc@abc.net.au

or posted to: **FOI Team**
ABC Legal
GPO Box 9994
SYDNEY NSW 2001

APPLICATION FOR INFORMATION COMMISSIONER (IC) REVIEW

Alternatively, you have the right to apply for a review by the Information Commissioner of the decision refusing to grant access to documents in accordance with your request. Your application must:

- be in writing;
- be made **within 60 days** of receipt of this letter (the original decision or the internal review decision, or a deemed refusal decision);
- give details of how notices may be sent to you (for instance, an email address); and
- include a copy of the decision for which a review sought.

Please refer to the OAIC website the IC review process page for further information including the online form for applying for IC review:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews>

Alternatively, an application for IC Review can be emailed to: FOIDR@oaic.gov.au or

posted to: Director of FOI Dispute Resolution
GPO Box 5218
Sydney NSW 2001

The Information Commissioner has a discretion not to undertake a review.

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may complain to the Information Commissioner about action taken by the ABC in the performance of functions, or exercise of powers, under the FOI Act. The Information Commissioner may make inquiries for the purpose of determining whether or not to investigate a complaint.

Complaints can be made in writing to: OAIC - GPO Box 5218
Sydney NSW 2001