



Australian Government
Civil Aviation Safety Authority

LEGAL AFFAIRS, REGULATORY POLICY
AND INTERNATIONAL STRATEGY

TRIM Ref: F16/5139

11 November 2016

Mr Rob Cumming

Via email: Rob Cumming foi+request-2351-accde2c2@righttoknow.org.au

Dear Mr Cumming,

ACCESS TO DOCUMENTS UNDER THE *FREEDOM OF INFORMATION ACT 1982*

I refer to your email dated 18 October 2016 seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act). Your request is as follows:

Please provide the advice and relevant material [e-mail, letters, telephone calls and verbal discussions] that form the basis for the recent press release by Jonathon Aleck surrounding the removal of restrictions from Jabiru Aircraft.

In particular, the material that gives the direct evidence for the comments made by Jonathon Aleck in July 2016.

I require you to provide the effect and basis for the comments.

Jonathon Aleck in part said:

"Our concerns were real and demonstrable and not the result of an exclusively CASA assessment, with the Air Traffic Safety Bureau corroborating as well," Dr Aleck said."

On 10 November 2016 you clarified your request as follows:

1. All material (documents, e-mails, phone records, diary entries) that forms the basis for the action by CASA against Jabiru and the documents related to the decision and information leading to the promulgation of the AD;
2. Following the expiry of the AD in June 2016, the information supporting all statements made by Jonathon Aleck to the press, which say publicly "...the problem has not been solved..." and
3. All other documents, e-mails, phone records, diary entries of any other internal documents that support this notion

I am an officer authorised under section 23(1) of the Act to make decisions in relation to freedom of information requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope. This is called 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 your 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 your request

I have decided that a practical refusal reason exists because:

- Searches relating to your request have identified in excess of 624 pages of records, including, but not limited to:
 - Audit reports;
 - Engine analysis reports;
 - Engine Failure Modes and Occurrences report;
 - Correspondence with numerous third parties.
- In addition to the number of pages above, FOI file EF11/89 contains 371 records.
- Reviewing and indexing these documents could be expected to take up to a week and consultation will be required with approximately six third parties. We may be required to consult with additional third parties, but this would not be known until the documents in scope are reviewed in detail;
- The consultation in this instance would be time intensive given the large number of parties to consult with. It would take a significant amount of time to prepare a redacted version for each party, manage correspondence and responses, and finally, assess each consultation response prior to making a decision on the release of documents; and
- In reviewing the types of documents identified to date, exemptions may be applied. Some internal CASA emails may contain material subject to legal professional privilege. Other documents will contain information relating to the business affairs of parties involved, and personal information. Due to the sensitivity of some documents, it is expected that additional time will be required to apply appropriate redactions and/or exempt documents.
- To demonstrate the work involved in processing this request, based on the number of pages and parties to consult with, it would take a minimum of 125 hours to examine the documents and conduct consultation, and fees of approximately \$2,614.00 would be payable.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, CASA

may be able to pinpoint specific documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of this consultation period, you must do 1 of the following, in writing:

1. withdraw your request
2. make a revised request
3. tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your 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 your request is not taken into account for the purposes of the 30 day time limit for processing your request).

If you do not do 1 of the 3 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.

Contact officer

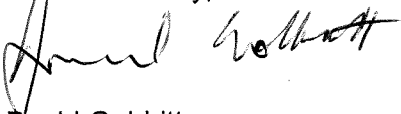
If you would like to revise your request or have any questions, I am the contact officer for your request, and am contactable as detailed below:

Phone: 02 6217 1281, Fax: 02 6217 1607

Email: david.gobbitt@casa.gov.au

Mail: GPO Box 2005, Canberra ACT 2601

Yours sincerely,



David Gobbitt

A/g Freedom of Information Coordinator

Legal Affairs, Regulatory Policy and International Strategy Branch

Email address: david.gobbitt@casa.gov.au