



# Australian Government

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## Civil Aviation Safety Authority

LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS  
CASA Ref: F24/30200

4 December 2024

CR (Right to Know)

Via email: [foi+request-12110-505c90b3@righttoknow.org.au](mailto:foi+request-12110-505c90b3@righttoknow.org.au)

Dear CR,

### **Notice of Decision under the *Freedom of information Act 1982***

I refer to your email dated 1 October 2024 seeking access to documents under the *Freedom of Information Act 1982* (the Act). Your request was for:

*I request access to the following documents under the Freedom of Information Act 1982:*

*1. The most recent 30 notices of charges issued to FOI applicants.*

*For each of these 30 requests, if applicable, please also provide:*

*2. Any subsequent decisions regarding charges following applicant contention.*

*3. Any subsequent decisions regarding charges following internal or external review.*

*Please exclude the following information:*

*i) Personal information of FOI applicants.*

On 8 October 2024, you amended your scope as follows:

*The time period for my request is from 1 July 2022 to 1 October 2024.*

*Please exclude the following information:*

*i) Personal information of FOI applications, including supporting evidence or details of personal circumstances in a financial hardship contention.*

*ii) Emails that attached the charges notices/decision letters.*

On 23 October 2024, you further refined your scope to:

*I wish to provide clarification as to the scope of my request.*

*If a preliminary charge notice or decisions of a charge is sent via the body of an email (as opposed to an email attachment) I wish to access a copy of that email, as well as the Applicant's contention reasons.*

The date range of your access request is 1 July 2022 to 1 October 2024. You agree to the removal of the names of any third parties that may be contained in the documents.

On 3 October 2024, CASA acknowledged your FOI request and notified you that a decision would be made by COB Thursday 31 October 2024. The acknowledgement email also noted that the period for processing your request may be extended if CASA was required to consult with third parties or for various reasons involved with processing your request.

On 31 October 2024, CASA emailed you noting that we were experiencing delays in processing your request due to an influx of FOI requests alongside resourcing issues due to staffing changes and absences. For this reason, CASA asked for an extension of time under section 15AA until Wednesday 6 November 2024, asking for your confirmation of whether you agree to the extension by close of business Thursday 31 October 2024. On 31 October 2024, you responded to our email, agreeing to the extension of time till Wednesday 6 November 2024, as the new decision due date.

### Summary of Decision

I am authorised under section 23 of the Act to make decisions in relation to FOI requests. CASA holds 49 documents (totalling 140 pages) that relates to your request. I have decided to grant access to the documents in full.

#### *Section 22 – Irrelevant Information*

Under section 22 of the FOI Act, CASA is able to give access to a document that would disclose information that would reasonably be regarded as irrelevant to the request for access. In doing so, CASA is able to prepare an edited copy of the document. As you agreed to the removal of personal information of FOI Applicants, their names, contact details and information that would reasonably identify the FOI Applicant have been redacted under section 22.

### Rights of review

This decision has not been made by the relevant due date (Wednesday 6 November 2024) and was considered 'deemed' (i.e. overdue) from that date. This decision can be seen as a 'substitution' for the deemed decision. In notifying you of a deemed decision, the FOI Guidelines finds that:

*'A deemed refusal occurs if the time for making a decision on a request for access to a document has expired and an applicant has not been given a notice of decision.'*

The FOI Guidelines further state that:

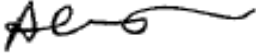
'The consequence of a deemed refusal is that an Applicant may apply for an IC review [Information Commissioner review]', as the option to undertake an Internal Review with the Agency is no longer appropriate due to the delays faced by the Agency in processing your original request. For this reason, the option to undertake an Internal Review is not available to you.

If you disagree or are not satisfied with any part of the decision you are entitled to seek review. There are two ways you can do this. You can ask for an internal review from within the agency (which is no longer available to you), or an external review by the Office of the Australian Information Commissioner (the OAIC). Further information on how to proceed with a review can be found in **Attachment A** to this notice.

### Further assistance

If you have any questions, please email [freedomofinformation@casa.gov.au](mailto:freedomofinformation@casa.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A George', with a long horizontal flourish extending to the right.

Amy George  
Freedom of Information Officer  
Legal Services Branch  
Legal, International and Regulatory Affairs Division  
Civil Aviation Safety Authority

## ATTACHMENT A

### INFORMATION ON RIGHTS OF REVIEW

#### *FREEDOM OF INFORMATION ACT 1982*

#### **Application for review of decision**

The *Freedom of Information Act 1982* (the Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the Act, you can apply for a review of this decision by:

- (i) an internal review officer within CASA;
- (ii) the Office of the Australian Information Commissioner (the OAIC).

#### **Internal Review (Not available to you in this decision)**

If you apply for internal review, 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:

- made in writing;
- made within 30 days of receiving this letter; and
- sent to the email address shown in the letter.

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

If the internal review officer decides not to grant you access to all of the documents which you have requested access, you have the right to seek a review of that decision by the Information commissioner. You will be further notified of your rights of review if and at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal;' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should be made (provided an extension of time has not been applied).

#### **OAIC Review**

If you wish to apply to the OAIC for a review of the decision, you must do so within 60 days of the receiving the decision letter. You can lodge your application in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5288, SYDNEY NSW 2001

E-mail: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

#### **Complaints to the OAIC or the Commonwealth Ombudsman**

If you are unsatisfied with the action taken by CASA in relation to your FOI request, you can make a complaint to the OAIC (the Information Commissioner) or to the Commonwealth Ombudsman. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Your enquiries to the Ombudsman can be directed to:

Phone: 1300 362 072

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

No particular form is required to make a complaint to the Ombudsman or to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify CASA as the relevant agency.