



LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS

CASA Ref: F24/4707

Ms Cathy Minnucci

Via email: [foi+request-11071-8c701589@righttoknow.org.au](mailto:foi+request-11071-8c701589@righttoknow.org.au)

Dear Ms Minnucci,

### **Access to documents under the *Freedom of information Act 1982***

I refer to your email dated 2 February 2024 seeking access to documents under the *Freedom of Information Act 1982* (the Act). Your request was for:

*Please provide all documents from between 1 Jan 2019 and 1 Jan 2024 where permission was granted to jettison fuel from an aircraft travelling to or from Hobart TAS within a radius of 60km of Hobart Airport.*

The date range of your access request is 1 January 2019 to 1 January 2024. CASA acknowledged your FOI request on 6 February 2024, and assigned your above request the reference number, F24/4707. On 4 March 2024, you emailed the FOI inbox noting that your request is overdue, as the acknowledgement email noted the due date to be Sunday 3 March 2024. As the due date falls on the weekend, the timeframe to provide a decision expires on the first business day following, that being **Monday 4 March 2024**. For this reason, the FOI decision is not overdue and has not expired.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise this request. This is called a 'request consultation process' as set out under section 24AB of the Act. You have 14 days (by COB **Tuesday 19 March 2024**) to respond to this notice in one of the ways set out below.

### **Why I intend to refuse the request**

I have decided that a practical refusal reason exists because:

- Searches relating to the scope of your request have initially identified over 6,500 documents that may be within the scope of your request. I would need to examine each of these records individually to determine what would be within the scope of your request;
- Given the search result, consultation with several third parties may be undertaken under section 27A of the Act;
- The documents located may contain sensitivities where exemptions would most likely need to be applied. It is expected that additional time will be required to apply appropriate redactions and/or exempt documents; and
- Reviewing and indexing these documents could be expected to take a considerable and unreasonable amount of time.

You now have an opportunity to revise this request to enable it to proceed.

Before the end of this consultation period, you must do one of the following, in writing:

1. withdraw the request
2. make a revised request
3. tell us that you do not wish to revise your request.

The consultation period runs for a 14-day period, commencing the day after you receive this notice.

### Potential revision of request

Presently, your access request extends to a broad range of documents in CASA's possession. Searches have been conducted of CASA's records management system which has captured a large volume of documents that may be within the scope of your current request.

Due to the sensitivity of some of the documents' exemptions would likely be applied. It is expected that additional time will be required to apply appropriate redactions and/or exempt documents.

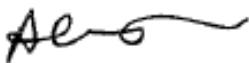
Reducing the scope of your access request may involve limiting your request to be for specific documents or specified subject matter and further limiting the date range. For instance, you may consider removing "all documents" to be "reports" and limiting the date range to be less than 5 years.

Whether the suggestions that I have made will remove the grounds for a practical refusal decision is hard to determine until such time as the scope of your initial application is revised. Any suggestions for revision of scope (as noted above) is guidance only. Should you decide to revise the scope of your request, does not guarantee that the practical refusal reason will no longer exist. Even if the practical refusal reason no longer exists, it does not guarantee that any documents identified will be released without exemptions applied. These decisions are made when any documents that are the subject of the revised request are assessed.

During the consultation period, you are welcome to seek assistance from me. If you revise the request in a way that adequately addresses the practical refusal grounds outlined above, I will recommence processing it (please note that the time taken to consult you regarding the scope of the request is not taken into account for the purposes of the 30-day time limit for processing the request).

If you do not do one of above three things (i.e., withdraw, revise, or continue with your original request) during the consultation period or you do not consult me as the contact officer during this period, your request will be taken to have been withdrawn.

Yours sincerely,



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

4 March 2024