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## Notice of Decision and Reasons for Decision

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Applicant:	'CV2'
Agency:	Department of Justice and Community Safety
Decision date:	31 March 2021
Exemptions considered:	Sections 28(1)(ba), 28(1)(d), 30(1), 33(1), 35(1)(b)
Citation:	'CV2' and Department of Justice and Community Safety ( <i>Freedom of Information</i> ) [2021] VICmr 84 (31 March 2021)

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FREEDOM OF INFORMATION – recruitment – assessment of candidates – summary report – Diversity Information Collection Form – Privacy Consent Form – Statutory Declaration – Application and Informed Consent Form (for National Criminal History Check) – Declaration of Private Interests – Agenda and Meeting Papers – emails – Cabinet documents

All references to legislation in this document are to the *Freedom of Information Act 1982 (Vic)* (**FOI Act**) unless otherwise stated.

### Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision on the Applicant's [request] differs from the Agency's decision.

On the information available, I am satisfied sections 28(1)(ba), 28(1)(d) and 33(1) apply to some of the documents.

As it is practicable to edit some of the documents to delete irrelevant and exempt information, I have determined to grant access to the documents in part.

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

My reasons for decision follow.

Sven Bluemmel  
Information Commissioner

31 March 2021

## Reasons for Decision

### Background to review

1. The Applicant made a request to the Agency for access to the following documents:

All documents including reports, briefs, submissions, proposals, contracts, position descriptions, recruitment and selection process criteria, short list of candidates, minutes of meetings, written correspondence and emails between the Department and the Minister for [portfolio] and/or ministerial staff, regarding the appointment of the new [position title], during the period, [date] to [date].

2. In its decision, the Agency identified 60 pages of documents falling within the terms of the Applicant's request. It decided to grant access to the documents in part.
3. The Agency relied on sections 28(1)(ba), 30(1), 33(1) and 35(1)(b) to refuse access to parts of the documents. The Agency's decision letter sets out the reasons for its decision.

### Review

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. The Applicant advised they are not seeking personal affairs information. Based on the circumstances of this matter, I have interpreted this to mean the Applicant is not seeking names, addresses, phone numbers or email addresses. All other information, from which a person could be identified, I have considered in scope and have determined whether it is exempt under section 33(1) as set out in the Schedule of Documents in **Annexure 1**.
6. I have examined copies of the documents subject to review.
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
8. I have considered all communications received from the parties, including:
  - (a) the Agency's decision on the FOI request and submission dated [date]; and
  - (b) the Applicant's review application.
9. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
10. I also note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.

### Preliminary view

11. My office provided the Agency with my preliminary view that certain information in the documents was not exempt from release. I also requested that a third party named (the successful applicant for the [position title]) in the documents be consulted regarding release of certain information about them.

12. I have taken the Agency's response and the third party's views into consideration in my decision below.

## **Review of exemptions**

### **Section 28(1)(ba)**

13. Section 28(7)(a) defines 'Cabinet' as including a committee or sub-committee of Cabinet.

14. In *Ryan v Department of Infrastructure*<sup>1</sup>, the Victorian Civil and Administrative Tribunal (**VCAT**) observed:

It has been said that a document is not exempt merely because it has some connection with Cabinet, or is perceived by departmental officers or others as being of a character that they believe ought to be regarded as a Cabinet document or because it has some Cabinet "aroma" around it. Rather, for a document to come within the Cabinet document exemption, "it must fit squarely within one of the four exemptions [(now five)]" in section 28(1) of the Act.

15. Notwithstanding, where a document attracts the Cabinet exemption, the exemption in section 28(1) provides complete protection from release of the document.
16. Section 28(1)(ba) provides a document is an exempt document if it is a document prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet.
17. A document will be exempt under section 28(1)(ba) if the sole purpose, or one of the substantial purposes, for which the document was prepared was to brief a Minister in relation to issues to be considered by Cabinet. In the absence of direct evidence, the sole or substantial purpose of a document may be determined by examining the use of the document, including whether it was submitted to Cabinet.
18. The Cabinet briefing purpose must be 'immediately contemplated' when the document is created. The exemption cannot apply merely because Cabinet ultimately considered the issue.
19. The word 'briefing' means a 'short accurate summary of the details of a plan or operation. The purpose...is to inform'. The document should have the character of a briefing material. A document will be of such character if it contains 'information or advice...prepared for the purpose of being read by, or explained to, a [m]inister'. It requires more than having 'placed a document before a Minister'.
20. The term 'issues to be considered by Cabinet' within the meaning of section 28(1)(ba), requires that it must be more than just 'likely' that Cabinet will consider it. There must be an intention or expectation the issues will [be] considered by Cabinet (even if not ultimately considered). Evidence that a matter was included in the Cabinet Agenda will meet this test.
21. My decision in relation to the application of section 28(1)(ba) is set out in **Annexure 1**.

