



Mr Andrew Terhorst

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Dear Andrew

## FOI 24-54 - Decision on Access

I refer to your request made under the *Freedom of Information Act 1982 (Cth)* (**FOI Act**) to Airservices Australia (**Airservices**) on 10 July 2024 (**the request**). You seek access to:

*On 10 July at approximately 16:14, Flight JQ707 from Melbourne breached the NAP. I seek a complete transcript of the communication between Hobart ATC and the pilot of JQ707. I want to understand why Flight 7Q707 [sic] used the Runway 30 RNP-AR short track when it should have used the Runway 30 RNAV longer track. The excuse that JQ707 followed the short track for "operational reasons" without specifying the reason is unacceptable.*

I am authorised under section 23 of the FOI Act and the Airservices Instrument of Delegation and Authorisation to make decisions on primary requests under the FOI Act.

### Decision

*Access to edited copy with irrelevant matter deleted*

Airservices has located one (1) document that falls within the scope of your request as follows:

Doc No.	Description
1.	Audio recording Subject: JQ707_10JUL24

I have decided to grant access to an edited copy of the document sought by the request as the document contains material that is irrelevant to the scope of the request under section 22 of the FOI Act.

### Section 22 - Irrelevant material

Section 22 of the FOI Act provides that an agency may prepare an edited copy of a document (modified by deletions) to facilitate access.

The information that has been deleted includes those parts of the transmission that are not related to flight JQ707 and the communication with Hobart ATC.

Deletion of this information facilitates access as Airservices has not had to consider whether the deleted information is exempt or if a third party should be consulted, and instead is able to provide access to the non-exempt information without unnecessary delay.

**Review rights and complaints**

Information about your rights of review and how you can make a complaint about the handling of your request is at **Attachment A**.

**Contact**

If you wish to discuss my decision please contact me at [foi@airservicesaustralia.com](mailto:foi@airservicesaustralia.com).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Kordaris', written in a cursive style.

Nick Kordaris  
Authorised FOI Decision Maker

6 September 2024

## INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982* (the **FOI Act**) gives you the right to apply for a review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

### **Internal review**

If you apply for internal review under section 54 of the FOI Act, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to [foi@airservicesaustralia.com](mailto:foi@airservicesaustralia.com).

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner.

### **Information Commissioner review**

You can opt to instead seek external review by the Information Commissioner under section 54L of the FOI Act. To seek review you must apply to the Information Commissioner within 60 days of the receipt of this decision letter. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.

You will also have the opportunity to seek Information Commissioner review of an Internal Review if you are dissatisfied with its outcome.

### **Complaints**

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem.

If you are not satisfied with our response, you can make a complaint to the Information Commissioner.

### ***Information Commissioner***

You may complain to the Information Commissioner concerning action taken by Airservices in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing.

Complaints can be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.