



Australian Government

Civil Aviation Safety Authority

Legal Services Division

TRIM Ref: F16/169

2 March 2016

Mr Rob Cumming

By email: foi+request-1450-56a391c3@righttoknow.org.au

Dear Mr Cumming,

FREEDOM OF INFORMATION REQUEST - ASSESSMENT OF CHARGES

I refer to your email dated 1 February 2016 in which you requested that the charges Mrs Smith-Roberts decided to impose on you in relation to your application for access to documents under the *Freedom of Information Act 1982* (Cth) (the Act) on 19 January 2016, be waived. Charges in the amount of \$188.58 were imposed.

In your email of 1 February 2016, you asked that CASA waive the charges on the following grounds:

As there are a large number of Cessna owners who privately own Cessna aircraft who have been impacted by the CASA decision. In light of this fact, CASA should simply provide the material in order that proper transparency is maintained through this request and that owners have proper access to the decision making process that has not been properly promulgated.

It is in the interest of a large percentage of Cessna owner's and in the public interest that this material be released without charge.

Please re-assess your charge to a "no cost in the public interest".

The public interest

In your request to waive charges, you do not suggest that the imposition of a charge would cause financial hardship to you. Instead you suggest that access to the documents you have sought (relevant documents) is in the interests of a large percentage of Cessna owners and in the public interest.

I do not accept that access to the relevant documents is a matter of general public interest or even a matter of interest to a substantial section of the general public, such as to warrant waiver of charges in this instance.

While it can be accepted that persons owning affected Cessna aircraft may have an interest in material contained in the relevant documents, I have assessed that consideration against the background that Aviation Ruling 1/2014 relating to the Cessna SIDs programme and the associated exemption, was first issued in April 2014, and the compliance dates for many affected aircraft have already passed, with final compliance dates for Cessna 100 and 200 series aircraft approaching on 31

March 2016 and 30 June 2016 depending upon the operational category of the relevant aircraft.

For that reason, I am satisfied that any interest in the relevant documents amongst Cessna owners does not justify the waiver of fees in this instance.

Under the Act, CASA is entitled to impose charges relating to search and retrieval, decision making, inspection, copying and delivery. I believe it is appropriate to charge for documents which are not of general public interest or of interest to a substantial section of the public.

The charges assessed by Mrs Smith-Roberts are modest, and I consider that the amount imposed in this instance correctly strikes the balance between the right of access to documents granted under the Act and the administrative cost to CASA of processing applications seeking to exercise that right.

Decision

In the absence of an identifiable basis to conclude that waiver of charges in relation to your request is in the general public interest (or a substantial section of it), I am not satisfied that waiver of the fees imposed in Mrs Smith-Roberts' letter of 1 February 2016 is justified and I have decided not to waive those charges.

There are several options available to you in light of my **access refusal** decision.

If you wish CASA to proceed to process your FOI application then you are required to pay the assessed charges.

If you no longer wish to proceed with your application, then you can notify CASA that you wish to withdraw it.

Alternatively, if you are dissatisfied with my decision not to waive or reduce the charges imposed on your application, you are entitled to seek review of that decision by selecting one of the options set out below.

Application for 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 the Freedom of Information Coordinator at the address below:

Freedom of Information Coordinator
Legal Services Division
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

Review by the Australian Information Commissioner

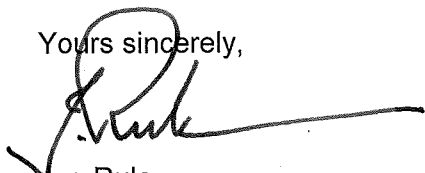
Alternatively, under section 54L of the Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/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.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joe Rule', with a long horizontal flourish extending to the right.

Joe Rule
Manager
Legal Branch

Telephone: 02 6217 1617
Facsimile: 02 6217 1607