



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

**Legal Services Division**

TRIM Ref: EF12/8748

8 November 2012

Mr Ralph Holland  
8 Hardy Place  
Kambah ACT 2902

Via email: [ralph@arising.com.au](mailto:ralph@arising.com.au)

Dear Mr Holland,

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

I refer to your email dated 23 July 2012 seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act). You seek access to documents relating to closed CASA Project AS 06/07 *Assessment of obstacles including wind turbines and exhaust plumes*, including a report and an alleged letter of closure sent from the Department of Infrastructure and Transport.

I am an officer authorised under section 23(1) of the Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size. This is called a 'practical refusal reason' (section 24AA of the Act).

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:

- Searches disclose there are 522 pages of documents relevant to your request, which include, but are not limited to: emails, guidelines, a discussion paper, letters, financial information, submissions for tender to CASA and contracts.
- Reviewing and indexing the documents are expected to take several days, and consultation would be required with at least 13 third parties. The consultation in this instance would be time and resource intensive in sorting relevant copies for consultation for each individual party, conducting consultation and reviewing submissions from each party, taking these into account when applying exemptions to documents for release; and

- In reviewing the types of documents returned, several exemptions would likely be applied. For example, submissions to CASA for Tender on the project contain commercially sensitive information. Financial paperwork includes information relating to money paid for services. Some internal CASA emails contain material subject to legal professional privilege, and some documents contain personal information of third parties. Due to the sensitivity of some documents, it is expected that additional time will be required to apply appropriate redactions and/or exempt documents.

### **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. tell us 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 the contact person I have listed below to revise your request. 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.

Certain documents included in the searches are publicly available. The discussion paper is available on the Department of Infrastructure and Transport via the following link: <http://www.infrastructure.gov.au/aviation/environmental/safeguarding.aspx>. Guidelines (CAA Policy and Guidelines on Wind Turbines) is publicly available on the CAA UK website, via the following link: <http://www.caa.co.uk/application.aspx?catid=33&pagetype=65&appid=11&mode=detail&id=2358>. This version however is more current than the version that CASA holds.

### **Contact officer**

If you would like to revise your request or have any questions, I am the contact officer for your request, and am contactable as detailed below:

Phone: 02 6217 1445  
Fax: 02 6217 1607  
Email: [jennifer.smith-roberts@casa.gov.au](mailto:jennifer.smith-roberts@casa.gov.au)  
Mail: GPO Box 2005, Canberra ACT 2601

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 "J. Smith-Roberts". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Smith-Roberts  
Freedom of Information and Finance Officer  
Legal Services Division