

Notice of Decision and Reasons for Decision

Applicant:	'E11'
Agency:	Moonee Valley City Council
Decision date:	9 March 2022
Exemptions considered:	Sections 30(1), 33(1), 35(1)(b), and 38 of the <i>Freedom of Information Act 1982</i> (Vic) in conjunction with section 125 of the <i>Local Government Act 2020</i> (Vic)
Citation:	'E11' and <i>Moonee Valley City Council (Freedom of Information)</i> [2022] VICmr 101 (9 March 2022)

FREEDOM OF INFORMATION – council documents – correspondence – noise complaint – secrecy provision – video footage – confidential information – personal affairs information – disclosure unreasonable – information acquired by an agency – reasonably likely to impair Agency ability to obtain similar information

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 differs from the Agency's decision in that I have determined certain information is not exempt under sections 30(1), 33(1) or 35(1)(b).

However, I am satisfied certain information is exempt from release under sections 35(1)(b) and 38 in conjunction with section 125 of the *Local Government Act 2020* (Vic) (**LG Act**).

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
9 March 2022

Reasons for Decision

Background to review

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

In relation to file [file number]:
 1. copies of letters and phone conversations from complainants to council.
 2. copies of videos and photographs taken by complainants submitted to council as evidence
 3. copies of all recordings of conversations between [the Applicant] and council officers
2. The Agency identified 17 documents falling within the terms of the Applicant's request and refused access to the documents in full under sections 30(1), 33(1) and 35(1)(b). The Agency's decision letter sets out the reasons for its decision.

Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. The Applicant indicates they do not seek access to names, addresses and email addresses of any third parties.
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. 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.
9. 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.
10. In completing a review under section 49F, I am required by section 49P to make a fresh or new decision. This means my review does not involve determining whether the Agency's original decision is correct, but rather I am required to ensure my fresh decision is the 'correct or preferable decision'. This involves ensuring my decision is correctly made under the FOI Act and any other relevant applicable law in force at the time of making my fresh decision.

Changes to the local government legislation

11. On 24 October 2020, the LG Act commenced. The objectives of the LG Act are set out in section 4 of the Act and include ensuring, '[c]ouncils are constituted as representative bodies that are accountable, transparent, collaborative, efficient and engaged with their communities'.
12. Section 9 of the LG Act sets out overarching governance principles and supporting principles for the Act:

- (1) A Council must in the performance of its role give effect to the overarching governance principles.
- (2) The following are the overarching governance principles—
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;
 - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
 - (a) the community engagement principles;
 - (b) the public transparency principles;
 - (c) the strategic planning principles;
 - (d) the financial management principles;
 - (e) the service performance principles.

13. As can be seen by the above objectives and principles (and other provisions in the LG Act),¹ public transparency in council decision making and the exercise of statutory and administrative functions and powers is a key focus of the LG Act, subject to a secrecy provision in section 125 of that Act.
14. Section 125 of the LG Act changes the way a council must process certain FOI requests and requires a council to consider the prohibition on the disclosure of ‘confidential information’ as defined in the LG Act, which includes the personal information of a third party recorded in a document.
15. While the Agency did not rely on section 38 to exempt the documents from release, during the review it became clear the operation of section 125 of the LG Act is a relevant consideration in determining whether the documents are exempt under section 38.
16. Accordingly, it is appropriate to consider the exemption under section 38 before considering the other exemptions relied on by the Agency.

Review of exemptions

Section 38 – Documents to which a secrecy provision applies

17. A document is exempt under section 38 if the following three requirements are met:
 - (a) there is an enactment in force;

¹ See for example, sections 57 and 58 of the LG Act.

- (b) the enactment applies specifically to the kind of information in a document; and
 - (c) the enactment prohibits persons, referred to in the enactment, from disclosing that specific kind of information (either absolutely or subject to exceptions or qualifications).
18. For section 38 to apply to a document, an enactment must be formulated with such precision that it specifies the actual information sought to be withheld.

Is there is an enactment in force?

19. Section 125 of the LG Act came into force on 24 October 2020 and provides in part:

125 Confidential information

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

Penalty: 120 penalty units.

- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
- (a) for the purposes of any legal proceedings arising out of this Act;
 - (b) to a court or tribunal in the course of legal proceedings;
 - (c) pursuant to an order of a court or tribunal;
 - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
 - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
 - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
 - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- ...

20. I am satisfied the LG Act is an enactment in force for the purpose of section 38 of the FOI Act.

Does the enactment apply specifically to the kind of information in the documents?

21. To satisfy the second requirement of section 38, the enactment must be formulated with such precision that it refers with particularity to the information.² It is not sufficient for the enactment to be formulated in general terms such that it would encompass the information without expressly describing the information.

