

## Notice of Decision and Reasons for Decision

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Applicant:	'EE6'
Agency:	Energy Safe Victoria
Decision date:	7 June 2022
Exemptions considered:	Sections 30(1), 32(1)
Citation:	'EE6' and Energy Safe Victoria (Freedom of Information) [2022] VICmr 69 (7 June 2022)

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FREEDOM OF INFORMATION – regulator documents – prosecution – withdrawal of charges – documents subject to legal privilege – decision making documents – publicly available information – disclosure not contrary to the public interest – briefing to a Minister

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.

While I am satisfied certain information in the documents is exempt from release under section 32(1), I am not satisfied all information in the documents is exempt from release under sections 32(1) or 30(1).

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access to documents is granted in part.

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

In addition, a marked-up copy of the documents indicating further information to be released in accordance with my decision has been provided to the Agency.

My reasons for decision follow.

**Joanne Kummrow**  
Public Access Deputy Commissioner

7 June 2022

## Reasons for Decision

### Background to review

1. The Applicant made a request to the Agency seeking access to the following documents:
  - 1) A copy of all correspondence and meeting notes between Energy Safe Victoria Commissioners regarding the decision to withdraw five charges against Powercor, from 1 January 2021 to the date of this request
  - 2) A document detailing any and all actions to be taken by Powercor in exchange for five charges being withdrawn
  - 3) A copy of all briefings prepared for the Minister for Energy regarding the action taken against Powercor, from 1 January 2021 to the date of this request
2. The Applicant's request relates to the Agency's prosecution of electricity distributor, Powercor Australia (**Powercor**) in relation to a bushfire that caused property damage at Terang and Garvoc in Victoria on 17 March 2018. The legal proceedings involving Powercor are finalised and the Agency has published details of the prosecution outcome.<sup>1</sup>
3. The Agency identified 24 documents falling within the terms of the Applicant's request and refused access to 22 documents in part and 2 documents in full under sections 30(1), 32(1) and 33(1). The Agency also deleted information irrelevant to the terms of the request from the documents in accordance with section 25. The Agency's decision letter sets out the reasons for its decision.

### Review application

4. In requesting a review, the Applicant advised they do not seek review of personal affairs information exempted by the Agency under section 33(1). Accordingly, this information is irrelevant information for the purpose of section 25, which is discussed below.
5. I have examined a copy of the documents subject to review.
6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
7. I have considered all communications and submissions received from the parties.
8. During the review, the Agency released additional information to the Applicant from page 50 of the documents that it previously exempted from release under section 30(1). I have reviewed this information and am satisfied it is not exempt information. The Agency also seeks to rely on the exemption under section 32(1) to exempt additional information in the documents.
9. Having considered the information released and the Agency's submission, I consider in making its decision, it carefully considered the application of sections 30(1) and 32(1) and also sought to release further information to the Applicant during the review.
10. 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.

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<sup>1</sup> Energy Safe Victoria, Media release, 'Court imposes fine on Powercor over Terang fire' (published 13 December 2021) at <https://esv.vic.gov.au/news/court-imposes-fine-on-powercor-over-terang-fire/>

11. 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.
12. In conducting a review under section 49F, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.<sup>2</sup> This involves ensuring my decision is correctly made under the FOI Act and any other applicable law in force at the time of my decision.

## **Review of exemptions**

### ***Section 32(1) – Documents subject to legal privilege***

13. Section 32(1) provides 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 or client legal privilege'.

#### Legal professional privilege

14. A document will be subject to legal professional privilege where it contains a confidential communication between:<sup>3</sup>
  - (a) the client (or the client's agent) and the client's professional legal advisers, that was made for the dominant purpose of obtaining or providing legal advice or is referable to pending or contemplated litigation;
  - (b) the client's professional legal advisers and third parties, that was made for the dominant purpose of pending or contemplated litigation; or
  - (c) the client (or the client's agent) and third parties that was made for the purpose of obtaining information to be submitted to the client's professional legal advisers for the dominant purpose of obtaining advice on pending or contemplated litigation.

