



Australian Government

Australian Sports
Anti-Doping Authority

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22 December 2014

Mr Martin Hardie

By email only: foi+request-741-c093390d8@righttoknow.org.au

Dear Mr Hardie

Re: Internal review

The purpose of this letter is to advise you of my decision in relation to your request for internal review of ASADA's decision of 1 December 2014 to grant full access to two (2) documents and partial access to forty-three (43) documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

Summary

I refer to your email of 31 October 2014 in which you sought access under the *Freedom of Information Act 1982* (**FOI Act**), to:

"all documents relating to the interview given by Mr Ben McDevitt to Gerard Whately of the ABC on August 24 2014 including documents and correspondence relating to any possible breaches of section 71 of the ASADA Act by Mr McDevitt during that interview relating to his statement that Mr Steven Dank had been placed on the ASADA Register of Findings (your Request)."

You were advised on 1 December 2014 of the decision to grant full access to two (2) documents and partial access to forty-three (43) documents identified as being within scope of your Request (**Decision**). The decision maker relied upon sections 47C and 47F of the FOI Act in making the Decision.

On 4 December 2014, via email, you requested an internal review of the Decision. In that email you stated:

"It appears that the list of documents you have provided to me is incomplete. You will recall that my request was inter alia for documents and correspondence relating to any possible breaches of section 71 of the ASADA Act by Mr McDevitt during the relevant interview and relating to his statement that Mr Steven Dank had been placed on the ASADA Register of Findings."

Given that the Minister has received (sic) correspondence in relation to this matter from myself and that I was promised by the Minister's office a 'whole of government response' it would seem likely that the Minister or Department would have contacted ASADA in relation (sic) to these matters. Furthermore, it would appear given the complain (sic) made to the Australian Federal Police in respect of the alleged breaches of s.71 there would also have been communications between (sic) that body and ASADA.

I request an internal review of this decision (sic) in order to ascertain to identify and obtain access to all relevant documents."

Decision and reasons for decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests. I completed the internal review on 22 December 2014. I was not involved in or consulted with in the making of the decision under review.

I understand that your contention is that you consider (for various reasons) that the list of documents provided to you is incomplete. I note that ASADA conducted the following searches to locate the documents requested by you:

- searches of ASADA's electronic document management system;
- searches of relevant staff email systems using relevant email addresses and key dates; and
- consultation with relevant ASADA staff.

Through the above searches forty-five (45) documents were found to be in scope of your Request.

I consider that the searches conducted by ASADA staff were reasonable in the circumstances and I am satisfied that there are no further documents within scope of your Request.

Taking into account the above and my review of the material, I agree with and adopt the reasons of the original decision maker in relation to the forty-five (45) documents which were originally identified as within scope of your Request.

Material taken into account

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

- the searches conducted by ASADA staff;
- the content of the documents that fell within the scope of your Request;
- your email dated 4 December 2014;
- the FOI Act (specifically sections 47C, 47F and Part VI); and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

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: <https://forms.business.gov.au/aba/oaic/foi-review/>
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 www.oaic.gov.au/freedom-of-information/foi-reviews.

Questions about this decision

If you wish to discuss this decision, please contact the following officer:

Stephen White
Senior Lawyer
(02) 6222 4259
Stephen.White@asada.gov.au

Yours sincerely



Elen Perdikogiannis
National Manager Legal and Support Services