



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

LEGAL AND REGULATORY AFFAIRS

TRIM Ref: F18/8029

21 December 2018

Glen Buckley  
Australian Pilot Training Alliance

By email: [Glen Buckley <glen.b@auspta.com.au>](mailto:glen.b@auspta.com.au)

Dear Glen,

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

I refer to your email of 5 December 2018, seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act). Your request was for the documents that the CASA Certificate Management Team submitted to CASA Legal in support of their contention that you are a franchised operation operating with an arms-length contractual arrangement.

**Decision**

I am the decision maker for your request. I have identified 2 documents comprising 8 pages that are within the scope of your request. I have decided that the documents are exempt documents and will not be released to you, for the following reasons. Document 1 contains material that is outside the scope of your request, and this part of the document has been redacted accordingly, in accordance with s 22 of the FOI Act.

**Exemption - legal professional privilege**

Section 42 of the Act provides that a document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

Relevantly, the privilege protects confidential communications between a client and his or her lawyer that are made for the purposes of seeking or being provided with legal advice. The documents would be privileged from production in legal proceedings on the ground of legal professional privilege. The documents contain an email and attached material between CASA officers and a CASA legal officer, seeking legal advice and comment regarding the issue of franchised AOC arrangements. Accordingly, I have made a decision that part of Document 1, and all of Document 2, are exempt documents.

**Application for internal review of decision**

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the address below:

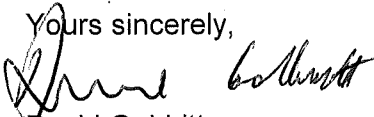
Freedom of Information  
Advisory and Drafting Branch  
Legal and Regulatory Affairs Division  
Civil Aviation Safety Authority  
GPO Box 2005  
Canberra ACT 2601

**Review by the Australian Information Commissioner**

Alternatively, 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,



David Gobbitt  
Freedom of Information Officer  
Advisory and Drafting Branch  
Legal and Regulatory Affairs Division  
Civil Aviation Safety Authority

### Schedule of documents

No.	Date of document	Description of document	Decision
1	9 October 2018	Email chain between CASA officers	Exempt – s 42
2		Document titled 'Request for Review of the APTA structure – Is this a Franchised AOC activity?	Exempt – s 42

s 42

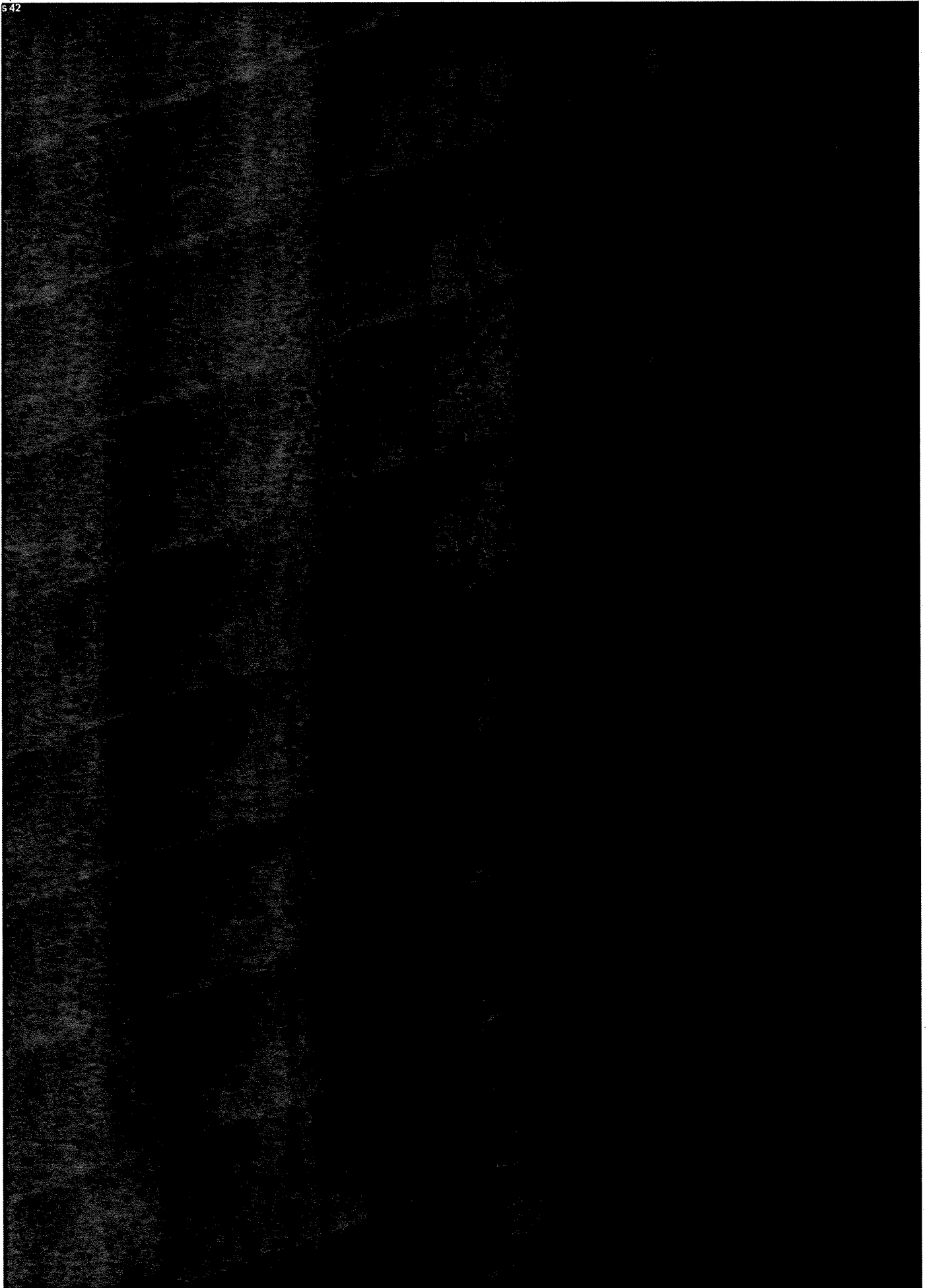


s 22



b2





Released under Freedom of Information

s 42



Released under Freedom of Information

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# Released under Freedom of Information

b 42

