

Mr Phil Richards

By email: foi+request-4562-f07be2d6@righttoknow.org.au

Office of General Counsel
GPO Box 367

CANBERRA CITY ACT 2601

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ABN 59 698 720 886

Dear Mr Richards,

Your Freedom of Information Request – Notice of Decision on Access

I refer to your email dated 9 May 2018 in which you requested access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to:

Documents showing the total amount spent on external legal firms for any workplace disputes/bullying/harassment/complaints (where an ARRF officer may have been stood down during the investigation) for the period 1 March 2017 to the current date for the ARRF business unit only.

Decision

Airservices Australia (**Airservices**) has identified 6 documents, consisting of 23 pages, as falling within the scope of your FOI request. These documents, and my decision in relation to each document, are set out in the schedule of documents at **Attachment A (the Schedule)**.

I have decided to:

- grant you partial access to 6 documents;

I have found that certain documents, as identified in the Schedule, contain material which is irrelevant.

Where possible, irrelevant material has been deleted, so that the residual parts of the documents can be released to you.

Reasons for decision

The reasons for my decision are set out in the Statement of Reasons at **Attachment B**.

Provision of documents

Copies of the documents I have decided to release to you are **attached**.

Review rights and complaints

If you are unhappy with my decision, information about your rights of review, and how you can make a complaint about the handling of your request, is at **Attachment C**.

Contact

If you wish to discuss my decision, please contact me via email legal@airservicesaustralia.com.

Yours sincerely



Shan Gunawardena
Authorised FOI Decision Maker
8 August 2018

FOI Request: FOI28-0518 - External legal spending - Mr Phil Richards

FOI Decision
SCHEDULE OF DOCUMENTS

Doc No.	No.of Pages	Date	Description	Decision	Exemption
1.	2	30 March 2017	Ashurst tax invoice – for period 20 March 2017 to 21 March 2017	Partial release	S 22 (irrelevant information) All pages
2.	2	27 April 2017	Ashurst tax invoice – for period 18 April 2017 to 17 May 2017	Partial release	S 22 (irrelevant information) All pages
3.	4	28 February 2018	Ashurst tax invoice – for period 13 February 2018 to 26 February 2018	Partial release	S 22 (irrelevant information) All pages
4.	2	28 February 2018	Ashurst tax invoice – for 1 February 2018	Partial release	S 22 (irrelevant information) All pages
5.	9	29 March 2018	Ashurst tax invoice – for 1 February 2018 to 28 March 2018	Partial release	S 22 (irrelevant information) All pages
6.	4	28 September 2017	HWL Ebsworth invoice – for period ending 21 September 2017	Partial release	S 22 (irrelevant information) All pages

FOI Request: FOI28-0518 - External legal spending - Mr Phil Richards

FOI Decision
STATEMENT OF REASONS

YOUR FOI REQUEST

On 9 May 2018, you requested access to the following documents under the *Freedom of Information Act 1982 (Cth) (FOI Act)*:

Documents showing the total amount spent on external legal firms for any workplace disputes/bullying/harassment/complaints (where an ARRF officer may have been stood down during the investigation) for the period 1 March 2017 to the current date for the ARRF business unit only.

DECISION MAKER

I am an officer authorised under section 23 of the FOI Act to make decisions regarding access to documents.

My decision is set out below.

MATERIAL ON WHICH MY FINDINGS ARE BASED

In reaching my decision, I have relied on the following material:

- the terms of your FOI request;
- submissions made by third parties in response to consultation undertaken by Airservices in relation to the potential release of documents concerning those third parties;
- consultations with Airservices officers about the nature of the requested documents, Airservices' operating environment and functions (including normal business and record-keeping practices) and searches that have been undertaken;
- the FOI Act;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

DECISION

In relation to the 6 documents relating your request (identified in the Schedule at **Attachment A**), I have decided to:

- grant you partial access to 6 documents;

I have found that parts of the documents, as identified in the Schedule, contain material which is irrelevant.

DELETION OF IRRELEVANT MATERIAL

Certain documents (identified in the Schedule) contain information which falls outside the scope of your FOI request.

Section 22 of the FOI Act provides that if an agency decides that granting access to a document would disclose information that would be irrelevant to the request, then where it is reasonably

practicable to do so, a copy of the document with deletions to irrelevant information should be provided.

In accordance with section 22 of the FOI Act, I have deleted the irrelevant material wherever possible to facilitate the release of the remainder of the documents to you.

Shan Gunawardena
Authorised FOI Decision Maker
8 August 2018

INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982 (the FOI Act)* gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (a) an internal review officer in Airservices Australia; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal Review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (c) made in writing;
- (d) made within 30 days of receiving this letter; and
- (e) sent to legal@airservicesaustralia.com.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

Information Commissioner review

If you want to seek direct review by the Information Commissioner (and not internal review), you must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

<p>Online: www.oaic.gov.au Post: GPO Box 2999, Canberra ACT 2601 Fax: +61 2 9284 9666 Email: enquiries@oaic.gov.au</p>	<p>In person: Level 3, 175 Pitt Street, Sydney NSW 2000</p>
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An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Commonwealth Ombudsman and Information Commissioner

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

Information Commissioner

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au