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| **Secrecy provisions that VCAT found are captured by section 38 of the FOI Act** | |
| **Provision** | **Case** |
| Section 18 *Business Licensing Authority Act 1998* | *Roberts v Department of Justice and Regulation (Review and Regulation)* [2018] VCAT 1560 |
| Section 10.1.34 *Gambling Regulation Act 2003* | *XYZ v Victoria Police* [2010] VCAT 255 |
| Section 27 *Health Records Act 2001* | *Swannie v Bayside Health* [2007] VCAT 1302 |
| Section 4(1A) *Judicial Proceedings Reports Act 1958* | *MNE v Victoria Police FOI Division* [2017] VCAT 975 |
| Section *Legal Aid Act 1978* | *Seaman v Victoria Legal Aid* [2008] VCAT 589 |
| Schedule 3, Part 5, Clause 15 *Local Government Act 1989* | *Van Der Craats v City of Stonnington* [2015] VCAT 2039 - Amendments to the Act in 2003 made the secrecy provision sufficiently specific to be captured by s 38. Hence why this case differs from the previous decision of *Craats v Melbourne City Council* [2000] VCAT 447. |
| Section 131 Secrecy: *Transport Accident Act 1986* | *Smeaton v Transport Accident Commission* [2017] VCAT 1486 |
| Section 192 Secrecy: *Equal Opportunity Act 1995* - This Act was repealed but replacement section 176 *Equal Opportunity Act 2010* is likely captured by s 38. | *Morgan v Equal Opportunity Commission Victoria* [2006] VCAT 1965 |
| Section 64(4) *Children and Young Persons Act 1989* - Repealed in 2007. | *Anderson v Community Services Victoria* (unreported, AAT of Vic, Galvin DP, 10 April 1992); *Akers v Victoria Police (No 1)* [2003] VCAT 397; *O'Sullivan v Department of Health & Community Services (No 2)* (1995) 9 VAR 1 |
| Section 139 *Gaming Machine Control Act 1991* - Repealed in 2004. | *Hulls v Victorian Casino & Gaming Authority* (1998) 12 VAR 483. |
| Section 26 *Children and Young Persons Act 1989* | *O'Sullivan v Department of Health & Community Services (No 2)* (1995) 9 VAR 1 - Replaced by S 534 of the *Children, Youth and Families Act 2005* which is similar to the old s 26. |
| Section 30 *Corrections Act 1986* - Repealed in 2013. | *Knight v Department of Justice* (1994) 8 VAR 52; *Brygel v Department of Justice* (unreported, 17 July 1996) |
| Section 67(2) Protection of information: *Children and Young Persons Act 1989* - Repealed in 2007. | *Ali v Department of Human Services* (unreported, VCAT, 6 November 1998); *Sourbutts v Department of Human Services* (unreported, VCAT, 23 December 1999); *Akers v Victoria Police (No 1)* [2003] VCAT 397 |
| Section 6.4.5 *Legal Profession Act 2004* - Repealed in 2015 and replaced by the *Legal Profession Uniform Law Application Act 2014*. | *Frugtniet v Legal Services Board* [2014] VCAT 1299; *De Simone v Legal Services Board* [2015] VSC 9 |
| Section 151 *Casino Control Act 1991* - Repealed in 2003. | *David Syme & Co Ltd v Victorian Casino & Gaming Authority* (1995) 8 VAR 212; *Kelly v Victorian Casino and Gaming Authority* (unreported, 12 November 1996); *Mildenhall v Department of Planning and Development* (unreported, 30 June 1998); *Hulls v Department of Treasury and Finance (No 2)* (1994) 14 VAR 295 |
| S 7.2.9(1) Secrecy: *Legal Profession Act 2004* - Repealed in 2015 and replaced by the *Legal Profession Uniform Law Application Act 2014*. | *Frugtniet v Legal Services Board* [2014] VCAT 1299 |
| S 92(2) Disclosure of Information: *Road Safety Act 1986 -* Repealed in 2013. | *Telstra Corp Ltd v Vic Roads* [2001] VCAT 1699; *Lambert v VicRoads* [2008] VCAT 850; *Tilley v VicRoads* [2010] VCAT 483; *Simpson v VicRoads* [2011] VCAT 321 |
| **Secrecy provisions that VCAT found are not captured by section 38 of the FOI Act** | |
| **Provision** | **Case** |
| Section 20 *Ombudsman Act 1973* | *Woodford v Ombudsman* [2001] VCAT 721; *Tilley v VicRoads* [2010] VCAT 483; *Al-Hakim v Ombudsman* [2001] VCAT 1972 |
| Section 5(2) *Business Franchise (Tobacco) Act 1974* | *Firmstone v State Revenue Office* [2003] VCAT 953 - Repealed on 16 June 2010 and replaced by section 17 of the *State Taxation Acts Amendment Act 2010*, No. 36/2010. |
| Section 64(4) *Children and Young Persons Act 1989* | *O'Sullivan v Health & Community Services* (1995) 8 VAR 449; *O'Sullivan v Department of Health & Community Services* (No 2) (1995) 9 VAR 1. |
| Section 30 *Corrections Act 1986 -* Repealed in 2013. | *Mallinder v Office of Corrections* (1988) 2 VAR 566 cf *McCubbin v Office of Corrections* (unreported, AAT of Vic, Galvin DP, 14 April 1993); *Tilley v Department of Justice* (1993) 6 VAR 104 |
| Secttion 91 *Corrections Act 1986 -* Repealed in 2013. | *Simons v Department of Justice* [2006] VCAT 2053 |
| Section 32(2) *Health Services (Conciliation and Review) Act 1987 -* Repealed and replaced by the *Health Complaints Act 2016*. | *Barr v Department of Health and Community Services* (1994) 7 VAR 238 |

This table is general in nature and does not constitute legal advice