



Australian Government

Civil Aviation Safety Authority

Legal Services Division

TRIM Ref: F15/8322

12 February 2016

Mr Rob Cumming

By email: foi+request-1423-9a7e742c@righttoknow.org.au

Dear Mr Cumming,

INTERNAL REVIEW – FREEDOM OF INFORMATION ACT

I refer to your email dated 15 January 2016 seeking internal review of a decision made by an officer of CASA on 14 January 2016, that documents you sought access to on 9 December 2015 were exempt documents, pursuant to s 42 of the *Freedom of Information Act 1982* (the FOI Act).

Internal review

Your email of 15 January 2016 stated that your basis for seeking internal review was that s42 of the FOI Act had been improperly applied to the documents in items 1 and 2 of the Schedule. You did not otherwise explain the basis upon which you asserted that the claim of Legal Professional Privilege (LPP) had been improperly made.

Decision

I am the decision-maker in relation to that request for internal review.

I have reviewed the documents exempted in Mrs Smith-Roberts' decision of 14 January 2016 (the original decision). For the same reasons expressed in the original decision, I consider the documents in items 1 and 2 of your request are exempt documents (or part thereof). I have decided to refuse access to them, therefore affirming the original decision.

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that fall within the scope of your request;
- the FOI Act (specifically s 42);
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act; and
- IC review decision in Anthony Taggart and CASA [2015] AICmr 57 (27 August 2015);

The relevant parts of documents 1 and 2 exempted by Ms Smith-Roberts in the original decision contain communications engaged in for the purposes of giving or receiving legal advice from CASA's legal advisers. On that basis, those communications attract LPP and they are exempt from disclosure under s.42 of the FOI Act.

Review rights

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. 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:

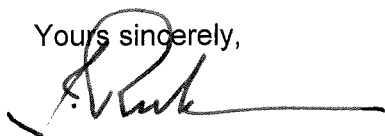
online: <https://forms.business.gov.au/aba/oaic/foi-review-/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

Please do not hesitate to contact me if you have any questions in relation to my decision.

Yours sincerely,



Joe Rule
Manager
Legal Branch

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Facsimile: 02 6217 1607