



LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS

CASA Ref: F24/5860

Mr Mark Newton

Via email: foi+request-11124-c2ee2d2c@righttoknow.org.au

Dear Mr Newton,

Notice of Intention to Refuse – Request Consultation Process (s.24AB)

I refer to your email dated 16 February 2024 seeking access to under the *Freedom of Information Act 1982* (the Act). Your request was for:

- any documents which identify the "key milestones associated with the Class 5 medical certificate exemption instrument" to be completed before timeframes for the Class 4 medical certificate can be confirmed.
- any documents which contain actual or proposed timeframes for the delivery of Class 4 medical certificate regulations.
- any documents containing full or partial proposals for the content of regulations pertaining to the Class 4 medical certificate.

On 27 February 2024, CASA acknowledged your above request and assigned it with the reference number, F24/5860. On 18 March 2024, I wrote to you requesting an extension of time for the processing of your request. On the same date, you responded agreeing to the extension of time. A final decision on your above request is due to be made by COB Monday 8 April 2024, subject to any adjustments that are permitted under the FOI Act including for this consultation process. I note that, despite your agreement to extend the timeframe until 8 April, CASA will endeavour to complete your request earlier than that date if possible, and this letter is part of our attempts to do so.

I am writing to tell you that I believe that the work involved in processing your request, in its current form as understood by CASA, would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope, creating 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 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 identified a large number of documents and files that may be within the scope of your request. CASA would need to examine each of these records individually; and
- Reviewing and indexing these documents could be expected to take a considerable and unreasonable amount of time.

- Consulting with relevant persons or bodies in relation to the request 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, which I infer will mean that your response is due on Wednesday 3 April 2024.

Consultation

Presently, your access request extends to a broad range of documents in CASA's possession that relate to the matter. Searches have been conducted of CASA's Records Management System and Vault Search System, and preliminary consultations have been performed with various business areas within CASA who may hold documents in relation to your scope.

I have identified over 28,000 email items that may relate to the scope of your request. In conducting the searches, through Vault Search, the system requires a description of terms in order to generate results that fall within the scope of the request. In conducting the search, the following description below automated 28,441 items:

("timeframes" OR "milestones") and ("Class 5" OR "Class 4") and "regulation" and "Class 4"

The Vault Search system is used to ensure that a complete search of CASA's records and emails is conducted to identify any and all documents that fall within the scope of your request, whilst also checking with individual business areas to provide any information they may hold on the subject matter. Although the search string above already conflates some limbs of your request, you can see that a large number of potentially relevant documents were identified. If you believe there are any other terms within the current scope of your request that should be used to identify the documents, please let us know.

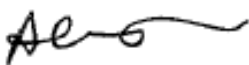
Reducing the scope of your access request may involve limiting your request to be for a specific document, narrowing to specific subject matter contained in an email and further limiting the date range. In addition, the scope of your request may change based on any clarification you provide to the unclear aspect of your request mentioned above.

Whether the suggestions that I have made will remove the grounds for a practical refusal decision I will be unsure of until such time as the scope of your initial application is revised, any suggestion is guidance only. Should you decide to revise your request, this does not guarantee that the practical refusal reason will no longer exist. If it does no longer exist, this does not guarantee documents will be released without exemptions applied. These types of 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 the three things above 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

19 March 2024