



Australian Government
Civil Aviation Safety Authority

LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS

RMS Ref: F23/6839

16 March 2023

BS

Via email: foi+request-9950-25cb69ac@righttoknow.org.au

Dear BS,

ACCESS TO DOCUMENTS UNDER THE *FREEDOM OF INFORMATION ACT 1982*

I refer to your email dated 18 February 2023 seeking access to documents under the *Freedom of Information Act 1982* (the Act). Your request was for:

I kindly request the following information relating to Airservices Australia activities that are regulated by CASA:

-Details of all surveillance activity for Sydney Tower and Sydney TCU between the dates 1st January 2022 and 17th February 2023, including any results (including safety observations, alerts, and findings).

-Details of all enforcement activity related to the abovementioned surveillance.

-A summary of any actions required by Airservices including whether they have been addressed or are outstanding.

The date range of your access request is 1 January 2022 to 17 February 2023. You do not require the names of any CASA staff, or third parties contained in the documents.

On 15 March 2023 I made a decision to impose charges in the amount of \$707.29 in relation to your application.

On 15 March 2023 you emailed contending that the charge be waived, as you suggested there was genuine public interest in these documents. You also sought clarification as to why such a high charge was applied. You requested I advise if a specific aspect of your request was attributing to such a high charge and that if that was the case you may consider limiting the request.

On 15 March 2023 I responded that as you were seeking documents that outline the status of any current findings as I previously explained this is not housed in any one document, I therefore included in scope all the emails between Air services and CASA outlining the actions taken regarding each finding. This volume of documents is what attributed to such a high charge. I informed outside of these documents the surveillance report covers most of the scope of your request (safety observations, alerts, and findings).

On 16 March 2023 you emailed responding *'I would like to limit my FOI request to the single document you have referred to. I trust this would remove all charges.'* Although this does not remove all charges the charges have been drastically reduced as a result of you revising the scope of your request.

I have made a decision to impose charges in the amount of \$23.45 in relation to your application.

Authority to make this decision

I am an officer authorised by the Director of Aviation Safety to make decisions about charges applying to requests for access to documents in the possession of the Civil Aviation Safety Authority (CASA) in accordance with section 23(1) of the Act.

Your liability to pay a charge

In accordance with section 29(1) of the Act, I have decided that you are liable to pay a charge in relation to your request.

Preliminary assessment of the amount of the charge

In accordance with section 29(1)(b) of the Act, CASA has undertaken a preliminary assessment of the amount of the charge you are liable to pay in relation to your FOI request. Accordingly, you are liable to pay \$23.45. A breakdown of this charge, as well as the basis on which the assessment is made, is provided for in detail at Schedule 1.

What you must do now

In accordance with section 29(1)(f) of the Act, you must, within the period of 30 days from the date of this notice, notify CASA, in writing of one of the following three things:

1. agree to pay the charge;

If you agree to pay the charges, I will then write to you formally imposing the charge and advise you how to pay it.

2. contend that the charge has been wrongly assessed, or should be reduced or not imposed, or both—that you so contend, giving reasons for so contending; or

If you make such a contention, I must then decide whether to reduce the charge or not to impose a charge. I must consider any relevant reasons, including whether any contention that payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public. It is necessary that you provide evidence of financial hardship, or specify how the public would benefit from disclosure if you rely on either of these grounds.

3. withdraw the request for access to the document concerned.

If you fail to give CASA notice of any of the above three things within 30 days of the date of this notice or such further period that CASA allows in writing, your request for access will be taken to have been withdrawn.

Extension of period of processing request

Under section 31 of the Act, the time limit for processing your request is extended by the period of time commencing on the day you receive this notice and ending on the day you pay the charge or the day CASA makes a decision not to impose a charge.

Please do not hesitate to contact me if you have any questions in relation to your request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Phengrasmy', written in a cursive style.

Keeley Phengrasmy
A/g Freedom of Information Officer
Advisory and Drafting Branch
Legal, International and Regulatory Affairs Division
Civil Aviation Safety Authority