



13 July 2016

Ms Joan Hird

Via email only: foi+request-1926-12cc1acd@righttoknow.org.au

Dear Ms Hird

Re: Internal review under the *Freedom of Information Act 1982* (Cth)

The purpose of this letter is to advise you of my decision following your request for internal review of the Australian Sports Anti-Doping Authority's (**ASADA**) decision, dated 21 June 2016, to release documents you requested under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

Summary

On 8 May 2016 you made a valid FOI request to ASADA for access to:

"... copies of records of ADRVP member discussions and meetings between ADRVP members and contact of ADRVP members with other persons in relation to the decision to place 34 Essendon players on the Register of Findings."

On 21 June 2016 ASADA released thirty five (35) documents to you which fell within the scope of your request.

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests. I was not involved in, or consulted in the making of the decision under review.

In reviewing the original decision, I have considered the material provided to the original decision maker and brought a fresh, independent mind to the review.

Decision and reasons for decision

Your request for internal review suggests that you are not satisfied that all the documents or records that are within the scope of your request have been released. It is relevant to note that the ADRVP is an independent decision-making body that is established under Part 5 of the ASADA Act. Despite this independence ASADA processed this request on behalf of the ADRVP under the FOI Act, and in consultation with the Office of the Australian Information Commissioner because of the lack of public facing communication for the ADRVP (as you are aware the FOI request was sent to ASADA legal) as well as the fact that the ADRVP has no independent administrative support.

I have reviewed the material available to the original decision maker and have also requested that additional consultation take place with members of the ADRVP. The additional consultation confirmed that no member of the ADRVP holds any documents which are records of discussions between ADRVP members or other persons in relation to placing Essendon players on the Register of Findings.

The documents that were disclosed to you on 21 June 2016 you are all the records of ADRVP member discussions and meetings between ADRVP members and contact of ADRVP members with other persons in relation to the decision to place 34 Essendon players on the Register of Findings.

Material taken into account

I have taken the following material into account in making my decision:

- the decision provided to you dated 21 June 2016;
- the material relied upon by the original decision maker;
- additional material about consultation with ADRVP Members
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

As outlined above, I have reached the same conclusions as the original decision maker. I therefore confirm there are no additional documents within the scope of your request in addition to those set out in the original decision letter dated 21 June 2016.

Your review rights

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:	www.oaic.gov.au
email:	enquiries@oaic.gov.au
post:	GPO Box 2999, Canberra ACT 2601
in person:	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to: <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights>.

Questions about this decision

If you wish to discuss this decision, please contact Kate Corkery, Senior Lawyer, ASADA, on 02 6222 4247 or by email at legal@asada.gov.au.

Yours sincerely



Ben McDevitt AM APM
Chief Executive Officer