### **Section 28(1)(d)**

22. Section 28(1)(d) provides a document is an exempt document if it is a document that is a document that disclosure of which would involve the disclosure of any deliberation or decision of the Cabinet, other than a document by which a decision of the Cabinet was officially published.
23. A document will be exempt under section 28(1)(d) if there is evidence that Cabinet discussed various options contained in the document and chose between those options.<sup>2</sup>

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<sup>1</sup> (2004) VCAT 2346 at [33].

<sup>2</sup> *Smith v Department of Sustainability and Environment* (2006) 25 VAR 65; [2006] VCAT 1228 at [23].

24. A 'decision' means any conclusion as to the course of action the Cabinet adopts whether that are conclusions as to final strategy on a matter or conclusions about how a matter should proceed.<sup>3</sup>
25. Where a decision or the recommendation of Cabinet has been made public, releasing information would not disclose the Cabinet decision or deliberation.<sup>4</sup>
26. My decision in relation to the application of section 28(1)(d) is set out in **Annexure 1**.

### **Section 30(1)**

27. Section 30(1) has three requirements:
  - (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister; and
  - (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
  - (c) disclosure of the matter would be contrary to the public interest.
28. The exemption does not apply to purely factual material in a document.
29. In deciding if release is contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful that the object of the FOI Act is to facilitate and promote the disclosure of information.
30. In deciding whether the information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:
  - (a) the right of every person to gain access to documents under the FOI Act;
  - (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
  - (c) the stage or a decision or status of policy development or a process being undertaken at the time the communications were made;
  - (d) whether disclosure of the documents would be likely to inhibit communications between agency officers, essential for the agency to make an informed and well-considered decision or participate fully and properly in a process in accordance with the agency's functions and other statutory obligations;
  - (e) whether disclosure of the documents would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the agency would not otherwise be able to explain upon disclosure of the documents;
  - (f) the impact of disclosing documents in draft form, including disclosure not clearly or accurately representing a final position or decision reached by the agency at the conclusion of a decision or process; and

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<sup>3</sup> *Della-Riva v Department of Treasury and Finance* (2005) 23 VAR 396; [2005] VCAT 2083 at [30].

<sup>4</sup> *Honeywood v Department of Innovation, Industry and Regional Development* (2004) 21 VAR 1453; [2004] VCAT 1657 at [26].

- (g) the public interest in the community being better informed about the way in which the agency carries out its functions, including its deliberative, consultative and decision-making processes and whether the underlying issues require greater public scrutiny.

31. My decision in relation to the application of section 30(1) is set out in **Annexure 1**.

**Section 33(1)**

32. A document is exempt under section 33(1) if two conditions are satisfied:

- (a) disclosure of the document under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant; and
- (b) such disclosure would be 'unreasonable'.

33. Information relating to a person's 'personal affairs' includes information that identifies any person, or discloses their address or location. It also includes any information from which this may be reasonably determined.

34. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the personal interest in privacy in the particular circumstances of a matter.

35. Section 33(2A) requires that, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I must take into account whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person. However, I do not consider this to be a relevant factor in the circumstances.

36. In deciding whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person (or their next of kin, if deceased) an FOI request has been received for documents containing their personal information and seek their view as to whether disclosure of the document should occur. However, this obligation does not arise if:

- (a) the notification would be reasonably likely to endanger the life or physical safety of a person, or cause them undue distress, or is otherwise unreasonable in the circumstances;
- (b) the notification would be reasonably likely to increase the risk to the safety of a person experiencing family violence; or
- (c) it is not practicable to do so.

37. The Agency consulted with the successful candidate named in the documents.

38. My decision in relation to the application of section 33(1) is set out in **Annexure 1**.

**Section 35(1)(b)**

39. A document is exempt under section 35(1)(b) if two conditions are satisfied:

- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
- (b) disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

40. My decision in relation to the application of section 35(1)(b) is set out in **Annexure 1**.

#### ***Deletion of exempt or irrelevant information***

41. Section 25 requires an agency to grant access to an edited copy of a document when it is practicable for the agency or Minister to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.

42. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'<sup>5</sup> and the effectiveness of the deletions. Where deletions would render the document meaningless they are not 'practicable' and release of the document is not required under section 25.<sup>6</sup>

43. I have considered the information the Agency deleted from the documents as irrelevant. I agree it falls outside the scope of the Applicant's request because it relates to other subjects.

44. I have considered the effect of deleting irrelevant and exempt information from the documents. In my view, it is practicable for the Agency to delete the irrelevant and exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.

#### **Conclusion**

45. On the information available, I am satisfied sections 28(1)(ba), 28(1)(d) and 33(1) apply to some of the documents. However, I am not satisfied sections 30(1) or 35(1)(b) apply to the documents.

46. As it is practicable to edit some of the documents to delete irrelevant and exempt information, I have determined to grant access to the documents in part.

#### **Review rights**

47. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.<sup>7</sup>

48. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>8</sup>

49. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>9</sup>

50. Information about how to apply to VCAT is available online at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au). Alternatively, VCAT may be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.

51. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.<sup>10</sup>

#### **When this decision takes effect**

52. I have decided to release documents that contain the personal affairs of a third party.

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<sup>5</sup> *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

<sup>6</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048 [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140], [155].

<sup>7</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>8</sup> Section 52(5).

<sup>9</sup> Section 52(9).

<sup>10</sup> Sections 50(3F) and (3FA).

53. The relevant third party will be notified of my decision and is entitled to apply to VCAT for a review within 60 days from the date they are given notice.
54. My decision does not take effect until the 60-day review period (stated above) expires. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

Annexure 1 - Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision	OVIC comments
1	[date]	Summary Report – [title] Position	8	Released in part  Sections 30(1), 33(1)	<p>Release in part Sections 25, 28(1)(d), 33(1)</p> <p>The document is to be released, with the irrelevant information deleted, as well as the information that is exempt under sections 28(1)(d) and 33(1).</p> <p>The information exempt under section 28(1)(d) is:</p> <ul style="list-style-type: none"> <li>the part of the sentence in the penultimate paragraph on page 6, beginning ‘...however’ and ending in ‘...[year]’.</li> </ul> <p>The information exempt under section 33(1) is:</p>	<p><b>Section 28(1)(d):</b> The document contains a small amount of information that involves the disclosure of a deliberation or decision of Cabinet. This information is therefore exempt under section 28(1)(d).</p> <p><b>Section 30(1):</b> The document describes the recruitment process undertaken, including the assessment of the candidates.</p> <p>The document contains advice and recommendations prepared by Agency officers, in the course of a deliberative process (being a recruitment exercise). However, I am not satisfied it would be contrary to the public interest to release it, for the following reasons:</p> <ul style="list-style-type: none"> <li>the document appears finalised;</li> <li>it clearly sets out the process undertaken and the reasons for making the recommendations contained therein;</li> <li>given the above, I do not</li> </ul>



