

## Notice of Decision and Reasons for Decision

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Applicant:	'DB2'
Agency:	Country Fire Authority
Decision Date:	18 May 2021
Exemptions considered:	Sections 29A, 30(1), 31(1)(a), 31(1)(d), 35(1)(a), 35(1)(b)
Citation:	'DB2' and Country Fire Authority (Freedom of Information) [2021] VICmr 138 (18 May 2021)

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FREEDOM OF INFORMATION – record of meeting – emails – letters – Victorian Building Authority – third party request – notice of decision – auditor report – cladding – advisory references panel – risk assessment tool – emergency order – varied decision

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.

I am satisfied certain documents are exempt under sections 30(1), 31(1)(a), 31(1)(d) and 33(1).

Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with irrelevant and exempt information deleted in accordance with section 25, I have determined to grant access to the document in part. Where it is not practicable to do so, I have refused access to the document in full.

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

My reasons for decision follow.

**Joanne Kummrow**  
Public Access Deputy Commissioner  
18 May 2021

## Reasons for Decision

### Background to review

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

I request all correspondence dated between [year] and [year] between CFA [Country Fire Authority] and the Victorian Building Authority relating to building surveyor [name], and the addresses of the projects that were the subject of that correspondence.
2. The Agency identified 176 pages of documents falling within the terms of the Applicant's request and granted access to the documents in part. The Agency relied on the exemptions in sections 30(1), 31(1)(a), 31(1)(d), 35(1)(a), 35(1)(b) and 38 to refuse access to certain information in the documents. The Agency's decision letter sets out the reasons for its decision.

### Review

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. During the review, the Applicant advised they do not seek access to personal affairs information of other persons (**third parties**).
5. I have considered all communications and submissions received from the parties throughout the review.
6. 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.
7. I 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.

### Review of exemptions

#### ***Section 29A – Documents affecting national security, defence or international relations***

8. Section 29A concerns documents affecting national security, defence or international relations:
  - (1) A document is an exempt document if disclosure of the document under this Act would, or could reasonably be expected to, cause damage to—
    - (a) the security of the Commonwealth or any State or Territory; or (b) the defence of the Commonwealth; or
  - ...
  - (1B) Without limiting subsection (1), a document is an exempt document if it is a document—
    - (a) created for or with respect to emergency risk management arrangements for critical infrastructure resilience under Part 7A of the Emergency Management Act 2013 for the purposes of administering, complying with, or enforcing that Part; or
    - (b) which contains information about, or which could lead to the identification of, a document to which paragraph (a) applies.

9. The Agency does not rely on the exemption under section 29A, however, the Victorian Building Authority (**VBA**) asserts section 29A should be considered in this matter.
10. The Agency provided OVIC with a document dated [date], signed by the Secretary of the Department of Environment, Land, Water and Planning identifying a document exempt under section 29A, which is not subject to this review. While I have no power under the FOI Act to review decisions to exempt a document under section 29A,<sup>1</sup> I accept the designation of the document provided indicates the sensitivity of certain information in the documents subject to my review in this matter.

***Sections 35(1)(a) – Information provided in confidence to an agency that would be exempt if generated by the agency***

11. The documents subject to review were created by the Agency and the VBA.
12. Given the documents contain matter in the nature of opinion, advice or recommendation, prepared during both agencies' deliberative processes, namely that of their respective regulatory functions and obligations, I have considered:
  - (a) whether section 35(1)(a) applies to documents created by the VBA; and
  - (b) whether section 30(1) applies to documents created by the Agency.

***Section 35(1)(a)***

13. A document is exempt under section 35(1)(a) 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) the information would be exempt matter if it were generated by an agency or Minister.

***Was the information provided in confidence?***

14. Whether the information communicated by an individual was communicated in confidence is a question of fact.<sup>2</sup>
15. When determining whether information was communicated in confidence, it is necessary to consider the position from the perspective of the communicator.<sup>3</sup>
16. Confidentiality can be expressed or implied from the circumstances of a matter.<sup>4</sup>
17. The VBA advises it provided the documents in confidence to the Agency.
18. I am satisfied certain documents were provided by the VBA in confidence to the Agency given the documents relate to sensitive regulatory matters.

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<sup>1</sup> Section 49A(4).

<sup>2</sup> *Ryder v Booth* [1985] VR 869 at 883.