#### Client legal privilege

15. A document will be subject to client legal privilege where it contains a 'confidential communication'<sup>4</sup> between:
  - (a) the client (or the client's agent) and the client's professional legal advisers, that was made for the dominant purpose of obtaining or providing legal advice;<sup>5</sup> or
  - (b) the client and another person, which was made for the dominant purpose of the client being provided with professional legal services relating to a proceeding in which the client is or was a party.<sup>6</sup>
16. For convenience, I refer to 'legal professional privilege' and 'client legal privilege' as 'legal privilege' in this decision.

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<sup>2</sup> *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577 at 591.

<sup>3</sup> *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also section 119 of the *Evidence Act 2008* (Vic).

<sup>4</sup> Defined in section 117 of the *Evidence Act 2008* (Vic) to mean communications made in circumstances where the Agency and its professional legal advisers were under an obligation not to disclose their contents.

<sup>5</sup> Section 118 of the *Evidence Act 2008* (Vic).

<sup>6</sup> Section 119 of the *Evidence Act 2008* (Vic).

17. The High Court of Australia has held legal privilege ensures a client can openly and candidly discuss legal matters with their legal representative and seek and obtain legal advice:

The rationale of this head of privilege, according to traditional doctrine, is that it promotes the public interest because it assists and enhances the administration of justice by facilitating the representation of clients by legal advisers, the law being a complex and complicated discipline. This it does by keeping secret their communications, thereby inducing the client to retain the solicitor and seek his advice, and encouraging the client to make a full and frank disclosure of the relevant circumstances to the solicitor.

18. Legal privilege can exist in relation to communications between an agency's inhouse legal adviser/s and also its external legal advisers.<sup>7</sup>

19. In its submission, the Agency provided the following information about its inhouse and external legal advisers involvement in the legal proceedings:

... [Name], [position description and overview of responsibilities]. [Name] is an Australian lawyer as defined and licenced under the Legal Profession Uniform Law.

...

[Named law firm] acted on behalf of ESV during the Powercor prosecution and were instructed by [Name] and [Name]. [Named law firm] acted on behalf of Powercor.

During the course of the Powercor prosecution, [Name] would provide legal advice to, and seek instructions from, the Commission.

20. The Agency further submits in relation to legal privilege:

Legal professional privilege attaches to communications between government agencies and their inhouse, salaried, lawyers where the communications are in confidence and given as professional advice in a lawyer/client relationship.<sup>8</sup> Each of the communications between ESV and its inhouse [legal advisor] [Name], over which privilege is claimed below, were in confidence and provided as professional advice in their lawyer/client relationship, in the context of an ongoing litigation.

21. Having reviewed the documents, I am satisfied they constitute confidential communications between the Agency's inhouse legal advisers, their external legal advisers and a third party's legal adviser and were made for the dominant purpose of obtaining or providing legal advice or were referable to pending or contemplated litigation, being the Agency's prosecution of Powercor.
22. Legal privilege will apply to a document prepared by the recipient of legal advice or an employee of the recipient, if it contains a written record of confidential legal advice provided by the recipient's legal adviser.
23. Certain communications between the Agency's inhouse [legal adviser] and the Agency's Commissioners are directly referential to legal advice received from the Agency's external advisers or are additional legal advice communicated by the Agency's inhouse [legal adviser]. I am satisfied these documents are confidential communications made for the dominant purpose of the Agency's legal advisers providing legal advice to the Agency as part of the Powercor prosecution.
24. The email correspondence and Commission meeting papers subject to review contain communications where the subject matter, while referencing the legal proceedings, is more closely connected to matters ancillary to the legal proceeding.
25. The Commission meeting papers are a communication between the Agency's inhouse [legal adviser] and the Agency Commissioners which were originally marked as 'confidential'. However, the Agency has determined not to exempt these documents in full. In doing so, I acknowledge the Agency's

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<sup>7</sup> *Purcell v Department of Human Services* (unreported, VCAT, Judge Duggan VP, 19 December 2001) at [21].

<sup>8</sup> *Waterford v Commonwealth of Australia* [1987] HCA 25; (1987) 163 CLR 54; *AWB Limited v Honourable Terence Roderic Hudson Cole (No 5)* [2006] FCA 1234 at [44]; *Frugetriet v Legal Services Board* (Review and Regulation) [2014] VCAT 1299 at [37].

careful consideration of the application of exemptions and consider release of background information in the documents reflects the Agency's intention to release as much information as possible to the Applicant.

