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Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Our reference: FOI 25-109

Leanne Marie

By email: foi+request-12057-0c2496cc@righttoknow.org.au

Dear Ms Marie

Decision on your Freedom of Information Request

On 15 September 2024, you submitted a request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

You requested access to:

A list of all airports in Australia that are held by (ie land is owned or controlled by) the Commonwealth, both city based and regional in all states please?

For each airport held by the Commonwealth in Australia, if there is varying land tenure types, can I please have the list of airports sorted into land tenure type?

2 Authority to make decision

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

3 Background

As notified to you by email on 23 September 2024, the list of operating leased federal airports on Commonwealth land is available on the Department's [Airports webpage](#). All of these airports remain on federal land, granted under long-term leases to private entities between 1997 and 2003. All federally leased airports are leased under the same form of land tenure.

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4 Decision

I have identified one document containing the information sought in your request, being the Department's [Airports branch webpage](#).

A 'document' that may be requested under the FOI Act does not include material maintained for reference purposes that is otherwise publicly available (section 4 of the FOI Act refers). As such, I consider that the document relevant to your request falls outside the scope of the FOI Act.

I have decided that, as the document relevant to your request is already available on the Department's website, there are no further documents to be provided to you.

5 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the content of the document captured by your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from departmental officers with responsibility for the subject matter contained in the document captured by your request.

6 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

7 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

7.1 Internal review

You can request an internal review within 30 days of receiving this decision. An internal review will be conducted by a different departmental officer from the original decision-maker.

No particular form is required to apply for review although it will assist the Department if you are able to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be sent to FOI@infrastructure.gov.au.

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you if you remain dissatisfied with the decision.

7.2 Information Commissioner review or complaint

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIIC. However, the OAIIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Further information

If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Nattey', written in a cursive style.

Sarah Nattey
Assistant Secretary
Domestic Airports Branch
Domestic Aviation and Reform Division

Date: 8 October 2024