



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:

*I am led to believe the following:*

- *Pilots seek permission from Air Traffic Control to dump fuel from the aircraft.*
- *The Civil Aviation Safety Authority and Airservices Australia enforce strict procedures on when and where fuel jettisoning can occur.*

*“Please provide all documents from between 1 January 2019 and 1 January 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 for your above request is from 1 January 2019 – 1 January 2024.

On 4 March 2024, I advised you that a practical refusal reason existed under section 24AA in regard to your above request on the basis that processing it would result in a substantial and unreasonable diversion of CASA’s resources due to its size and broad scope.

On 5 March 2024, we discussed on the phone various ways in which you could revise the scope of your request in order to continue within the processing period. Some of the suggestions made included revising the scope to remove “*all documents*” to “*reports*” and limiting the date range to be less than 5 years. On the same date, you responded to my consultation letter revising the scope of the request to:

*“Please provide relevant documents from between 1 January 2023 and 1 March 2024 where permission was granted, and or, there was a reported incident, to jettison fuel from an aircraft travelling to or from Hobart TAS within a radius of 30km of Hobart Airport.”*

As noted in my consultation letter, and in our discussion the revision of your request to “*reports*” and limiting the date range was a suggestion and used as guidance. In revising the scope of your request, I noted that the revision would not guarantee that a practical refusal reason or any other exemptions would not be applied to the request.

### **Decision**

I am the decision maker for your request. Under section 24A of the FOI Act, I refuse access to your request on the basis that the documents you are requesting do not exist or cannot be located.

Further searches were conducted on your revised scope and consultations occurred with the relevant business areas, including those responsible for receiving notices on incidents and occurrences. CASA has an occurrence database, which is used for various purposes – one of which includes identifying whether any

fuel dumping incidents have occurred. Our search on the database, returned a nil result on fuel dumping incidents in Hobart or within the 30km radius of Hobart Airport, including for the original date range of your request.

Following those searches and consultations, I am satisfied that under section 24A(1)(b) the documents do not exist or cannot be located.

I note that your request also included documents on “where permission was granted” to dump fuel. I am informed that CASA is not responsible for granting permission to aircraft about fuel jettisoning. In order to assist you with your request, I now suggest approaching the Australian Transport Safety Bureau (the ATSB) who may hold records or reports on aviation incidents that involved fuel dumping, as well as Airservices Australia as the organisation that delivers air traffic control services.

### Grounds for Review

If you are unhappy with my decision, you are able to ask for a review of the decision. There are two ways this can be done, via an internal review of the decision or a review by the Office of the Australian Information Commissioner (OAIC). Further information on how to lodge or request for a review can be found below:

#### **Internal Review of Decision**

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the address below:

Freedom of Information  
Advisory and Drafting Branch  
Legal, International and Regulatory Affairs Division  
Civil Aviation Safety Authority  
GPO Box 2005  
Canberra ACT 2601

#### **Review by the Office of the Australian Information Commissioner (OAIC)**

Alternatively, under section 54L of the Act, you may apply to the Office of the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)  
email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)  
post: Director of FOI Dispute Resolution, OAIC, GPO Box 5218, Sydney NSW 2001  
phone: 1300 363 992

Yours sincerely,



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

14 March 2024