



07 March 2016

Mr Patrick Staveley

Via email only: [foi+request-1561-4156c04b@righttoknow.org.au](mailto:foi+request-1561-4156c04b@righttoknow.org.au)

Dear Mr Staveley

### Freedom of Information Request – Essendon Investigation

I refer to your email of 19 February 2016 in which you requested, under the *Freedom of Information Act 1982 (FOI Act)*, access to documents relating to “*the investigation of the ‘Essendon 34’*” (*your Request*).

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to advise you that I believe that the work involved in processing your Request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size. This is called a ‘practical refusal reason’ (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your Request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

#### Why I intend to refuse your request

In your Request you have sought access to:

*“Documents regarding the investigation of the ‘Essendon 34’ and their illegal use of performance enhancing drugs”*

Giving access to these documents would substantially and unreasonably divert the resources of ASADA. Because of this, I have decided that a practical refusal reason exists. My reasons for a practical refusal are:

- (a) in order to fully identify all the documents which fit within the scope of your Request, various searches are required to be conducted using ASADA’s record keeping system. Given the limitations of ASADA’s record keeping systems further searches will be required using search terms not used in your request and across additional platforms in an attempt to identify those documents that fit within the scope of your Request. This will take a substantial amount of time and involve consultation with relevant ASADA staff and the records team;
- (b) in order to give an indication of the time and resources required to complete these searches and an estimate of how many documents may result, ASADA has conducted preliminary searches which have identified over 1500 documents which will need to be examined (this was a search for documents which contain both the terms ‘Essendon’ and ‘Cobia’). It is clear that additional searches will be required to identify the actual

(potentially much larger) number of documents in ASADA's possession which fit within the scope of your Request. For example, preliminary searches have indicated that ASADA holds in excess of 15,000 documents which reference 'Essendon' and it is suspected that a significant number of these documents will fall within the scope of your request. This is an unreasonably large amount of material;

- (c) once all documents within the scope of your Request are identified, and those documents have been located, each document will need to be manually examined to determine whether or not you may have access to it. ASADA is a small agency and does not have a dedicated FOI section. With a small legal team, this will unreasonably divert our resources; and
- (d) further time and resources will then be required to redact or delete any sensitive material contained in documents that have been decided to be released to you. Given the number and nature of the documents you have requested, it is likely that there will be significant redactions to the documents and this will take a substantial amount of time to complete.

### **Request consultation process**

You now have an opportunity to revise your Request to enable it to proceed.

Revising your request can mean narrowing the scope of the Request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, our agency will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your Request
- make a revised request or
- tell us that you do not wish to revise your Request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your Request. If you revise your Request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your Request is not taken into account for the purposes of the 30 day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your Request will be taken to have been withdrawn.

If you would like to revise your Request or have any questions, the contact officer for your request is:

Patrick Dale  
Lawyer  
ASADA  
Ph: (02) 6222 4259  
Email: [legal@asada.gov.au](mailto:legal@asada.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trevor Burgess', written in a cursive style.

Trevor Burgess  
National Manager Operations