



THE SENATE

## SENATE STANDING COMMITTEES ON ENVIRONMENT AND COMMUNICATIONS

22 March 2024

Mr David Anderson  
Managing Director  
Australian Broadcasting Corporation  
700 Harris Street  
Sydney NSW 2000  
By email: [managingdirectoroffice@abc.net.au](mailto:managingdirectoroffice@abc.net.au)

Dear Mr Anderson

### **Supplementary Budget Estimates 2023-24—ABC public interest immunity claims**

I refer to your letters to the Senate Environment and Communications Legislation Committee (the committee) of 31 January 2024, which raise two public interest immunity (PII) claims. The claims relate to information requested by Senator Henderson as part of the Supplementary Budget Estimates 2023-24 process on the remuneration of individual highly paid ABC staff members; and the ABC's external legal costs.

Your correspondence regarding the remuneration information sets out that the PII claim relies on the grounds of unreasonable invasion of privacy, and damage to commercial interests. The committee acknowledges that the grounds on which you are rely are recognised as potentially acceptable grounds for PII claims, as set out in [Odgers' Australian Senate Practice](#) (14th Edition, p. 662).

Your correspondence also includes a statement specifying the harm to the individual staff members and to the ABC's commercial interests that could result from the disclosure of the information, as required by the [Senate order](#) of 13 May 2009.

Regarding privacy, the claim argues that the information required 'would be an unreasonable invasion of privacy for those affected individuals and goes beyond what is necessary to ensure that the ABC is accountable for its expenditure of taxpayer funds. It is in the public interest that private information about individuals not be unreasonably disclosed.'

Regarding commercial interests, the claim argues that 'the ABC competes with the private sector for talent. The requested level of disclosure would give commercial competitors an unfair advantage as they will have significant visibility of the ABC's remuneration strategies and structures.'

The committee has carefully considered your PII claim regarding the remuneration information, considering both the importance of the accountability and transparency of government agencies, against the potential harms outlined by the ABC. On balance, and based on the particular circumstances relating to this claim, the committee accepts the ABC's claim that the provision of the information requested may result in unreasonable privacy concerns for identifiable employees as well as damage to the ABC's commercial interests.

In accepting this claim, the committee notes that individual senators may raise objections to the PII claim in the Senate, should they wish to.

Regarding the second claim on external legal spend, the committee has deferred consideration of this matter. The committee will be requesting a private briefing on this matter from the ABC outside the Estimates process at a time that suits relevant ABC staff and committee members. Such a briefing would likely take place during the 25 March sitting week. The committee secretariat will work with your staff to identify a suitable time.

The committee has published your correspondence on its website, alongside this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Grogan', with a long horizontal flourish extending to the right.

Senator Karen Grogan  
Chair