



LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS

CASA Ref: F24/7821

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 26 February 2024 seeking access to documents under the *Freedom of Information Act 1982* (the Act). Your request was for:

*If possible I would like a copy of any documentation that lists each aircraft incident where a ground proximity warning alert in the cockpit has occurred for aircraft within a 60km radius of Hobart Airport within the last 5 years.*

*I would also like a detailed copy of the aviation aircraft manuals directly relating to the ground proximity warning alert encompassing:*

- *what triggers the warning alert*
- *at what height (above the actual ground) warning alert automatically activates*
- *what pilot processes must be followed when alert is activated*
- *who the warning alert is reported to*
- *which aviation authorities are alerted and what is reported to them*
- *what risk assessment process is followed*

As you have noted you would like a copy of information within the last 5 years, the date range for your above request is identified to be 1 January 2019 – 26 February 2024.

On 4 March 2024, I acknowledged your FOI request and notified you that the decision on your access request would be finalised and provided to you by COB Tuesday 26 March 2024 and provided you the reference number F24/7821.

Please note that a typographical error was made in the acknowledgement email, and it should have noted the decision due date as COB Thursday 28 March 2024. Apologies for any confusion this may have caused.

Please find below my decision on your access request, F24/7821.

**Decision**

I am the decision maker for your request. Under section 24A(1)(b)(i) 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.

In processing your request, I noted that your request is based on two questions:

1. Documents listing aircraft incidents on ground proximity warning alerts; and
2. Documents on aviation aircraft manuals detailing on ground proximity warning alerts.

I consulted with the relevant business areas within CASA, including those responsible for the regulation of communications, navigation and surveillance infrastructure as well as air traffic control; and those who liaise with the Australian Transport Safety Bureau (the ATSB).

In my consultations, I was informed that the occurrence data on ground proximity warning alerts is not held by CASA. Any incidents regarding ground proximity warning alerts are to be reported to the ATSB in compliance with the *Transport Safety Investigation Act 2003*. For information on the occurrence data, please visit the ATSB's website: [National Aviation Occurrence Database | ATSB](#)

Secondly, in relation to your request for documents on aviation aircraft manuals regarding ground proximity warning alerts, I cannot ascertain which aviation aircraft manuals you require until you can more accurately identify the relevant incidents, at which point the aircraft types can be identified. I also note that these documents are commercial in confidence and may be subject to exemptions from disclosure.

Following the consultations with the relevant business areas, I am satisfied that under section 24A(1)(b) the documents do not exist or cannot be located.

### 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:

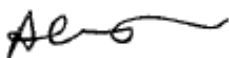
Freedom of Information  
Advisory and Drafting Branch  
Legal, International and Regulatory Affairs Division  
Civil Aviation Safety Authority  
GPO Box 2005  
Canberra ACT 2601

#### **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

28 March 2024