26. However, as certain information in the documents has been released, I have considered whether the remaining information in the documents was communicated for the dominant purpose of providing legal advice. While I am satisfied certain information in the documents is clearly legal advice provided by the Agency's legal adviser, other information is more in the nature of opinion and viewpoints expressed by the same author on public perceptions of the Agency and strategic impacts of matters related to the legal proceeding, rather than the strict provision of legal advice.
27. In relation to emails sent by the Agency Chair to other Agency Commissioners, I consider the dominant purpose for which this correspondence was created was not to provide legal advice, nor does it summarise legal advice received by the Agency, but rather conveys a course of action to be taken by the Agency and to keep them informed about next steps in the legal proceeding.
28. In these instances, I have also considered the application of section 30(1) to the information below.
29. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 32(1).

#### ***Section 30(1) – Internal working documents***

30. 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.
31. The exemption does not apply to purely factual material in a document.<sup>9</sup>
32. I must also be satisfied releasing this information is not contrary to the public interest. This requires a 'process of the weighing against each other conflicting merits and demerits'.<sup>10</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?*

33. For the requirements of section 30(1) to be met, a document must contain matter in the nature of opinion, advice or recommendation prepared by an agency officer, or consultation or deliberation between agency officers.
34. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, the issue is whether release of the document would disclose matter of that nature.<sup>11</sup>
35. I have considered the application of this exemption in relation to information where I have found section 32(1) does not apply.

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<sup>9</sup> Section 30(3).

<sup>10</sup> *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

<sup>11</sup> *Mildenhall v Department of Education* (1998) 14 VAR 87.

36. I am satisfied these documents contain information prepared by an Agency officer and I accept the Agency's submission that information which is factual on the face of the document is intertwined with consultation and deliberation about the broader circumstances of the Powercor prosecution.

*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?*

37. The term 'deliberative process' is interpreted widely and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.<sup>12</sup>

38. In *Re Waterford and Department of Treasury (No.2)*,<sup>13</sup> the former Victorian Administrative Appeals Tribunal held:

... "deliberative processes" [is] wide enough to include any of the processes of deliberation or consideration involved in the functions of an agency... In short, ...its thinking processes — the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

39. I am satisfied the information was prepared in the context of the Agency fulfilling its enforcement functions under the *Energy Safe Victoria Act 2005* (Vic).

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

40. 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.

41. 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>14</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 of 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>12</sup> *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

<sup>13</sup> [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

<sup>14</sup> *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (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.

42. The Agency submits

The deliberative material relates to the Powercor prosecution, a sensitive and contentious matter

The deliberative material relates to offers received and/or made *prior* to the final hearing in the Powercor prosecution. Prospects of success were reassessed during that hearing and the matter ultimately finalised by way of a guilty plea, details of which are disclosed in the documents. The redacted parts of the documents therefore reflect possibilities considered but not eventually adopted, disclosure of which could lead to confusion or promote pointless and captious debate about what might have happened rather than what did.

Disclosure of the documents would be likely to inhibit frankness and candour in future pre-decisional communications of ESV.

43. Having reviewed the document and considered the Agency's reasons set out in its decision letter and submission, I am not satisfied disclosure of certain information would be contrary to the public interest for the following reasons:

- (a) I am not satisfied the Agency would be deterred from recording and providing such information in the future should it be disclosed, as it relates to matters which are fundamental to the Agency's operations and it would reasonably be expected for the Agency to consider them in the course of a legal proceeding.
- (b) The information is high-level information and refers to publicly available instruments and resources.
- (c) Although I accept the matter is sensitive in nature, I consider disclosure of certain information which is not subject to legal privilege, but is general in nature, serves to provide transparency around the incident, which affected members of the public, and the related prosecution brought by the Agency against Powercor.

44. In contrast to the general information which I have found would not be contrary to the public interest to release, I consider the information discussed in paragraphs 23-28 above, are sensitive communications regarding strategic decisions in the proceedings.

45. I consider the ability of relevant Agency officers being able to confidentially discuss their views on a legal proceeding supports the Agency's ability to obtain the best possible outcome in these proceedings. I consider the Agency's performance in legal proceedings where a Prosecution is made following harm to a community to be a matter in the public interest. As such, information of this nature is exempt under section 30(1).

46. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 30(1).

