



Dr Andrew Terhorst

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Dear Mr Terhost

FOI 23-19 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 15 July 2023 (**the request**). It seeks access to:

a document that sets out the amount of respondents to the Hobart NAPs survey that were living directly under the flight path.

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.

The FOI request seeks a breakdown of the respondents to the Hobart NAPs survey by location, specifically between those *living directly under the flight path* and those that were not. As part of conducting the survey we collected information on the suburbs and wider areas that the respondents lived in, but not whether they lived *directly* under the flight paths.

Given that suburbs can vary in size along with respondents locations within those suburbs we cannot say that the location data held by Airservices is not definitive proof as to whether those respondents live directly under a flight path or simply close to one.

As a result we do not have the documents sought by this request and have decided to refuse it under section 24A of the FOI Act.

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

11 August 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/>.