22. ‘Confidential Information’ is defined in section 3(1) of the LG Act and includes:

...

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

...

² *News Corp Ltd v National Competition & Securities Commission* (1984) 52 ALR 277 at [281].

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989;

Personal information of third parties

23. The definition of 'confidential information' in section 3(1)(f) of the LG Act, which concerns 'personal information', overlaps with the exemption under section 33(1) of the FOI Act.
24. Section 33(1) provides a document is exempt if:
- (a) disclosure of a document under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant (a **third party**);² and
 - (b) disclosure of the personal affairs information would be 'unreasonable' in the circumstances.
25. Given this overlap, I have had regard to similar considerations that arise under section 33(1) of the FOI Act in determining whether the documents contain 'personal information' about any person or their personal affairs, and whether disclosure would be unreasonable in the circumstances.

Do the documents contain 'personal information' for the purposes of section 125 of the LG Act?

26. In determining whether information amounts to 'personal information', I have taken into consideration the definition of 'personal affairs information' in section 33(9), which provides that 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 such information may be reasonably determined.³
27. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the interest in protecting an individual's personal privacy in the circumstances.
28. The documents comprise [number of] videos and one 'Odour/Pollution' Complaint Summary (**Complaint Summary**). As stated above, the Applicant does not seek access to the names, addresses or email addresses of third parties. However I am satisfied the videos contain personal information such that third parties would be capable of being identified from the footage.

Would disclosure of the personal information be unreasonable in the circumstances?

29. The concept of 'unreasonable disclosure' involves determining whether the public interest in the disclosure of official information is outweighed by the interest in protecting the personal privacy of a third party in the circumstances.
30. In *Victoria Police v Marke*,⁴ the Victorian Court of Appeal held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others'. Further, the exemption under section 33(1) 'arises only in cases of unreasonable disclosure' and '[w]hat amounts to an unreasonable disclosure of someone's personal affairs will necessarily vary from case to case'.
31. Even where an applicant claims to know a third party involved, disclosure of personal affairs information may still be unreasonable.⁵

³ Section 33(9).

⁴ [2008] VSCA 218 at [76].

⁵ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

32. Having reviewed the documents and considered the circumstances in which the documents were obtained or created by the Agency, I am satisfied disclosure of the videos and the majority of the Complaint Summary would be unreasonable for the following reasons:
- (a) I consider the third parties would be likely object to the disclosure of their personal information under the FOI Act in the circumstances of this matter.
 - (b) While I note the Applicant's interest in the documents, as they relate to a complaint made against them, I am satisfied there is a broader public interest in the Agency being able to efficiently and effectively carry out its regulatory and law enforcement functions. In my view, disclosure of the personal information under the FOI Act would impair the ability to the Agency to obtain information of this nature in the future and this would have a detrimental impact on its regulatory functions.
 - (c) On balance, I consider this broader public interest outweighs the Applicant's personal interest in obtaining access to personal information relating to third parties.
 - (d) In the absence of any information to suggest the public interest would be promoted by the release of the personal information in the documents, I consider disclosure would serve the Applicant's personal interests only.
33. Accordingly, I am satisfied the personal information of the third parties in the documents, which the Agency exempted from release under section 33(1), is exempt under section 38 in conjunction with section 125 of the LG Act on grounds:
- (a) section 125 of the LG Act is an enactment in force;
 - (b) subsection 3(f) of the LG Act refers specifically to the personal information in the document; and
 - (c) section 125 of the LG Act prohibits Agency officers, specifically councillors and council staff, from disclosing 'confidential information'.
34. However, I am of the view, given the Agency's interactions with the Applicant, the Applicant would be aware of certain information relating to conversations Agency officers have had with them concerning the complaint. Having considered the nature of certain information in the Complaint Summary, I am satisfied it is not particularly sensitive and its disclosure would not be contrary to the public interest. Accordingly, I am satisfied this information is not exempt from release under section 38.
35. As I am satisfied section 38 applies to certain personal information in the documents, it is not necessary for me to also consider the application of section 33(1) to the same information. However, for reasons similar to those set out above, I have determined certain information is not exempt from release under section 33(1) as described in the Schedule of Documents at **Annexure 1**.

Section 35(1)(b) – Information obtained in confidence by an agency

36. 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.

37. Confidentiality can be expressed or implied from the circumstances of the matter.⁶
38. In summary, section 35(1)(b) is concerned with protecting the public interest in the free flow of information provided in confidence to an agency by a person. In most cases, the person (including an organisation) will be external to the agency.

Would disclosure divulge information or matter communicated in confidence by or on behalf of a person to the Agency?