<sup>3</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [265]

<sup>4</sup> *Ibid*

*Would the information be exempt if it were generated by an agency or Minister?*

19. Therefore, I have considered below whether these documents are exempt under section 30(1) for the purposes of section 35(1)(a).

*Section 30(1)*

20. 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;
- (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.

21. The exemption does not apply to purely factual material in a document.<sup>5</sup>

*Do the documents 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?*

22. As described above, I consider the documents contain matter in the nature of opinion, advice or recommendation prepared by the Agency or by the VBA.

*Were the documents 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?*

23. I am satisfied the documents were prepared by both agencies in the course of their deliberative processes, that of fulfilling their regulatory functions and obligations.

*Would disclosure of the documents be contrary to the public interest?*

24. 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.

25. 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:<sup>6</sup>

- (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

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<sup>5</sup> Section 30(3).

<sup>6</sup> *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

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
- (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.

26. I consider it would not be contrary to the public interest to disclose the documents where:

- (a) the correspondence between the Agency and the VBA are templated letters that do not reveal sensitive information about specific fire or other safety matters;
- (b) the information is publicly available, as I note there is substantial information available about the regulatory action taken by the Agency in relation to the named building surveyor, including in the VBA's disciplinary register that contains specific details about the disciplinary action taken (but not the addresses to which they relate), as well as a written decision of the Victorian Civil and Administrative Tribunal (**VCAT**)<sup>7</sup> that refers to previous actions taken by the VBA and the address to which each matter relates; and
- (c) there is a public interest in disclosure of information that demonstrates how both the Agency and the VBA are meeting their regulatory responsibilities; this includes their deliberative processes in determining disciplinary action.

27. I consider it would be contrary to the public interest to disclose documents where:

- (a) the information is not publicly available;
- (b) the documents provide information, relating to specific addresses, about sensitive matters relating to fire and other safety concerns; I consider disclosure of these documents reveal certain information about fire safety measures relating to particular buildings that should not be generally publicly available; and
- (c) in relation to such information, I consider disclosure would likely only give part explanation that, given the sensitivity of that information, may not accurately reflect the Agency's final position, nor the current fire safety measures undertaken at a particular location.

28. My decision in relation to sections 30(1) and 35(1)(a) is set out in the Schedule of Documents at **Annexure 1**.

***Section 31(1)(a) – Documents that would prejudice an investigation into a breach of the law or the enforcement or administration of the law***

29. Subject to this section, a document is an exempt document if its disclosure under the FOI Act would, or would be reasonably likely to prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance.

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<sup>7</sup> *Basiri v Victorian Building Authority* (Review and Regulation) [2019] VCAT 1376 (6 September 2019)

30. 'Reasonably likely' means there is a real chance of an event occurring; it is not fanciful or remote.<sup>8</sup>
31. 'Prejudice' means to hinder, impair or undermine and includes actual prejudice as well as impending prejudice.<sup>9</sup>
32. 'In a particular instance' does not require a single specific investigation. This phrase can encompass specific, identified aspects of law, administration of law or investigations of breaches or potential breaches of law.<sup>10</sup>
33. My decision in relation to section 31(1)(a) is set out in the Schedule of Documents at **Annexure 1**.

***Section 31(1)(d) – Documents that disclose law enforcement investigative methods and procedures***

34. Subject to section 31, section 31(1)(d) provides a document is exempt if its disclosure would, or would be reasonably likely to, 'disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures'.
35. The exemptions in section 31(1) do not apply to widespread and well known methods and procedures.<sup>11</sup>
36. My decision in relation to section 31(1)(d) is set out in the Schedule of Documents at **Annexure 1**.

***Section 33(1) – Personal affairs information of third party individuals***

37. 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;<sup>12</sup> and
  - (b) such disclosure would be 'unreasonable'.
38. 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.<sup>13</sup>
39. 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.
40. In determining 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 information would, or would be reasonably likely to, endanger the life or physical safety of any person.<sup>14</sup> However, I do not consider this to be a relevant factor in the circumstances.
41. In determining whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person an FOI request has been

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<sup>8</sup> *Bergman v Department of Justice Freedom of Information Officer* [2012] VCAT 363 at [65], quoting *Binnie v Department of Agriculture and Rural Affairs* [1989] VR 836.

<sup>9</sup> *Ibid*, *Bergman* at [66], referring to *Sobh v Police Force of Victoria* [1994] VicRp 2; [1994] 1 VR 41 (Nathan J) at [55].

