



# Australian Government

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## Civil Aviation Safety Authority

LEGAL AFFAIRS, REGULATORY POLICY  
AND INTERNATIONAL STRATEGY

TRIM Ref: F16/6009

20 February 2017

Mr Rob Cumming

By email: [foi+request-2844-6fa5b239@righttoknow.org.au](mailto:foi+request-2844-6fa5b239@righttoknow.org.au)

Dear Mr Cumming,

### INTERNAL REVIEW – FREEDOM OF INFORMATION ACT

I refer to the decision made on 16 January 2017 by David Gobbitt, an officer of CASA pursuant to the *Freedom of Information Act 1982* (**the Act**) (**the decision**). By an email of 30 January 2017, you sought internal review of that decision. I am the decision-maker in relation to your request for internal review.

### Background

By an email of 13 December 2016, you sought access to documents described as follows:

In June 2010, the Australian Parliament increased the allocation of excise for avtur and avgas to CASA by increasing the excise level. Estimates at the time indicated in a four period, \$89.9m would be given to CASA until June 2014. Since 2014, the levy has remained. I require the evidence and final use of those funds by CASA in terms of:

1. Where expended;
2. Comparison with the source and the application of those funds in the following way:

July 2010 to June 2011  
July 2011 to June 2012  
July 2012 to June 2013  
July 2013 to June 2014

and then:

July 2014 to June 2015  
July 2015 to June 2016

By email dated 13 December, you clarified the terms of your request, as follows:

This may require you to get information from ledgers where money coming in from the levy went and the direct expenditure relating to that money as it left accounts.

If it was employing people, the title of the job, the amount and when the position started and when it completed (if it was completed)

If it was purchasing goods/ services, the type of goods, the type of services and dates.

If it went directly into working funds, evidence as to where the money went to and what it was used for.

The decision identified 31 pages of documents which fell within the terms of your request, and those documents were released to you. The decision letter explained:

increase in the aviation fuel excise rate was to fund the following items:

- Testing for Alcohol and Other Drugs
- Technical and Regulatory Capability (Safety System Surveillance)
- CASA Board
- Office of Airspace Regulation
- Safety Standards Development and Maintenance
- Safety Specialists – New Technology and Pressures and Airspace and Aerodrome Regulation
- Safety Analysis Capability and Systems
- Technical and Training Capacity and Graduates

Spending against these items was tracked for the period 2010-11 to 2013-14, after which the funding became part of CASA's ordinary recurrent funding.

Your request for internal review states: *This material does not meet the scope of the request, which specifies the income and detailed expenditure of a specific source of funding from an increase in avgas/ avtur fuels and the destination/ expenditure of those funds since July 2010 to June 2016. Please forward the full details as undertaken and for the payment made in January 2017.*

### **Practical Refusal Decision**

The documents you were given access to were spreadsheets which provided summaries of expenditure of the matters itemised in the decision notice. You assert, and I accept, you have not been provided with access to all the documents sought.

This is because you sought access to documents providing more granular information as to how the monies were expended, which would include individual budgets for all the relevant business units in which NPP funding was expended, pay slips, detailed wage records where monies were paid for wages. I understand the provision of the NPP monies funded at least an additional 25 staff in CASA, amongst other things.

I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of CASA 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 CASAs finance branch has advised it would take approximately 2 weeks of work effort to locate the documents sought. Further, it is likely, exemptions may be applied. Wage and budget records will contain personal information about employees.

### **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. advise 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 me. 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.

Yours sincerely,



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