



**Australian Government**

**Department of Health**

Department Reference: FOI 201-1718

Mr Philip Nelson

Via email: [foi+request-4353-da32416a@righttoknow.org.au](mailto:foi+request-4353-da32416a@righttoknow.org.au)

Dear Mr Nelson

**NOTICE OF DECISION**

I refer to your request to the Department of Health (Department) of 03/02/2018 seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

*'Reporter GRANT BAKER, Herald Sun June 22, 2015 7:58pm stated "THE Australian Sports Anti-Doping Authority will stump as much as US\$100,000 towards WADA's prosecution of the Essendon 34. The figure was revealed in a clarification to the Senate from ASDA's national operations manager Trevor Burgess after he had given an incorrect figure when giving evidence at a budget estimates hearing earlier this month".*

*I am requesting a copy of any funding request, application, agreement or document where Australian Sports Anti-Doping Authority (ASADA) either on its own or via the Department of Health sought funding for the prosecution of the Essendon players. The request, application, agreement or any such document may include other parties and if so, is covered by this request.*

*I also require copies of all correspondence (electronic and print) between ASADA and/or Department of Health and any officials in preparing and finalising the said application agreement or document.*

*If no such document is said to exist, I am seeking copies of all correspondence (electronic and print) on who why, when and how the Australian Government Department was able to distribute funds to the World Anti Doping authority for the prosecution of Australian citizens in a foreign jurisdiction.'*

I am writing to advise you of my decision.

**Decision**

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

All reasonable steps have been taken to find the documents referred to in your request including a thorough and extensive search and consultation with the relevant policy and program areas.

I am satisfied that the documents referred to in your request do not exist.

As a consequence, I refuse access to the documents referred to in your request pursuant to section 24A of the FOI Act.

### **Review rights**

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

#### Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the Department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this Department within 30 days. An application for an internal review should be addressed to either of the following:

Email: [FOI@health.gov.au](mailto:FOI@health.gov.au)

OR

Mail: FOI Unit (MDP 41)  
Department of Health  
GPO Box 9848  
CANBERRA ACT 2601

#### Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the Department in relation to your application. Further information can be obtained from the OAIC website.

## Relevant provisions

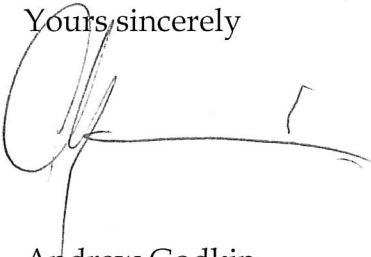
The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2018C00016>

## Contacts

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Unit on (02) 6289 1666 or via email [FOI@health.gov.au](mailto:FOI@health.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Godkin', with a long horizontal stroke extending to the right.

Andrew Godkin  
Sports Integrity Advisor  
National Integrity of Sport Unit

29 March 2018