



Australian Government
Civil Aviation Safety Authority

LEGAL AFFAIRS, REGULATORY POLICY
AND INTERNATIONAL STRATEGY

TRIM Ref: F16/5332

24 November 2016

Mr Rob Cumming

Via email: Rob Cumming foi+request-2253-5e7e56a6@righttoknow.org.au

Dear Mr Cumming,

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

I refer to your email dated 17 October 2016 seeking access to documents under the *Freedom of Information Act 1982 (Cth)* (the Act). You sought access to:

All documents what-so-ever including but not limited to:

- Correspondence;
- File Notes;
- Meeting Notes;
- Internal Memo's;
- Diary/ calendar entries;
- Telephone records;
- All data electronically collected, being by mobile phone, Dictaphone, tape recorder or mp3/4 recorder or other means
- E-mails;
- All database entries including entries into Sky Sentinel, TRIM and AIRS;
- Images;
- Individual FOI [Flight Operation Inspector], AWI comments and resulting documentation;
- All supervisory staff records relating to the matter;
- If referred to the CASA Board, all related Board minutes, discussions and recommendations made to advise CASA as to direction for the Board in relation to this

In relation to:

Promulgation of CAO 100.5:

Civil Aviation Order 100.5 Amendment Instrument 2013 (No. 2) (the Amendment Instrument) was registered on the Federal Register of Legislative Instruments on 31 July 2013 and came into effect on 1 August 2013, immediately before the commencement of Civil Aviation Order 100.5 Amendment Instrument 2013 (No. 1).

On 2 November 2016 I contacted you by email to seek confirmation that you were seeking documents solely relating to the promulgation of Civil Aviation Order 100.5 Amendment Instrument 2013 (No. 2). On 2 November 2016, you replied that the intent of the FOI application is to seek the required information just about Civil Aviation Order 100.5.

Again, on 2 November 2016, I contacted you by email to confirm if you are seeking access to documents regarding the promulgation of Civil Aviation Order 100.5 (the principal instrument) or whether you are seeking access to documents regarding the promulgation of Civil Aviation Order 100.5 Amendment Instrument 2013 (No. 2), as per your reference at the end of your initial email.

On 10 November 2016, you replied by email that you are seeking access to documents regarding the promulgation of Civil Aviation Order 100.5 (the principal instrument).

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

I am the decision maker for your request.

Prior to the commencement of the *Civil Aviation Regulations 1988*, Civil Aviation Order 100.5 was known as Air Navigation Order 100.5. Air Navigation Order 100.5 commenced in February 1963. Civil Aviation Order 100.5 commenced in approximately 1988.

I have not been able to locate any documents which fall within the terms of your request. This includes documents regarding the promulgation of Air Navigation Order 100.5 and Civil Aviation Order 100.5.

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 Freedom of Information at the address below:

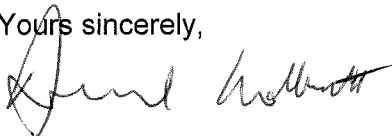
Freedom of Information
Legal Services Division
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

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: <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW
phone: 1300 363 992

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