<sup>10</sup> *Cichello v Department of Justice (Review and Regulation)* [2014] VCAT 340 at [24].

<sup>11</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [177].

<sup>12</sup> Sections 33(1) and (2).

<sup>13</sup> Section 33(9).

<sup>14</sup> Section 33(2A).

received for documents containing their personal information and seek their view as to whether disclosure of the document should occur.<sup>15</sup> 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.<sup>16</sup>

42. The Agency advised it did not consult with the building surveyor subject to the request.

*Do the documents contain personal affairs information?*

43. I note the Applicant states they do not seek access to the personal affairs information of third parties. Therefore, I have determined the names of Agency and VBA officers are irrelevant to the request, as well as certain other third parties named in the documents.

44. However, given the terms of the request refer to a named building surveyor, I consider the nature of certain information sought by the Applicant invariably involves the personal affairs information of that person. This includes their name, information from which they could be identified (for example the address of a particular compliance action), as well as any information relating to compliance activity taken by the Agency or the VBA in relation to them.

*Would disclosure of the information be unreasonable?*

45. I consider it would not be unreasonable to disclose information where:

- (a) the information is publicly available, including in the VBA's disciplinary register and a matter decided by VCAT; and
- (b) the disclosure of personal affairs information is in the public interest; in this instance there is a public interest in disclosure of information regarding how the agency responded to public safety concerns raised by the conduct of the named building surveyor.

46. I consider it would be unreasonable to disclose information where:

- (a) there does not appear to be publicly available information about certain matters referred to in the documents;
- (b) while not consulted, I consider it likely the named building surveyor would object to information that has not been made public to be disclosed; and
- (c) I am not satisfied the public interest in disclosure outweighs the named building surveyor's right to privacy in relation to certain information that is not publicly available.

47. My decision in relation to section 33(1) is set out in the Schedule of Documents at **Annexure 1**.

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<sup>15</sup> Section 33(2B).

<sup>16</sup> Section 33(2C).

***Section 35(1)(b) – Information provided in confidence to an agency that would impair the agency’s ability to obtain similar information in the future if disclosed***

48. 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.
49. The Agency advised it consulted with the third party, being the VBA.
50. My decision in relation to section 35(1)(b) is set out in the Schedule of Documents at **Annexure 1**.

***Section 25 – Deletion of exempt or irrelevant information***

51. Section 25 requires an agency to grant access to an edited copy of a document when it is practicable to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
52. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’<sup>17</sup> and the effectiveness of the deletions. Where deletions would render a document meaningless, they are not ‘practicable’, and release of the document is not required under section 25.<sup>18</sup>
53. 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 the information is not sought by the Applicant.
54. I have considered the effect of deleting irrelevant and exempt information from the documents. I am satisfied it is practicable to provide the Applicant with an edited copy of certain documents with irrelevant and exempt information deleted as to do so would not require substantial time and effort, and the edited documents would retain meaning.

**Conclusion**

55. On the information before me, I am satisfied certain documents are exempt under sections 30(1), 31(1)(a), 31(1)(d) and 33(1).
56. Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with irrelevant and exempt information deleted in accordance with section 25, I have determined to grant access to the document in part. Where it is not practicable to do so, I have refused access to the document in full.

**Review rights**

57. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.<sup>19</sup>

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<sup>17</sup> *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

<sup>18</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

<sup>19</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).



58. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>20</sup>
59. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>21</sup>
60. 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.
61. 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>22</sup>

***Third party review rights***

62. As I have decided to release documents that contain the personal affairs of a third party and matters the Agency considered were provided to it in confidence, if practicable, I am required to notify those individual and agency third parties of my decision and their right to seek review of my decision by VCAT within 60 days from the date they are given notice.<sup>23</sup>
63. I am satisfied it is practicable to notify the relevant third parties and confirm they will be notified of my decision and their third party review rights.

***When this decision takes effect***

64. Accordingly, my decision does not take effect until the 60 day review period for third parties expires.
65. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

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<sup>20</sup> Section 52(5).

<sup>21</sup> Section 52(9).

<sup>22</sup> Sections 50(3F) and (3FA).

<sup>23</sup> Section 49P(5), 50(3), 50(3A) and 52(2).

## Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Record of meeting	1	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Sections 35(1)(a), 33(1)	<p><b>Section 35(1)(a):</b> I am satisfied the document was provided to the Agency in confidence. The document contains detailed and specific information about fire safety at a particular location. I am satisfied it contains advice and opinion prepared for the deliberative processes of the Agency and the Building Commission. Further, I am satisfied it would be contrary to the public interest to disclose it for the reasons set out above. Therefore, the information is exempt matter under section 30(1) and consequently, exempt under section 35(1)(a).</p> <p><b>Section 33(1):</b> The document also contains the personal affairs information of a named building surveyor. I am satisfied it would be unreasonable to disclose this information for the reasons set out above. Therefore, the information is exempt under section 33(1).</p> <p><b>Section 25:</b> I am satisfied it would not be practicable to delete exempt information from the document as it would render it meaningless.</p>
2.	[date]	Email chain	4	Released in part Sections 35(1)(a), 35(1)(b), 25	Release in part Section 25  The document is to be released with irrelevant information	<p><b>Section 35(1)(a):</b> The only part of this document in scope is an address. This information is publicly available. While it may have been provided in confidence to the Agency, I do not consider it is exempt under section 30(1) for the reasons set out above. Therefore, I am not</p>

## Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					deleted in accordance with section 25.	<p>satisfied the document is exempt under section 35(1)(a).</p> <p><b>Section 35(1)(b):</b> I accept the information was provided in confidence to the Agency. However, given it is publicly available and the Agency and the VBA are required to share such information to fulfill their duties, I do not consider its disclosure would impair the ability of the Agency in obtaining similar information in the future. Therefore, I am not satisfied the document is exempt under section 35(1)(b).</p> <p><b>Section 25:</b> I am satisfied the majority of this document falls outside the scope of the Applicant's request and is irrelevant information for the purposes of section 25.</p>
3.	[date]	Letter to Country Fire Authority (CFA) – Request for Comment	1	Refused in full Sections 35(1)(a), 35(1)(b)	<p><b>Release in part</b></p> <p>Section 25</p> <p>The document is to be released with irrelevant information deleted in accordance with section 25.</p>	<p><b>Section 35(1)(a):</b> I note the view the document was provided in confidence to the Agency. However, I am not satisfied the document would be exempt under section 30(1) if it had been generated by the Agency.</p> <p>I consider the document contains opinion advice or recommendation prepared by the VBA for the deliberative purposes of that Agency, being undertaking its regulatory functions and obligations.</p>

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						<p>However, I do not consider its disclosure would be contrary to the public interest for the following reasons:</p> <ul style="list-style-type: none"> <li>the information is largely factual and therefore not exempt by way of section 30(3);</li> <li>I do not consider its disclosure would be likely to inhibit communications between the Agency and the VBA in circumstances where they have a professional obligation to request and provide such information; and</li> <li>disclosure of the documents provides important public scrutiny of the way in which the Agency fulfils its regulatory functions and obligations.</li> </ul> <p>Therefore, I am not satisfied the document is exempt under section 35(1)(a).</p> <p><b>Section 35(1)(b):</b> As described above, I am satisfied the document was provided in confidence by the VBA to the Agency. However, I do not consider its disclosure would impair the ability of the Agency in obtaining similar information in the future where there is a professional obligation to do so. Therefore, I am not satisfied the document is exempt under section 35(1)(b).</p> <p><b>Section 25:</b> The applicant does not seek access to personal affairs information of third parties. This</p>

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						document contains the name of the person to whom the letter is addressed, the applicant's name and the name and signature of the author.
4.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.  <b>Section 25:</b> See comments for Document 3. This document contains the name of the person to whom the letter is addressed, the second named of the registered building practitioner and the name and signature of the author.
5.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.  <b>Section 25:</b> See comments for Document 3. This document contains the name of the person to whom the letter is addressed, the second name that appears in the second line of text in the first paragraph of the letter and the name and signature of the author.
6.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.  <b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name of the person to whom the letter is addressed, the names in the second line of text in the first

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					deleted in accordance with section 25.	paragraph of the letter and the name and signature of the author.
7.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Section 33(1)	<b>Section 33(1):</b> The document contains the personal affairs information of a named building surveyor. On the information before to me, I understand this information is not publicly available. I have determined it would be unreasonable to release the document for the reasons set out above. Therefore, I am satisfied the document is exempt under section 33(1).
8.	[date]	Letter to CFA	2	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full Section 31(1)(a)	<b>Section 31(1)(a):</b> Based on the information before me, I am satisfied disclosure of the document would prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance. Therefore, I am satisfied the document is exempt under section 31(1)(a).  <b>Section 25:</b> See comments for Document 1.
9.	[date]	Letter to CFA	2	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Section 33(1)	<b>Section 33(1):</b> See comments for Document 7.  <b>Section 25:</b> See comments for Document 1.
10.	[date]	Email chain	4	Refused in full	Refuse in full	<b>Section 31(1)(a):</b> See comments for Document 8.  <b>Section 33(1):</b> See comments for Document 7.