39. Whether information was communicated in confidence by a person to an agency is a question of fact.⁷ In doing so, it is necessary to consider the position from the perspective of the communicator.⁸
40. The documents contain information relating to a complaint made by a third party to the Agency about the Applicant. I am satisfied from the context of the information and the advice of the Agency that the information was communicated in confidence.

Would disclosure be contrary to the public interest as it would be reasonably likely to impair the ability of an agency to obtain similar information in the future?

41. In determining whether disclosure of a document would be contrary to the public interest, I must consider whether disclosure would be reasonably likely to impair the ability of an agency to obtain similar information in the future.
42. In *Gunawan v Department of Education*,⁹ the Victorian Civil and Administrative Tribunal (VCAT) discussed the importance of confidentiality in the course of an investigation:

I consider that disclosure of the information contained in those documents would be contrary to the public interest, because I accept the evidence that the unit ... would be substantially impaired in their ability to undertake investigations in the future, and ... would be severely compromised by any interference in the confidentiality of the process.

43. The Applicant seeks access to the information as they consider their privacy has been breached, and they wish to test the veracity of the complaint made to the Agency. However, the public interest test under section 35(1)(b) is narrowly focused and does not extend to consideration of whether or not information given or a complaint made to an agency is true and correct.
44. Where a complainant relies on confidentiality being maintained in relation to their provision of information or making a complaint to an agency about a third party, I consider disclosure of any information that would reasonably disclose the complainant's name, identity or location would substantially impact upon the willingness of complainants to come forward voluntarily with similar information or complaints in the future. Such an outcome would be detrimental to the Agency and compromise its ability to carry out its important regulatory and law enforcement functions.
45. Accordingly, I am satisfied disclosure of the confidential information provided by the complainant to the Agency would be reasonably likely to impair the Agency's ability to obtain similar information in the future when conducting its statutory functions under the *Environment Protection Act 2017* (Vic) and related Regulations (**environment protection legislation**).
46. As such, I am satisfied the confidential information provided by the third party is exempt under section 35(1)(b).

⁶ *XYZ v Victoria Police* [2010] VCAT 255 at [265].

⁷ *Ryder v Booth* [1985] VR 869 at 883; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

⁸ *Ryder v Booth* [1985] VR 869 at 883; *XYZ v Victoria Police* [2010] VCAT 255 at [265].

⁹ [1999] VCAT 665.

47. However, having considered the context of the Complaint Summary, I consider certain information communicated to the Agency by its own officers was not communicated in confidence, but rather in the course of the Agency officers exercising their professional obligations in providing their observations in relation to an interaction with a member of the public. Further, I am of the view the release of this information would not impair the agency obtaining similar information from its officers in the future.
48. Accordingly, I am of the view certain information in the Complaint Summary that relates to interactions agency officers have had with the Applicant is not exempt under section 35(1)(b).
49. My decision in relation to section 35(1)(b) is outlined in the Schedule of Documents in **Annexure 1**.

Section 30(1) – Internal working documents

50. A document is exempt under section 30(1) if the following three conditions are met:
- (a) the document discloses 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, Minister 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.
51. Section 30(3) provides purely factual information is not exempt under section 30(1).

Was the document prepared by an officer of the Agency?

52. The term ‘officer of an Agency’ is defined in section 5(1). It includes a member of an agency, an agency staff member, and any person engaged by or on behalf of an agency, whether or not they are subject to the *Public Administration Act 2004* (Vic).
53. I am satisfied the Complaint Summary was prepared by Agency officers.

Does the document disclose matter in the nature of opinion, advice or recommendation, or consultation or deliberation?

54. For section 30(1) to be satisfied, a document must also contain matter in the nature of opinion, advice or recommendation prepared by an agency officer, or consultation or deliberation between officers.
55. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, it is enough that release of the document would disclose matter of that nature.¹⁰
56. I am satisfied the document contains information in the nature of opinion.

Was the opinion, advice, recommendation, consultation or deliberation disclosed in the document provided in the course of, or for the purpose of, the deliberative processes of the Agency?

57. The term ‘deliberative process’ has been interpreted widely and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.¹¹

¹⁰ *Mildenhall v Department of Education* (1998) 14 VAR 87.

¹¹ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at [208].

58. I am satisfied the information was prepared in the course of the Agency's deliberative processes in connection with its investigation into matters arising under environment protection legislation.

Would disclosure of the document be contrary to the public interest?

59. Determining whether disclosure of the document would be contrary to the public interest involves a 'process of the weighing against each other conflicting merits and demerits'.¹²

60. Where information is already known to an applicant, it is more likely its disclosure would not be contrary to the public interest. If the information is sensitive, tentatively expressed or unclear, it is more likely its disclosure would be contrary to the public interest.¹³

61. In *Howard v Treasurer*,¹⁴ the Commonwealth Administrative Appeals Tribunal held the more sensitive the issues discussed in a communication, the more likely the communication should not be disclosed.