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					<ul style="list-style-type: none"> <li>• the names and current position from section 2.1 (aside from the name and position of the successful candidate);</li> <li>• all of the information in section 2.2;</li> <li>• the information about the first applicant in section 2.3;</li> <li>• the second dot point (comprising the name of an unsuccessful candidate) in section 3;</li> <li>• the sentence beginning ‘In contrast’ and ending in ‘with role’ in section 3.</li> </ul>	<p>consider there to be any unreasonable negative impact on the Agency from its disclosure; and</p> <ul style="list-style-type: none"> <li>• the document sets out the process taken to recruit a senior Agency officer with important public duties. In my view, the public interest weighs in favour of disclosure where such transparency can improve the integrity of such processes.</li> </ul> <p>This information is therefore not exempt under section 30(1).</p> <p><b>Section 33(1):</b> I note the Agency released the name and some other information about the successful candidate.</p> <p>In relation to the information exempted by the Agency about the successful candidate, I have decided to disclose additional information. I have decided it would not be unreasonable to release certain biographical and other information where it relates only to their professional role and appointment to the position. I consider it is in the public interest that such information be disclosed in order to demonstrate transparency and accountability in the Agency’s decision making process</p>
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						<p>relating to the appointment of a statutory office holder.</p> <p>I consider that the situation is different in relation to the unsuccessful candidates. Even if their names were removed, I consider the document contains sufficient biographical information that those people could still be identified. This information therefore falls within the section 33(9) of the FOI Act, as information from which individuals could be identified.</p> <p>I have decided it would be unreasonable to release this information for the following reasons:</p> <ul style="list-style-type: none"> <li>• it is sensitive personal information;</li> <li>• it is likely those persons would object;</li> <li>• unlike the successful candidate, the unsuccessful candidates have not been appointed to the role in question and have a reasonable expectation that their current employer would not be informed of their application to this role; and</li> <li>• while disclosure may provide some additional information to</li> </ul>
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					<p>assist the public to understand the Agency’s decision making process, I consider the privacy of those individuals outweigh the public interest in disclosure of their information as unsuccessful candidates.</p> <p>This information is therefore exempt under section 33(1).</p> <p><b>Section 35(1)(b):</b> Following my preliminary view, the Agency advised it considered section 35(1)(b) also applied to the document. The Agency advised the successful candidate believed the information they provided during the recruitment process would be treated in strict confidence. The Agency advised disclosure of this information could prevent the best executive level candidate from being appointed.</p> <p>I accept the information in the document was provided by the successful candidate with some expectation of confidentiality. However I do not consider disclosure will have any negative impact on the Agency’s ability to obtain similar information in the future where such positions are sought after and attract considerable prestige and compensation. I have therefore determined the document is not exempt under section 35(1)(b).</p>
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						<p><b>Section 25:</b> The Applicant is not seeking names, addresses, phone numbers, email addresses or signatures. This information is therefore irrelevant to the request, unless already released by the Agency. This does not apply however to the name of the successful candidate as this information is not considered exempt or out of scope by the Agency.</p>
2	[date]	Diversity Information Collection Form	1	<p><b>Refused in full</b></p> <p>Section 33(1)</p>	<p><b>Refuse in full</b></p> <p>Section 33(1)</p>	<p><b>Section 33(1):</b> The document contains biographical information about the successful applicant. I consider this is unreasonable to release because:</p> <ul style="list-style-type: none"> <li>• the information is sensitive;</li> <li>• it is likely the person would object; and</li> <li>• I am not persuaded that there is a public interest in its disclosure.</li> </ul> <p><b>Section 25:</b> I do not consider exempt information can be removed from the document without rendering it meaningless.</p>
3	[date]	Privacy Consent Form	6	<p><b>Refused in full</b></p> <p>Section 33(1)</p>	<p><b>Release in part</b></p> <p>Section 33(1)</p>	<p><b>Section 33(1):</b> I have decided it would be unreasonable to release certain information in the document for the</p>

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					<p>The document is to be released with information that is exempt under section 33(1) being deleted.</p> <p>The information exempt under section 33(1) is the heading on page 4 of the form that starts with the word “Consideration” and the remainder of page 4 below that heading.</p>	<p>following reasons:</p> <ul style="list-style-type: none"> <li>• there is some sensitivity to the information; and</li> <li>• disclosure of the information would not advance the public interest in transparency in relation to the selection or appointment process.</li> </ul>
4	[date]	Nationally Coordinated Criminal History Check – Application and Informed Consent Form	7	<p><b>Refused in full</b></p> <p>Section 33(1)</p>	<p><b>Release in part</b></p> <p>Section 25</p> <p>The document is to be released with irrelevant information deleted. The irrelevant information is all of <i>Section A – Personal Information</i></p>	<p><b>Section 33(1):</b> A majority of the document is a form and does not amount to personal affairs information.</p> <p><b>Section 31(1)(a):</b> Following my preliminary view, the Agency advised it considered section 31(1)(a) applied to the document in conjunction with section 59AAA of the <i>Australian Crime Commission Act 2002</i> (Cth). The document is a form, several versions of which are available online. The document does not contain information obtained from a criminal history check. It is therefore not exempt under section 31(1)(a).</p>

