



Andrew Terhost

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Dear Mr Terhost

### **FOI 23-07 - Decision on Access**

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 17 April 2023 (**the request**) and refined on that same date. It seeks access to:

*the final approval brief (including any briefing and attachments) that affected (or effected) the move of the Hobart Airport Runway 30 flight path from Dunalley to Carlton Bluff*

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**

I have decided to grant access to the documents sought by the request in part as they contain] material that is conditionally exempt under sections 47F (personal privacy) of the FOI Act, and access to that conditionally exempt material would be contrary to the public interest.

The documents and my decision in relation to each are set out in the schedule of documents at **Attachment A (the Schedule)**.

The reasons for my decision are set out in the Statement of Reasons at **Attachment B**.

### **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 C**.

### **Contact**

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

Yours sincerely

Alan Hilvert-Bruce  
Authorised FOI Decision Maker

## SCHEDULE OF DOCUMENTS

Doc No.	Description	Decision
1.	<i>Final Report</i> Hobart Airspace Design Review March 2019	<i>Release in full</i>
2.	<i>Email</i> Subject: ACP - Route amendments - Hobart	<i>Release in part</i> Section 47F – names and direct contact information of Airservices staff
2a.	Airspace Change Proposal Form	<i>Release in part</i> Section 47F – names and direct contact information of Airservices staff
2b.	<i>AIP Supplement</i> AIRAC H92/19 (V1)	<i>Release in full</i>
2c.	<i>Safety Case Assessment and Reporting Determination</i> Hobart Airspace Design Review – CTA Changes (C, D and E)	<i>Release in part</i> Section 47F – names of Airservices staff
2d.	<i>Community Engagement Report</i> Tasmanian High Level Routes Changes	<i>Release in part</i> Section 47F – names and signature of Airservices staff
2e.	<i>Stakeholder Engagement Plan</i> Tasmanian High Level Route Changes	<i>Release in part</i> Section 47F – names and signatures of Airservices staff
2f.	<i>Environmental Assessment</i> Environmental Assessment of the Proposed New Route Structure for Hobart Airport	<i>Release in part</i> Section 47F – names of Airservices staff
2g.	<i>ATS Route Changes</i> Hobart Airspace Design Review	<i>Release in full</i>
3.	Standard Form of Recommendation Office of Airspace Regulation	<i>Release in part</i> Section 47F – names and signatures of CASA staff

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Doc No.	Description	Decision
4.	<i>AIP Supplement</i> AIRAC H92/19 (V2)	<i>Release in full</i>

## STATEMENT OF REASONS

### Material on which the decision is based

I relied on the following material in coming to this decision:

- the terms of the request;
- the documents subject to the FOI request;
- advice from subject matter specialists within Airservices Australia (**Airservices**) regarding the nature and sensitivity of the documents subject to the request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

### Section 47F - personal privacy

Section 47F of the FOI Act relevantly provides that a document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person). Access to the conditionally exempt document may only be withheld where it is contrary to the public interest.

Certain documents subject to the request (identified in the Schedule) contain personal information, specifically the names, signatures and direct contact details of Airservices and CASA staff. I am satisfied that this personal information is not publicly available, nor are the individuals concerned well known to be involved in the matters described in the documents.

I therefore find that disclosure of this personal information would be unreasonable and conditionally exempt under section 47F(1) of the FOI Act.

When considering whether access to this personal information is contrary to the public interest I acknowledge that access would inherently promote the objects of the FOI Act, demonstrating full transparency of government. However, providing access to this personal information would also intrude on the privacy of the individuals to whom the personal information relates whilst also not providing great insight into the decision making processes of Airservices. This adverse effect outweighs any benefit that could flow from disclosing that personal information.

As a result, I am satisfied that access to the personal information would be contrary to the public interest, and have decided to withhold access to it.

## 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. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

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

### Internal Review

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:

- (c) made in writing;
- (d) made within 30 days of receiving this letter; and
- (e) 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 officer decides not to grant you 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. You will be further notified of your rights of review 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 have been made (provided an extension of time has not been granted or agreed).

### Information Commissioner review

If you want to seek direct review by the Information Commissioner (and not internal review), you must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

<p>Online: <a href="http://www.oaic.gov.au">www.oaic.gov.au</a>          Post: GPO Box 2999, Canberra ACT          2601          Fax: +61 2 9284 9666          Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a></p>	<p>In person:          Level 3,          175 Pitt Street,          Sydney NSW 2000</p>
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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 (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

## **Complaints to the Commonwealth Ombudsman and Information Commissioner**

### ***Commonwealth Ombudsman***

You may complain to the Ombudsman concerning action taken by an agency 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 Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072  
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

### ***Information Commissioner***

You may also complain to the Information Commissioner concerning action taken by an agency 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. The Information Commissioner's contact details are:

Telephone: 1300 363 992  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)