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				Sections 31(1)(a), 35(1)(a), 35(1)(b)	Sections 31(1)(a), 33(1)	<b>Section 25:</b> See comments for Document 1.
11.	[date]	Email chain	4	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Sections 31(1)(a), 33(1)	<b>Section 31(1)(a):</b> See comments for Document 8.  <b>Section 33(1):</b> See comments for Document 7.  <b>Section 25:</b> See comments for Document 1.
12.	[date]	Letter to CFA	1	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Section 31(1)(a)	<b>Section 31(1)(a):</b> See comments for Document 8.  <b>Section 25:</b> See comments for Document 1.
13.	[date]	Letter to CFA	1	Refused in full  Sections 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Section 33(1)	<b>Section 33(1):</b> See comments for Document 7.
14.	[date]	Letter to CFA	1	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Section 31(1)(a)	<b>Section 31(1)(a):</b> See comments for Document 8.  <b>Section 25:</b> See comments for Document 1.
15.	[date]	Letter to CFA	1	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	<b>Release in part</b>  Sections 31(1)(a), 33(1), 25  The document is to be released with	<b>Section 31(1)(a):</b> The information in the third dot point of the letter is exempt under section 31(1)(a). See comments for Document 8.  <b>Section 33(1):</b> The document contains the personal affairs information of a named building surveyor. From the information before me,

# Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					exempt and irrelevant information deleted in accordance with section 25.	<p>I understand some of this information is not publicly available. I have determined it would be unreasonable to release that information. See comments for Document 7. I am satisfied the following information is exempt under section 33(1)(b):</p> <ul style="list-style-type: none"> <li>the address in the subject line, the first line of the first paragraph, and in the first and second line of the third paragraph; and</li> <li>the address in the third dot point.</li> </ul> <p>The remainder of the document is not exempt for the reasons described in Document 3.</p> <p><b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name of the person to whom the letter is addressed, and the name and signature of the author.</p>
16.	[date]	Letter to CFA	1	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full Section 31(1)(a)	<p><b>Section 31(1)(a):</b> See comments for Document 8.</p> <p><b>Section 25:</b> See comments for Document 1.</p>
17.	[date]	Email chain	1	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full Section 31(1)(a)	<p><b>Section 31(1)(a):</b> See comments for Document 8.</p> <p><b>Section 25:</b> See comments for Document 1.</p>



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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
18.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.  <b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name of the person to whom the letter is addressed, and the name and signature of the author.
19.	[date]	Notice of Decision	2	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in full</b>	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.  <b>Section 33(1):</b> The document names a building surveyor subject to disciplinary action. I note most of this information is publicly available. I also note the VBA publishes its disciplinary actions on its website. While this notice includes the address, given this information is publicly available, I do not consider it disclosure would be unreasonable in the circumstances. Also see comments above in relation to the naming of the building surveyor in the documents.  Finally, I do not consider it would be unreasonable to release the name and signatory to the notice. This information appears in a professional context only, and provides assurance the document was properly executed.

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
20.	[date]	Email to CFA – Auditor Report	1	Refused in full Section 31(1)(a)	Refuse in full Section 35(1)(a)	Section 35(1)(a): See comments for Document 1. Section 25: See comments for Document 1.
21.	[date]	[redacted] Audit Tool	54	Refused in full Sections 31(1)(a), 38	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 8. I am satisfied this document in relation to which the Agency relied on section 38, to exempt under section 31(1)(a) I have not further considered section 38 in this decision. Section 25: See comments for Document 1.
22.	[date]	[redacted]	3	Refused in full Section 30(1)	Refuse in full Section 30(1)	Section 30(1): See comments for Document 1. Section 25: See comments for Document 1.
23.	[date]	Draft [redacted] – Panel Review	7	Refused in full Sections 30(1), 31(1)(d)	Refuse in full Section 31(1)(d)	Section 31(1)(d): Based on the information before me, I am satisfied the document discloses methods or procedures for detecting or investigating, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures. Therefore, I am satisfied the document is exempt under section 31(1)(d). Section 25: See comments for Document 1.
24.	[date]	Draft [redacted]	2	Refused in full	Refuse in full	Section 31(1)(d): See comments for Document 23.

