



Cathy Minnucci

By email: foi+request-10379-2697e1f0@righttoknow.org.au

Dear Cathy

Office of General Counsel
GPO Box 367
CANBERRA CITY ACT 2601

www.airservicesaustralia.com

ABN 59 698 720 886

FOI 23-28 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 4 September 2023 (**the request**). It seeks access to:

the documents that show where the top three levels of Airservices management and other Government departments used flight statistic sets as a basis to make the decision to PROCEED with the flight path over the Primrose Sands, Forcett and Carlton River TAS areas.

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.

Section 24A Decision – Documents do not exist

Section 24A of the FOI Act provides in part that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that it does not exist.

In the last five years Airservices has made two decisions to change the flightpaths at Hobart Airport. The first change occurred in 2017 and was made pursuant to a legal obligation to comply with the newly introduced rules concerning Standard Instrument Departures and Standard Instrument Arrivals. The second decision to change the flight paths occurred in 2019 as a result of the Hobart Airspace Design Review. Neither decision included or gave reference to “*flight statistic sets as a basis to proceed*” with the changes within them.

For this reason I have determined that the documents you are seeking do not exist and have decided to refuse your request under section 24A of the FOI Act.

I understand that you may be concerned that Airservices did not give reference to flight statistics in the Primrose Sands, Forcett and Carlton River areas when making decisions regarding flight paths at Hobart airport. You may wish to contact the Noise Complaints team who are in a better position to discuss these concerns with you.

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.

Yours sincerely

Alan Hilvert-Bruce
Authorised FOI Decision Maker

4 October 2023

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/>.