



Mr Phil Richards

By email: foi+request-5530-e020d92f@righttoknow.org.au

Office of General Counsel
GPO Box 367
CANBERRA CITY ACT 2601
www.airservicesaustralia.com

ABN 59 698 720 886

Dear Mr Richards

Your Freedom of Information Request – Notice of Decision on Access

I refer to your email dated 25 July 2019 and subsequent emails in which you requested access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to:

Documents relating to gift declarations by Airservices Australia executive and staff for the last three years

Decision

Airservices Australia (**Airservices**) has identified **five** documents, consisting of five 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 the five documents.

I have found that certain documents, as identified in the Schedule, contain material which is irrelevant under section 22 of the FOI Act. As per your email of 18 October 2019, the 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

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 on foi@airservicesaustralia.com.

Yours sincerely

Shan Gunawardena
FOI Coordinator & Authorised FOI Decision Maker
12 November 2019

FOI Decision
SCHEDULE OF DOCUMENTS

Doc No.	No.of Pages	Date	Description	Decision	Exemption
1	1		Gift register – Enterprise Services	Partial Release	<u>Section 22</u> Page 1
2	1		Gift register – Aviation Rescue Fire Fighters	Partial Release	<u>Section 22</u> Page 1
3	1		Gift register – OneSKY	Partial Release	<u>Section 22</u> Page 1
4	1		Gift register 2017 – Air Navigation Services	Partial Release	<u>Section 22</u> Page 1
5	1		Gift register 2018 – Air Navigation Services	Partial Release	<u>Section 22</u> Page 1

**FOI Decision
STATEMENT OF REASONS**

YOUR FOI REQUEST

On 25 July 2019, you requested access under the *Freedom of Information Act 1982* (FOI Act) to:

Documents relating to gift declarations by Airservices Australia executive and staff for the last three years.

DECISION MAKER

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

My decision and reasons for decision are set out below.

DECISION

In relation to the five documents relating your request (identified in the Schedule at **Attachment A**), I have decided to grant you partial access.

DELETION OF EXEMPT OR IRRELEVANT MATERIAL

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.

I have found that certain documents (identified in the Schedule) contain information which falls outside the scope of your FOI request. As per your email of 18 October 2019 information that identifies Airservices employees have been redacted as irrelevant.

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
FOI Coordinator & Authorised FOI Decision Maker

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:

- a) made in writing;
- b) made within 30 days of receiving this letter; and
- c) 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