



Australian Government

Australian Sports
Anti-Doping Authority

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www.asada.gov.au ABN 91 592 527 503

16 December 2014

Mr Martin Hardie

Via email only: foi+request-813-bc7e9cdc@righttoknow.org.au

Dear Mr Hardie

Re: Freedom of Information Request

I refer to your email of 4 December 2014 in which you sought access, under the *Freedom of Information Act 1982 Cth (FOI Act)*, to:

“all documents relating to communications between ASADA and Roy Masters of the Sydney Morning Herald on 3 December 2014, including file notes, telephone logs and telephone recordings” (*Request*)

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 an 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 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: 16 December 2014
Applicant: Martin Hardie
Decision: No documents found

Materials on which the findings are based:

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

Scope of the Request

The Applicant, Mr Martin Hardie made a valid Freedom of Information Request to the Australian Sports Anti-Doping Authority (**ASADA**) which was received by ASADA on 4 December 2014.

The Applicant's Request sought copies of:

"all documents relating to communications between ASADA and Roy Masters of the Sydney Morning Herald on 3 December 2014, including file notes, telephone logs and telephone recordings" (**Request**)

Background information

ASADA conducted the following searches to locate the documents Requested by the Applicant:

- searches of ASADA's electronic emailing system using relevant email addresses; and
- consultation with key ASADA staff.

Through the above searches no documents were found to be in scope of your Request.

REASONS FOR THE FINDINGS AND DECISIONS

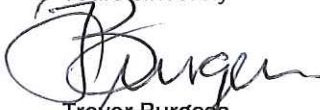
I am authorised under section 23 of the FOI Act to make decisions to release documents and to refuse access to documents considered to be exempt under the FOI Act.

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

Conclusion:

I have determined that ASADA has no documents within scope of your 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.

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.