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

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

48. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'<sup>15</sup> and the effectiveness of the deletions. Where

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<sup>15</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].

deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.<sup>16</sup>

49. 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 matters other than those specified in the Applicant's request.
50. I have considered the effect of deleting irrelevant and exempt information from the documents. Where I have determined additional information can be released in the documents, I am satisfied it would be practicable for the Agency to delete the irrelevant and exempt information, because it would not require substantial time and effort beyond what the Agency has already done, and the edited documents would retain meaning.
51. Where I have determined the information in the documents would be exempt in full, I am satisfied it would not be practicable to provide the Applicant with an edited copy of the documents as to do so would render them meaningless.

### Conclusion

52. On the information before me, I am satisfied certain information in the documents is exempt from release under section 32(1). However, I am not satisfied all information in the documents is exempt from release under sections 32(1) or 30(1).
53. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access to documents is granted in part.
54. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.
55. In addition, a marked-up copy of the documents indicating further information to be released in accordance with my decision has been provided to the Agency.

### Review rights

56. 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>17</sup>
57. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>18</sup>
58. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>19</sup>
59. 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.
60. 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>20</sup>

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<sup>16</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>17</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>18</sup> Section 52(5).

<sup>19</sup> Section 52(9).

<sup>20</sup> Sections 50(3F) and 50(3FA).



***When this decision takes effect***

61. My decision does not take effect until the Agency's 14 day review period expires.
62. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

Annexure 1 – Schedule of Documents

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	Emails	3	<p>Released in part</p> <p>Sections 30(1), 32(1), 33(1)</p>	<p>Release in part</p> <p>Sections 30(1), 25</p> <p>The document is to be released, except for exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.</p>	<p><b>Section 30(1):</b> I am satisfied the document contains matter in the nature of opinion, advice and recommendations prepared by an Agency officer in the course of the Agency deliberative processes. I am satisfied the disclosure of certain information also would be contrary to the public interest for the reasons outlined in my Notice of Decision above. However, I am satisfied certain information would not be contrary to the public interest to release for the reasons outlined in the Notice of Decision above and is not exempt under section 30(1).</p> <p><b>Section 32(1):</b> Having carefully considered the content of the document, I am not satisfied certain information the Agency exempted from release under section 32(1) is exempt as it does not satisfy the dominant purpose test. Accordingly, where I am satisfied a small amount of information is not exempt from release under section 30(1), it is to be released.</p> <p><b>Section 25:</b> I am satisfied it is practicable to provide the Applicant</p>

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					with an edited copy of the document with exempt and irrelevant information deleted in accordance with section 25.
2.	Commission meeting minutes	10	Released in part Section 33(1)	Not subject to review	
3.	Emails	2	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 25	Section 30(1): I am satisfied the document contains matter in the nature of opinion, advice and recommendations prepared by an Agency officer in the course of the Agency deliberative processes. I am satisfied the information would be contrary to the public interest to release for the reasons outlined in my Notice of Decision above.  Section 25: See comments for Document 1.
4.	Commission paper regarding Powercor prosecution	3	Released in part Sections 30(1), 32(1)	Release in part Sections 32(1), 25  The document is to be released, except for	Section 30(1) and 25: See comments for Document 1.  Section 32(1): I am satisfied certain information in the document is a confidential communication that

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				<p>exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.</p>	<p>was made for the dominant purpose of providing legal advice and is exempt from release under section 32(1).</p> <p>Having carefully considered the content of the document, I am not satisfied certain information the Agency exempted from release under section 32(1) is exempt as it does not satisfy the dominant purpose test. Accordingly, where I am satisfied a small amount of information is not exempt from release under section 30(1), it is to be released.</p>
<p>4a.  Attachment to Document 4</p>	<p>Email letter</p>	<p>8</p>	<p>Refuse in full  Section 32(1)</p>	<p>Refuse in full  Section 32(1)</p>	<p>Section 32(1): I am satisfied the information in the document is a confidential communication that was made for the dominant purpose of providing legal advice and is exempt from release under section 32(1).</p> <p>I am satisfied the document is a confidential communication between a client and their lawyer made for the dominant purpose of the client being provided with legal services in relation to a legal</p>

