



Australian Government

Australian Sports  
Anti-Doping Authority  
24 February 2015

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Ms Tymeka Murray  
Via email only: [foi+request-957-f6ecb31a@righttoknow.org.au](mailto:foi+request-957-f6ecb31a@righttoknow.org.au)

Dear Ms Murray

#### Freedom of information request

I refer to your email of 20 February 2015 in which you requested under the *Freedom of Information Act 1982 (FOI Act)* access to documents relating to:

*"the NRL and anti-doping.*

- 1. A document stating the rules of anti-doping and repercussions in any sport.*
- 2. Documentation revealing to any NRL and doping occurrences e.g Sharks." (your Request)*

I, Trevor Burgess, 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 sought documents relating to:

*" the NRL and anti-doping.*

- 1. A document stating the rules of anti-doping and repercussions in any sport.*
- 2. Documentation revealing to any NRL and doping occurrences e.g Sharks."*

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

- in order to identify 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 storage platforms in an attempt to identify those documents are within the scope of your Request. This will take a substantial amount of time and involve consultation with key staff in the relevant line areas and records management team;
- 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 1200 documents (the relevant search terms used were 'NRL' and 'Cronulla'). It is clear that further searches will be required to identify the actual (much larger)

number of documents in ASADA's possession which fit 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 in order for a decision to be made in relation to whether or not you may have access to it. Deciding whether to grant, refuse or defer access to these documents will likely take about 2-3 minutes per page per document. 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 required and this will take a substantial amount of time; and
- (e) a number of the documents you have requested are publicly available on the ASADA website and the World Anti-Doping Authority website and the internet generally (i.e. NRL website) and given that you are able to immediately access these documents yourself we consider that it is an unreasonable diversion of resources.

#### **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.

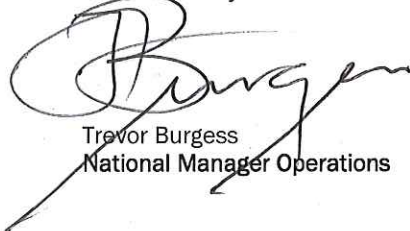
During this period, you are welcome to seek assistance from the contact person I have listed below to revise your Request. If you revise your Request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to 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:

Kate Corkery  
Lawyer, ASADA  
Ph: (02) 6222 4247  
Email: [legal@asada.gov.au](mailto:legal@asada.gov.au)

Yours sincerely



Trevor Burgess  
National Manager Operations