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 30(1), 31(1)(d)	Section 31(1)(d)	Section 25: See comments for Document 1.
25.	[date]	Letter to VBA	2	Refused in full  Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> I am not satisfied the document was received in confidence by the Agency, as it was generated by the Agency. Therefore, I am not satisfied it is exemption under sections 35(1)(a) or (b).  <b>Section 30(1):</b> See comments for Document 3. I note this document contains general compliance information, rather than technical and specific information about fire safety. Having reviewed the document, I am satisfied it is exempt under section 30(1) above.  <b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name of the person to whom the letter is addressed, the name of the person at the end of the first line and beginning of the second line of the first paragraph (and as it appears throughout the text), the name in the second and third lines of the second dot point and the name of the author.
26.	[date]	Letter to Building Commission	4	Refused in full  Sections 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Section 30(1)	<b>Section 30(1):</b> See comments for Document 1.  <b>Section 25:</b> See comments for Document 1.

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
27.	[date]	Email chain	3	Refused in full  Sections 35(1)(a), 35(1)(b), 25	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> See comments for Document 2.  <b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant are the names, telephone numbers and email addresses as they appear throughout the document. I agree the information identified by the Agency is out of scope and is therefore irrelevant to the request.
28.	[date]	Letter to VBA	9	Refused in full  Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<b>Sections 35(1)(a) and (b):</b> See comments for Document 25.  <b>Section 30(1):</b> See comments for Document 3. This document contains significant detail, however, in my view it relates to recommendations rather than specific instances of non-compliance. Accordingly, I do not consider it would be contrary to the public interest to release it and the document is not exempt under section 30(1).  <b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name and signature of the author.
29.	[date]	Email chain	2	Refused in full	<b>Refuse in full</b>  Section 30(1)	<b>Section 30(1):</b> This document was generated by the Agency. Therefore, I consider it is appropriate to consider it under section 30(1),

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 35(1)(a), 35(1)(b)		rather than 35(1)(a) or (b). See comments for Document 1.  Section 25: See comments for Document 1.
30.	[date]	[redacted] Notice	1	Refused in full  Sections 35(1)(a), 35(1)(b)	Refuse in full  Section 30(1)	Section 30(1): This is the attachment to Document 29. See comments for that document.  Section 25: See comments for Document 1.
31.	[date]	Email chain	2	Refused in full  Sections 35(1)(a), 35(1)(b)	Refuse in full  Section 30(1)	Section 30(1): See comments for Document 29 and Document 1.  Section 25: See comments for Document 1.
32.	[date]	Email (part of a chain)	2	Refused in full  Sections 35(1)(a), 35(1)(b)	Refuse in full  Section 30(1)	Section 30(1): See comments for Document 1.  Section 25: I agree the information identified by the Agency is outside the of scope of the Applicant's request.
33.	[date]	Statement	6	Refused in full  Sections 35(1)(a), 35(1)(b)	Release in part  Section 30(1)  The document is to be released with irrelevant and exempt information deleted in accordance with section 25.	Section 30(1): See comments for Document 29, and Documents 1 and 3.  Consistent with Document 1, I have determined it would be contrary to the public interest to disclose the following specific and detailed compliance information:

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<ul style="list-style-type: none"> <li>the full dot point and hollow dot points underneath that which appears at the beginning of page 5.</li> </ul> <p>Therefore, I am satisfied it is exempt under section 33(1).</p> <p><b>Section 25:</b> See comments for Document 3. The personal affairs information not sought by the Applicant is the names throughout the document, except for the name of the building surveyor, which is not exempt for the reasons set out above.</p>
34.	[date]	Email chain	4	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Section 25	<b>Section 25:</b> This entire document is not relevant to the Applicant's request as it is not a communication between the Agency and the VBA, rather it is communications between the Agency and another third party.
35.	[date]	Statement	6	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b> Section 30(1)  The document is to be released with irrelevant and exempt information deleted in accordance with section 25.	<p>This is a duplicate of Document 33.</p> <p><b>Section 30(1):</b> See comments for Document 29, Document 1 and Document 3.</p> <p>Consistent with Document 1, I have determined it would be contrary to the public interest to disclose the following specific and detailed compliance information::</p>