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>proceeding. Accordingly, I am satisfied this document is exempt in full under section 32(1).</p> <p><b>Section 25:</b> I am not satisfied it would be practicable to provide the Applicant with an edited copy of the document as to do so would render the document meaningless.</p>
5.	Minutes from circular resolution	1	Released in part Section 33(1)	Not subject to review	
6.	Commission Paper	1	Released in part Section 30(1), 32(1), 33(1)	<p>Release in part Sections 32(1), 25</p> <p>The document is to be released, except for exempt information as recorded in the marked-up version of the document provided to the Agency, which is to be deleted in accordance with section 25.</p>	<p><b>Section 32(1):</b> I am satisfied the information in the document is a confidential communication that was made for the dominant purpose of providing legal advice and is exempt from release under section 32(1).</p> <p><b>Section 25:</b> See comments for Document 1.</p>

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
6a. Attachment to Document 6	Draft letter from Agency's external legal advisers to Powercor's external legal advisers	2	Refuse in full Section 32(1)	Refuse in full Section 32(1)	Section 32(1): I am satisfied the document is a confidential communication between two lawyers made for the dominant purpose of the client being provided with legal services in relation to a legal proceeding. Accordingly, I am satisfied this document is exempt in full under section 32(1).  Section 25: See comments for Document 4a.
7.	Email	2	Released in part Sections 33(1)	Not subject to review	
8.	Email	3	Released in part Section 33(1)	Not subject to review	
9.	Minutes from circular resolution	1	Released in part Section 33(1)	Not subject to review	
9a.	Email sending Document 9	2	Released in part	Not subject to review	

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
			Section 33(1)		
10.	Commission Paper	2	Released in part  Sections 30(1), 32(1), 33(1)	Release in part  Sections 30(1), 32(1), 25	Section 30(1): See comments for Document 3.  Section 32(1) and 25: See comments for Document 1.
10a.  Attachment to Document 10	Letter from Powercor's legal advisers to Agency's external legal advisers	6	Refuse in full  Section 32(1)	Refuse in full  Section 32(1)	Section 32(1): See comments for Document 6a.  Section 25: See comments for document 4a.
10b.  Attachment to Document 10	Letter of advice from Agency's external legal advisers	4	Refuse in full  Section 32(1)	Refuse in full  Section 32(1)	Sections 32(1) and 25: See comments for Document 4a.
11.	Commission Paper	4	Released in part  Sections 32(1), 30(1)	Release in part  Sections 30(1), 32(1), 25  The document is to be released, except for	Sections 30(1): See comments for Document 3.  Sections 32(1) and 25: See comments for Document 1.

Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.	
11a. Attachment to Document 11	Letter of advice to Agency from its external legal advisers	4	Refuse in full Section 32(1)	Refuse in full Section 32(1)	Section 32(1) and 25: See comments for Document 4a.
11b. Attachment to Document 11	Letter from Powercor's legal advisers to Agency's external legal advisers	6	Refuse in full Section 32(1)	Refuse in full Section 32(1)	Section 32(1): See comments for document 6a. Section 25: See comments for Document 4a.
12.	Minutes from circular resolution	1	Released in part Section 33(1)	Not subject to review	
13.	Commission Meeting Minutes	9	Released in part Section 33(1)	Not subject to review	



Doc. No.	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
14.	Commission Meeting Minutes	9	Released in part Section 33(1)	Not subject to review	
15.	Commission Paper regarding Powercor prosecution	2	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 32(1), 25	Section 32(1): See comments for Document 6. Section 30(1): See comments for Document 3. Section 25: See comments for Document 1.
16.	Emails	2	Released in part Section 33(1)	Not subject to review	
17.	Minutes from circular resolution	1	Released in part Section 33(1)	Not subject to review	
18.	Emails	6	Released in part Section 33(1)	Not subject to review	

<b>Doc. No.</b>	<b>Document Description</b>	<b>No. of pages</b>	<b>Agency Decision</b>	<b>OVIC Decision</b>	<b>OVIC Comments</b>
19.	Email	2	Released in part Section 33(1)	Not subject to review	
20.	Email	4	Released in part Section 33(1)	Not subject to review	
21.	Email	4	Released in part Section 33(1)	Not subject to review	
22.	Draft Commission Meeting Minutes	8	Released in full	Not subject to review	
23.	Ministerial briefing	10	Released in full	Not subject to review	
24.	Ministerial briefing and speaking notes	5	Released in full	Not subject to review	