



**Australian Government**  
**Civil Aviation Safety Authority**

LEGAL AFFAIRS, REGULATORY POLICY  
AND INTERNATIONAL STRATEGY

TRIM Ref: F16/5332

28 November 2016

Mr Rob Cumming

By email: [Rob.Cumming\\_foi+request-2253-5e7e56a6@righttoknow.org.au](mailto:Rob.Cumming_foi+request-2253-5e7e56a6@righttoknow.org.au)

Dear Mr Cumming,

**INTERNAL REVIEW – FREEDOM OF INFORMATION ACT**

I refer to the decision made on 24 November 2016 by David Gobbitt, an officer of CASA pursuant to the *Freedom of Information Act 1982* (**the Act**) (**the decision**). By an email of 25 November 2016, you sought internal review of that decision. I am the decision-maker in relation to your request for internal review.

By email of 29 October 2016, you sought access to documents, in the following terms:

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).

Mr Gobbitt sought to clarify whether you sought access only to the "promulgation" (making) of the CAO 100.5, or the amendment instrument in 2013. By email of 10 November, you said:

Seeking access to documents regarding the promulgation of Civil Aviation Order 100.5 (the principal instrument);

Yours sincerely,

Rob Cumming

I am satisfied that you changed the terms of your request to only seek documents in relation to only the original making of CAO 100.5. I am satisfied CASA does not hold documents in relation to your request.

**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](mailto: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,

Adam Anastasi  
Manager  
Advisory, Commercial and Legislative Drafting



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