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						<p><b>Section 25:</b> I note the Applicant is not seeking personal affairs information. For this document, I consider all of <i>Section A – Personal Information</i> amounts to personal affairs information.</p> <p>This information is therefore irrelevant to the request.</p>
5	[date]	Email – Minister [name] Meeting Papers attaching document 6 below	1	<p><b>Released in part</b></p> <p>Section 33(1)</p>	<p><b>Release in part</b></p> <p>Section 25</p> <p>The document is to be released with irrelevant information deleted. This irrelevant information is all names, addresses, phone numbers and email addresses.</p>	<p><b>Section 25:</b> See comments for Document 1.</p>
6	[date]	Slide show - Meeting papers – Minister [portfolio] and DJCS meeting on [date]	24	<p><b>Released in part</b></p> <p>Sections 25(a), 30(1), 33(1)</p>	<p><b>Release in part</b></p> <p>Sections 25, 28(1)(d)</p> <p>The document is to be released, with the irrelevant information deleted. The irrelevant information is the 21 pages identified by the Agency as being</p>	<p><b>Section 28(1)(d):</b> The document contains a small amount of information that involves the disclosure of a deliberation or decision of Cabinet. This information is therefore exempt under section 28(1)(d).</p> <p><b>Section 33(1):</b> I do not consider the information identified by the Agency on slide 22 (being page 45 of the pdf document) to be personal affairs, rather,</p>

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					<p>irrelevant to the request.</p> <p>Also to be deleted is the information that is exempt under section 28(1)(d), being:</p> <ul style="list-style-type: none"> <li>the second last sentence on slide 22 (being page 45 of the pdf document).</li> </ul>	<p>they are expressed as generic matters that could be considered in any recruitment activity. Even if this could be considered personal affairs information, I do not consider that its disclosure would be unreasonable. It is therefore not exempt under section 33(1).</p> <p><b>Section 25:</b> See comments for Document 1. I agree the 21 pages identified by the Agency are irrelevant to the request.</p>
7	[date]	Agenda – [Description of discussion topics] - DJCS/Minister [name] Meeting	1	<p><b>Released in part</b></p> <p>Sections 25(a), 33(1)</p>	<p><b>Release in part</b></p> <p>Section 25</p> <p>The document is to be released with irrelevant information deleted.</p>	<p><b>Section 25:</b> See comments for Document 1. I note the Agency has released the names of certain Agency officers. These names therefore can be released. I agree with the Agency in relation to irrelevant information.</p>
8	Undated	Table 5. Appointment of the [position title] and options for immediate action to improve [description redacted]	1	<p><b>Released in part</b></p> <p>Sections 30(1), 33(1)</p>	<p><b>Release in part</b></p> <p>Sections 25, 33(1)</p> <p>The document is to be released with irrelevant information deleted as well as the information exempt under section 33(1):</p>	<p><b>Section 30(1):</b> I do not consider the information is exempt under section 30(1), see comments for Document 1.</p> <p><b>Section 33(1):</b> Certain information in the document relates to one of the unsuccessful candidates. This information is exempt from release under section 33(1) for the reasons set out in Document 1.</p>

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					<ul style="list-style-type: none"> <li>the second dot point that refers to an unsuccessful candidate.</li> </ul>	<p>The document also contains personal affairs information about the successful candidate. This is similar to the information in Document 1 and is not exempt for the same reasons.</p> <p><b>Section 35(1)(b):</b> Following my preliminary view, the Agency advised it also considered section 35(1)(b) applied to the document. As it contains similar information to that in Document 1, I have determined it is not exempt under section 35(1)(b) for the same reasons.</p> <p><b>Section 25:</b> See comments for Document 1. There is also additional personal affairs information about a person from whom a referee check was sought. This information is also irrelevant to the request.</p>
9	Undated	Briefing for the Minister [portfolio] – Appointment of the [position title]	2	Released in part Sections 30(1), 33(1)	<p><b>Release in part</b></p> <p>Section 25</p> <p>The document is to be released with irrelevant information deleted.</p>	<p><b>Section 30(1):</b> See comments for Document 1.</p> <p><b>Section 33(1):</b> See comments for Document 1.</p> <p><b>Section 35(1)(b):</b> Following my preliminary view, the Agency advised it also considered section 35(1)(b) applied to the document. See comments for Document 1.</p>



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						<b>Section 25:</b> See comments for Document 1. I note the Agency has determined to release the names of certain senior staff, these names therefore are to be released.
10	[date]	Email – Update: [position title]	1	<b>Released in part</b> Section 28(1)(ba), 30(1) & 33(1)	<b>Release in part</b> Sections 25, 28(1)(d)  The document is to be released with irrelevant and exempt information deleted.  The information exempt under section 28(1)(d) is:  <ul style="list-style-type: none"> <li>the first sentence under the greeting.</li> </ul>	<b>Section 28(1)(d):</b> The document contains a small amount of information that involves the disclosure of a deliberation or decision of the Cabinet. This information is therefore exempt under section 28(1)(d).  <b>Section 25:</b> See comments for Document 1. I note the Agency has determined to release the names of certain senior staff, these names are therefore to be released.
11	[date]	Speaking Notes – [Cabinet details redacted] – Appointment of a [position title]	1	<b>Refused in full</b> Section 28(1)(ba)	<b>Refuse in full</b> Section 28(1)(ba)	<b>Section 28(1)(ba):</b> I am satisfied the document was prepared for the purpose of briefing a Minister in relation to issues to be considered by Cabinet. It is therefore exempt under section 28(1)(ba).  <b>Section 25:</b> As the document is exempt in full, it cannot be edited to remove

