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			

I refer to your letter of 7 June 2012 and our subsequent email correspondence regarding your request for access to documents under the *Freedom of Information Act* (FOI Act). Specifically, you sought access to:

- Documents concerning [your] personal affairs in East Timor and Indonesia in 2003;
- Information concerning [ABC] sources of information at the time, including the identity of the source and the information concerning [you] that [the ABC] caused to be published;
- The information [the ABC] passed on to other persons or agencies concerning [you] and the identities of those persons or agencies

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.

The documents you have described fall outside the scope of the FOI Act, and access to them will not be granted. As you are aware, the ABC is exempt from the operation of the FOI Act in relation to documents relating to its program material (see FOI Act, s7(2) and Part II, Schedule 2). It is clear that the documents you have sought access to would contain information obtained in the course of journalism.

In making this decision I note that you have referred specifically to the following stories which appeared on the ABC's Radio Australia website:

Convicted paedophile held in East Timor over child porn, posted 6 October 2003

Australian police asked to help keep paedophiles out of East Timor, posted 7 October 2003.

I am satisfied there is a clear and direct connection between those documents and ABC program material such that these documents would 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

Judith Maude

Head, Corporate Governance FOI Coordinator Direct line 02 8333 5316