



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

LEGAL AND REGULATORY AFFAIRS DIVISION

TRIM Ref: F18/194

13 February 2018

Rob Cumming

By email: [foi+request-4294-f61cd8d5@righttoknow.org.au](mailto:foi+request-4294-f61cd8d5@righttoknow.org.au)

**Internal review - Freedom of information Act 1982**

I refer to the decision made on 9 January 2018 by David Gobbitt, an officer of CASA, pursuant to the *Freedom of Information Act 1982* (the Act). By an email of 20 January 2018, you sought internal review of that decision. I am the decision-maker in relation to your request for internal review.

**Background**

By email dated 4 January 2018, you sought access to:

all documents related to statements made by Peter Gibson or others of CASA, following the obscure technicality under Part 61 of flight tests for Falcon Air released to The Australian and published on 3rd January 2018. Viz: "While Mr Gibson would not provide an absolute guarantee that CASA would have lifted the ban on FalconAir pilots, he said it had the power to grant "mercy flight" exemptions."

Your request for internal review stated: "I believe that records do exist, and further seek written notes by Gibson and The Australian journalist."

**Decision**

In accordance with subparagraph 24A(1)(b)(ii) of the Act, I refuse your request for access as I am satisfied the documents you are seeking do not exist. Mr Gibson has confirmed with me today his communications to and from The Australian (and internally about how to respond) were all verbal because of the short notice provided by The Australian. No notes of the conversations were made.

**Review by the Australian Information Commissioner**

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,

A handwritten signature in black ink, consisting of a large, stylized loop that starts at the top, curves down and around to the right, and then loops back up and around to the left, ending with a small hook.

Adam Anastasi  
Manager  
Advisory and Drafting Branch