



Australian Government

**Australian Sports  
Anti-Doping Authority**

6 July 2015

Mr Patrick Heffernan  
Right to Know Website

5 Tennant Street Fyshwick ACT 2609, PO Box 1744 Fyshwick ACT 2609  
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By email only: [foi+request-1109-29fe23dd@righttoknow.org.au](mailto:foi+request-1109-29fe23dd@righttoknow.org.au)

Dear Mr Heffernan

**Re: Freedom of Information Request**

I refer to your email dated 12 June 2015 in which you sought access, under the *Freedom of Information Act 1982* (Cth) (**FOI Act**), to:

*"Any correspondence between ASADA and the Sydney Roosters CEO Brian Canavan regarding Martin Kennedys [sic] use of banned substances. Please provide documents between the dates of 10/3/2015-31/05/2015"*

The *FOI Act* provides a statutory scheme for the release of documents held by the Commonwealth. I note that where no document is found to satisfy a Freedom of Information Request (**FOI Request**), ASADA is not required under the *FOI Act* to create a new document to answer the Request.

I advise that no documents were found to satisfy your *FOI Request*. A Statement of Reasons for my decision is enclosed (**Attachment A**).

This decision is subject to review under Parts VI and VII of the *FOI Act*. Should you wish to seek review of my decision in relation to the exempt nature of the documents relevant to your *FOI Request*, a copy of your review options is attached (**Attachment B**).

Yours sincerely

Trevor Burgess  
National Manager Operations

## STATEMENT OF DECISION

Name of Decision Maker: Trevor Burgess  
Designation of Decision Maker: National Manager Operations  
Date of Decision: 6 July 2015  
Applicant: Mr Patrick Heffernan  
Decision: No documents found

### Materials on which the findings are based:

- Your Freedom of Information Request (**FOI Request**); and
- The *Freedom of Information Act 1982* (Cth) (**FOI Act**).

### Scope of the Request

On 17 June 2015, you made a valid FOI Request to the Australian Sports Anti-Doping Authority (**ASADA**) seeking copies of:

*"Any correspondence between ASADA and Sydney Roosters CEO Brian Canavan regarding Martin Kennedys [sic] use of banned substances. Please provide any documents between the dates of 10/03/2015-31/05/2015"*

Your FOI Request was acknowledged by ASADA, by email, on 17 June 2015.

### Background information

ASADA conducted the following searches to locate the documents you requested:

- searches of ASADA's electronic record management system using relevant search parameters; and
- consultation with key ASADA staff.

## REASONS FOR THE FINDINGS AND DECISIONS

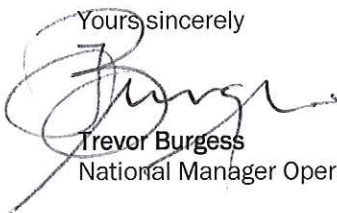
I am authorised under section 23 of the *FOI Act* to make decisions to release documents and to refuse access to documents considered to be exempt under the *FOI Act*.

I have reviewed the ASADA's records and have ascertained that no documents were found that could be considered within the scope of your FOI Request.

### Conclusion:

I have determined that ASADA has no documents that would be in scope of your FOI Request.

Yours sincerely



Trevor Burgess  
National Manager Operations

## REVIEW OPTIONS UNDER THE FREEDOM OF INFORMATION ACT 1982

The *Freedom of Information Act 1982* (FOI Act) provides a right of access to government information and also ensures an appeal mechanism is available against a decision to deny access to documents. The appeal procedure has four elements:

- Optional internal review within the Australian Sports Anti-Doping Authority,
- External review at the Office of the Australian Information Commissioner (OAIC),
- External review at the Administrative Appeals Tribunal (AAT), and
- Commonwealth Ombudsman.

It is also possible to have a decision reviewed through court action, either directly via the *Administrative Decisions (Judicial Review) Act 1977* or on appeal following an AAT hearing.

### Internal review

An optional internal review can be undertaken before external review and other forms of appeal. Internal review is a re-examination of the request and original decision making process.

Application for a review of the decision must be made in writing and within 30 days of receipt of the decision letter. No fees and charges are payable for internal review of a decision.

There is no set form for making an internal review application, but it would be helpful if you could outline the grounds on which you consider that the decision should be reviewed. A request for internal review must concern:

- the outcome of the request (e.g. refusal, deferral or part compliance),
- a decision concerning the amendment or annotation of personal records,
- the liability to pay charges before receiving the requested information, or
- a decision whether or not to remit all or part of an application fee.

### OAIC

You can apply for review of an FOI decision by the OAIC either before or after internal review by the Australian Sports Anti-Doping Authority. OAIC review also involves re-examination of the decision. A written application form must be lodged:

- if the decision was to refuse access – within 60 days of the date of this letter.
- if the decision was to grant access – within 30 days of the date of this letter.

More information about making an application for review by the OAIC is available at [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

Review at the OAIC is free of charge.

### AAT

If you are dissatisfied with the review decision made by the OAIC, then you may apply to the AAT for review of the decision.

Further information about making an application to the AAT is available on the AAT website at <http://www.aat.gov.au/>.

### Ombudsman

Applicants who wish to make a complaint to the Ombudsman will find information on the Ombudsman's website at <http://www.ombudsman.gov.au/>.

### Contacting ASADA

Applicants can contact the FOI Coordinator for assistance with the review process, if required, on (02) 6222 4259 or [legal@asada.gov.au](mailto:legal@asada.gov.au).