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<ul style="list-style-type: none"> <li>The full dot point and hollow dot points underneath that which appears at the beginning of page 5.</li> </ul> <p>Therefore, I am satisfied it is exempt under section 33(1).</p> <p><b>Section 25:</b> See comments for Document 3. The personal affairs information not sought by the Applicant are the names throughout the document, except for the name of the building surveyor, which is not exempt for the reasons set out above.</p>
36.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	<b>Release in part</b>  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	<p><b>Sections 35(1)(a) and (b):</b> See comments for Document 3.</p> <p><b>Section 25:</b> See comments for Document 3. In this document the personal affairs information not sought by the Applicant is the name of the person in the third row of text in the first paragraph and the signature.</p>
37.	[date]	Email re: Property	1	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	<b>Refuse in full</b>  Section 31(1)(a)	<p><b>Section 31(1)(a):</b> See comments for Document 8.</p> <p><b>Section 25:</b> See comments for Document 1.</p>
38.	[date]	Letter to CFA	1	Refused in full	<b>Release in part</b>	<b>Sections 35(1)(a) and (b):</b> See comments for Document 3.



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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 35(1)(a), 35(1)(b)	Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	Section 25: See comments for Document 3. The personal affairs information not sought by the Applicant is the name of the addressee, the second named person in the second line of text in the first paragraph and the name and signature of the author.
39.	[date]	Letter to CFA	1	Refused in full  Sections 35(1)(a), 35(1)(b)	Release in part  Section 25  The document is to be released with irrelevant information deleted in accordance with section 25.	Sections 35(1)(a) and (b): See comments for Document 3.  Section 25: See comments for Document 3. The personal affairs information not sought by the Applicant are the name of the addressee and the name and signature of the author.
40.	Undated	Photographs	3	Refused in full  Sections 31(1)(a), 31(1)(b), 35(1)(a), 35(1)(b)	Refuse in full  Section 31(1)(a)	Section 31(1)(a): See comments for Document 8.  Section 25: See comments for Document 1.
41.	[date]	Email chain	4	Refused in full  Sections 35(1)(a), 35(1)(b)	Refuse in full  Section 31(1)(a)	Section 31(1)(a): See comments for Document 8.  Section 33(1): See comments for Document 7.  Section 25: See comments for Document 1.



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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
42.	[date]	Letter to VBA	5	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Sections 30(1), 33(1)	Section 30(1): See comments for Document 29 and Document 1. Section 33(1): See comments for Document 7. Section 25: See comments for Document 1.
43.	[date]	Letter to CFA	2	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Document 7. Section 25: See comments for Document 1.
44.	[date]	Letter to CFA	1	Refused in full Sections 35(1)(a), 35(1)(b)	Refuse in full Sections 35(1)(a), 33(1)	Section 35(1)(a): See comments for Document 1. Section 33(1): See comments for Document 7. Section 25: See comments for Document 1.
45.	[date]	Letter to VBA	5	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Document 7. Section 25: See comments for Document 1.
46.	[date]	Letter to CFA	2	Refused in full Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 8. Section 25: See comments for Document 1.
47.	[date]	Letter to CFA	2	Refused in full	Refuse in full	Section 31(1)(a): See comments for Document 8.

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No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 31(1)(a), 35(1)(a), 35(1)(b)	Section 31(1)(a)	Section 25: See comments for Document 1.
48.	[date]	Letter to CFA	1	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full  Section 33(1)	Sections 35(1)(a) and (b): See comments for Document 3.  Section 33(1): See comments for Document 7.  Section 25: See comments for Document 1.
49.	[date]	Email chain	3	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full  Sections 31(1)(a), 33(1)	Section 31(1)(a): See comments for Document 8.  Section 33(1): See comments for Document 7.  Section 25: See comments for Document 1.
50.	[date]	Email chain	4	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full  Section 31(1)(a)	Section 31(1)(a): See comments for Document 8.  Section 25: See comments for Document 1.
51.	[date]	Email chain	3	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full  Section 31(1)(a)	Section 31(1)(a): See comments for Document 8.  Section 25: See comments for Document 1.
52.	[date]	[redacted] Order	4	Refused in full  Sections 31(1)(a), 35(1)(a), 35(1)(b)	Refuse in full  Section 35(1)(a)	Section 35(1)(a): See comments for Document 1.  Section 25: See comments for Document 1.