62. In determining whether disclosure of information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:¹⁵

- (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
- (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.

63. The Agency's decision states:

It is unreasonable to disclose the notes of the Council Officers because they are in relation to the management of the dispute between [the Applicant] and the complainants. Council Officers need to be able to keep notes and make assessments in the course of reviewing the nature and validity of a complaint.

64. The document subject to review is sensitive given its subject matter and the Agency's initial investigation into a dispute.

¹² *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].

¹³ *Thomas v Department of Natural Resources and Environment* [2002] VCAT 533 at [27].

¹⁴ (Cth) (1985) 7 ALD 626; 3 AAR 169.

¹⁵ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

65. I accept there is a strong public interest in Agency officers being able to openly communicate their professional opinions with respect to an investigation and management of a complaint in conducting their regulatory or law enforcement functions.
66. For the Applicant, I also acknowledge there is a strong personal interest in obtaining access to the information exempted by the Agency.
67. I have carefully reviewed information recorded in the Complaint Summary, which the Agency exempted from release in full under section 30(1). In my view, certain information recorded in this document is factual in that it describes interactions between Agency officers and the Applicant during the course of its investigations into allegations of excessive noise coming from the Applicant's property. As such, I consider the Applicant would have been present and aware of the discussions described in the document. In these circumstances, I consider there is a public interest in the Applicant being given fair access to information recorded by Agency officers describing these discussions.
68. My decision in relation to section 30(1) is outlined in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

69. 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.
70. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'¹⁶ 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 25.¹⁷
71. Having reviewed the documents, and given their nature and content, I am not satisfied it would be practicable to delete exempt and irrelevant information from Documents 2-17 as it would render them meaningless.
72. My decision in relation to section 25 is outlined in the Schedule of Documents in **Annexure 1**.

Conclusion

73. On the information before me, I am satisfied certain information is not exempt from release under sections 30(1), 33(1) or 35(1)(b).
74. However, I am satisfied certain information is exempt from release under sections 35(1)(b) and 38 in conjunction with section 125 of the LG Act.
75. Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with exempt information deleted in accordance with section 25, access to the document is granted in full. Where it is not practicable to do so, access to the document is refused in full.
76. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

¹⁶ *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].

¹⁷ *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].

Review rights

77. If either party to this review is not satisfied with my decision, they are entitled to apply to the VCAT for it to be reviewed.¹⁸
78. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹⁹
79. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁰
80. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
81. 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.²¹

¹⁸ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹⁹ Section 52(5).

²⁰ Section 52(9).

²¹ Sections 50(3F) and (3FA).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	Various	Complaint Summary	10	Refused in full Sections 30(1), 33(1), 35(1)(b)	<p>Release in part</p> <p>Sections 35(1)(b), 38, 25</p> <p>The information exempted from release by the Agency is to remain deleted except for the following information, which is not exempt under sections 30(1) or 35(1)(b), and is to be released in accordance with section 25:</p> <ul style="list-style-type: none"> • entry note dated [date and time]; • entry note dated [date and time]; • entry note dated [date and time]; • entry note dated [date and time]; and • entry note dated [date and time]. 	<p>Section 35(1)(b): I am satisfied the document contains certain information that is exempt under section 35(1)(b) for the reasons in the Notice of Decision above.</p> <p>However, I am not satisfied the information that concerns interactions between Agency officers and the Applicant was provided to the Agency in confidence, nor would its disclosure be contrary to the public interest in that it would impair the ability of the Agency to obtain similar information in the future. Accordingly, this information is not exempt under section 35(1)(b).</p> <p>Section 30(1): I am not satisfied the document is exempt in full under section 30(1) for the reasons outlined in the Notice of Decision above. However, as I am satisfied the remainder of the document is exempt under sections 38 and 35(1)(b), it is not necessary for me to consider the application of section 30(1) to this information.</p> <p>Section 38: I am satisfied the document contains certain</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						information that is exempt from release under section 38 in conjunction with section 125 of the LG Act for the reasons outlined in the Notice of Decision above.
Remaining documents	[date]	Video footage [number]	N/A	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 35(1)(b), 38	<p>Section 35(1)(b): I am satisfied the document contains information that is exempt from release under section 35(1)(b) for the reasons outlined in the Notice of Decision above.</p> <p>Section 38: I am satisfied the document also contains certain information that is exempt from release under section 38 in conjunction with section 125 of the LG Act for the reasons outlined in the Notice of Decision above.</p> <p>Section 25: I am not satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant information deleted in accordance with section 25.</p>
[Remainder of schedule redacted]						