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						exempt information.
12	[date]	Request for Registration of Cabinet Appointments - Appointment of the [position title]	1	<b>Refused in full</b> Section 28(1)(ba), 33(1)	<b>Refuse in full</b> Section 28(1)(ba)	<b>Section 28(1)(ba):</b> I am satisfied the document was prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet. It is therefore exempt under section 28(1)(ba).  <b>Section 25:</b> See comments for Document 11.
13	[date]	Appointment of the [position title] briefing for the Minister [portfolio] with four <b>Attachments A – D</b>	2	<b>Refused in full</b> Section 28(1)(ba), 33(1)	<b>Refuse in full</b> Section 28(1)(ba)	<b>Section 28(1)(ba):</b> I am satisfied the document was prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet. It is therefore exempt under section 28(1)(ba).  <b>Section 25:</b> As the document is exempt in full, it cannot be edited to remove exempt information.
14	[date]	<b>Attachment A</b> <ul style="list-style-type: none"> <li>• Certificate of Endorsement &amp;</li> <li>• [Cabinet details redacted]</li> </ul>	5	<b>Refused in full</b> Section 28(1)(ba)	<b>Refuse in full</b> Section 28(1)(ba)	<b>Section 28(1)(ba):</b> I am satisfied this is an attachment to Document 13 and is therefore exempt under section 28(1)(ba).  <b>Section 25:</b> As the document is exempt in full, it cannot be edited to remove exempt information.
15	Undated	<b>Attachment B -</b> Appointments of the	3 (pages 1	<b>Refused in full</b>	<b>Refuse in full</b>	<b>Section 28(1)(ba):</b> I am satisfied this is an attachment to Document 13 and is

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		[position title] Order in Council under the [named Act]	- 3 of 8 pages)	Section 28(1)(ba) as marked – however this is a blank template that was signed on the [date] and partially released to the Applicant as per document 16 below.	Section 28(1)(ba)	therefore exempt under section 28(1)(ba).
16	[date]	<b>Attachment B</b> – Signed and stamped version of Appointments of the [position title] Order in Council under the [named Act]	2	<b>Released in part</b>  Section 33(1)	<b>Release in full</b>	<p><b>Section 33(1):</b> The document contains the personal affairs information of the successful candidate, including their salary and other compensation.</p> <p>I have decided it would not be unreasonable to release this information because:</p> <ul style="list-style-type: none"> <li>• there is a public interest in disclosure regarding the expenditure of public funds;</li> <li>• the disclosure of such personal affairs information is not unreasonable given the senior and important role of the position; and</li> <li>• the disclosure of the employment conditions of those holding senior and publicly important roles is in the public interest.</li> </ul> <p><b>Section 25:</b> I note the Agency has</p>

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						released the names and the signature in the document. This information therefore is to be released.
17	Undated	<b>Attachment C</b> – Resume of [named person] - Appointment of the [position title]	5 (page 4-8 of 8 pages)	<b>Refused in full</b> Sections 35(1)(b), 33(1)	<b>Refuse in full</b> Section 28(1)(b)	<b>Section 28(1)(ba):</b> I am satisfied this is an attachment to Document 13 and is therefore exempt under section 28(1)(ba).
18	[date]	<b>Attachment D</b> - Statutory Declaration	4	<b>Refused in full</b> Section 28(1)(ba), 33(1)	<b>Refuse in full</b> Section 28(1)(b)	<b>Section 28(1)(ba):</b> I am satisfied this is an attachment to Document 13 and is therefore exempt under section 28(1)(ba).
19	[date and date]	<b>Attachment D</b> - Declaration of Private Interests	6	<b>Refused in full</b> Section 28(1)(ba), 33(1)	<b>Refuse in full</b> Section 28(1)(b)	<b>Section 28(1)(ba):</b> I am satisfied this is an attachment to Document 13 and is therefore exempt under section 28(1)(ba).