



Cathy Minnucci

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Dear Ms Minnucci

FOI 23-15 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 23 June 2023 (**the request**). It seeks access to:

- *the final signed approval that resulted in the change to the pre-2017 flight path*
- *the document that lists the benefits (if any) that were attributed to the Southern Beaches community (Lewisham, Forcett, Dodges Ferry, Carlton, Primrose Sands and Connelly's Marsh) when proposing the change to the pre-2017 flight path*
- *correspondence authored by Airservices Australia (from the top three tier levels of management) to either Airservices Australia (i.e. Internal – between own departments) and/or other Aviation/Federal Government bodies directly related to re-instating current Hobart flight path back to pre-2017 flight path over the water East of Dunalley.*

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 5 documents in full and 5 in part as they contain material that is:

- conditionally exempt under sections 47F (personal privacy) and access to that conditionally exempt material would be contrary to the public interest; or
- irrelevant to the scope of the request under section 22 of the FOI Act.

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.

Yours sincerely

Alan Hilvert-Bruce
Authorised FOI Decision Maker

21 July 2023

SCHEDULE OF DOCUMENTS

Doc No.	Description	Decision
1.	<i>CIRRIS Entry</i> Legacy Environmental Assessment : EA-0001239	<i>Release in part</i> Section 47F – names of Airservices Australia staff members.
2.	<i>Environmental Assessment</i> Environmental Assessment of Hobart Airport – Proposed SIDs and STARs 28 June 2017	<i>Release in part</i> Section 47F – names and signatures of Airservices Australia staff members.
3.	<i>Email</i> Subject: YMHB update - 5NM.	<i>Release in part</i> Section 22 – material that did not form part of original request. Section 47F – names and direct contact numbers of Airservices Australia staff members.
3a.	<i>Standard Instrument Departures (SIDS)</i> Kanli One (RNAV) Hobart Tas (YMHB)	<i>Release in full</i>
3b.	<i>Standard Arrival Route (STAR)</i> Clark One Alpha Arrival (RNAV) Hobart, Tas (YMHB)	<i>Release in full</i>
3c.	<i>Standard Arrival Route (STAR)</i> Iplet One Alpha Arrival (RNA) Hobart, Tas (YMHB)	<i>Release in full</i>
3d.	Annotated Google Earth Map	<i>Release in full</i>
4.	<i>SIDs and STARs Compliation</i>	<i>Release in full</i>

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Doc No.	Description	Decision
5.	<i>Stakeholder Engagement Strategy</i> Hobart SIDs and STARS	<i>Release in part</i> Section 47F – names of Airservices Australia staff members.
6.	<i>Signature page for Stakeholder Engagement Strategy</i>	<i>Release in part</i> Section 47F – names and signatures of Airservices Australia staff members.

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**).

Interpretation of scope

All documents identified within the scope of this request fell within the first dot point of the scope which sought the “*final signed approval that resulted in the change to the pre-2017 flight path*” at Hobart Airport. Document 1 is the actual approval document while the additional 9 documents were attached to that approval document.

No documents were identified falling within the second or third dot points of the request. This is likely because:

- when Airservices makes decisions regarding airspace changes its primary emphasis is on airspace safety, legislative compliance and ensuring that environmental impacts are mitigated to the best of our ability. As part of this it will give reference to the impact on communities but generally will not explore the *benefits* that each may receive from the change; and
- re-instatement of the current Hobart flight path back to the pre-2017 flight path is not an option that Airservices can explore. This is because it would result in decreased safety for aircraft and passengers traveling into Hobart Airport, and safety is Airservices’ paramount consideration. Further, the VOR Navigation System that was relied upon for the pre-2017 flight paths have been decommissioned.

As reversion to the prior flight path is not an option for Airservices, there is no purpose to us generating correspondence seeking that outcome as sought by the request.

Section 22 - Irrelevant material

Section 22 of the FOI Act relevantly provides that if an agency may delete information from a document where it is irrelevant to a request.

I have found that a document (identified in the Schedule) contains irrelevant matter and have deleted it pursuant to section 22 of the FOI Act.

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 names, direct contact numbers and signatures of Airservices 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 via:

- (a) an internal review; 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:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to 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. 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 to the Information Commissioner

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. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.