

Notice of Decision and Reasons for Decision

Applicant:	'EX9'
Agency:	City of Darebin
Decision date:	19 December 2022
Exemptions considered:	Sections 30(1), 32(1), 33(1), 34(1)(b), 35(1)(a), 38
Citation:	'EX9' and City of Darebin (<i>Freedom of Information</i>) [2022] VICmr 246 (19 December 2022)

FREEDOM OF INFORMATION – council documents – local government – sale of land – land acquisition – VicRoads – [external Victorian Government agency] – interagency negotiations – information obtained from external government agency – town planning advice – land valuation – fee proposals – legal advice

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 information in the documents is exempt from release under sections 30(1), 32(1) and 38. However, I have decided to release additional information to the Applicant where I am satisfied it is not irrelevant or exempt information.

Where 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, access to the document is granted in part. Where it is not practicable to do so, access is refused 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

19 December 2022

Reasons for Decision

Background to review

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

I seek all email/correspondence between Darebin Council and [another Victorian Government agency], and internal to Darebin Council, regarding the sale or transfer of three parcels of land within [location] between [date range], namely:

[3 addresses in Victoria].

2. The Applicant made a further request seeking access to the following information in addition to their original request:

...a report on [location] at the last Council meeting [date] which was not open to the public.

3. The Applicant specified in their request that they do not seek access to personal affairs information in the documents.
4. The Agency identified 238 documents falling within the terms of the Applicant's request and refused access to documents in part and in full under section 38 in conjunction with section 125 of the *Local Government Act 2020* (Vic) (**LG Act**).¹ The Agency's decision letter sets out the reasons for its decision.

Review application

5. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
6. The Applicant advised in their review application that they do not seek review of the documents released in part or the 46 documents listed as duplicate documents and they do not seek access to the personal affairs information of third parties.
7. The Applicant also confirmed during the review that they do not seek access to any attachments to documents that may not have been located by the Agency.
8. I have examined a copy of the documents subject to review.
9. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
10. I have considered all communications and submissions received from the parties.
11. 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.
12. 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.

History of the sale of the land

¹ Each document is set out in the Schedule of Documents in **Annexure 1**.

13. [Details of the history of the sale of the land as published in Agency agenda and minutes for Ordinary Council Meetings.]

Review of exemptions

Section 38 – Documents to which secrecy provisions apply

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

Is there an enactment in force?

15. Section 125 of the LG Act provides:

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;
 - (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
 - (i) to the extent reasonably required by a law enforcement agency.
- (4) Despite section 38 of the Freedom of Information Act 1982, a document containing information of the kind described in paragraph (a), (b), (c), (d), (e), (f) or (g) of the definition of confidential information is not an exempt document within the meaning of the Freedom of Information Act 1982 by virtue of section 38 of that Act.
- (5) Despite section 38 of the Freedom of Information Act 1982, a document containing information prescribed to be confidential information for the purposes of paragraph (k) of the definition of confidential information is not an exempt document within the meaning

of the Freedom of Information Act 1982 by virtue of section 38 of that Act if, for the purposes of this subsection, it is a prescribed non-exempt document or prescribed class of non-exempt document.

Note A document referred to in subsection (4) or (5) may still be an exempt document by virtue of another provision of Part IV of the Freedom of Information Act 1982.

16. I am satisfied the LG Act is an enactment in force for the purposes of section 38.

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

17. 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.²

18. After the Agency's decision, amendments were made to the LG Act by the *Local Government Legislation Amendment (Rating and Other Matters) Act 2022* (Vic). At the time of the Agency's decision, certain classes of 'confidential information' were exempt from release under section 125(1) of the LG Act in conjunction with section 38 of the FOI Act. However, sections 125(4) and 125(5) of the LG Act, which came into operation on 10 August 2022, now amend the classes of 'confidential information' that can be considered exempt from release under section 38 of the FOI Act.

19. In its decision, the Agency relied on the following categories of 'confidential information', which are no longer exempt from the purpose of section 38:

- (a) council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- ...
- (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- ...
- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

20. My decision is based on the law in force at the time of my decision, not at the time of the Agency's decision. As such, during this review, OVIC staff consulted with the Agency to confirm whether it maintains its decision to refuse access to documents under another exemption or agrees to a document being released where it is no longer exempt from release under section 38 and section 125(1) of the LG Act.

21. The Agency re-examined the documents and determined not to release any further information and submits other exemptions under the FOI Act are applicable and provided OVIC with a submission on those exemptions and an amended Schedule of Documents setting out which exemption applies to each document. This is set out in the Schedule of Documents in **Annexure 1**. The exemptions upon which the Agency now relies are sections 30(1), 32(1), 33(1), 34(1)(b) and 35(1)(a).

² *News Corporation Ltd v National Competition & Securities Commission* 52 ALR 277 at 281.

22. Accordingly, I have not considered the application of section 38 to documents where the Agency relied on the above quoted definitions of ‘confidential information’ under the LG Act. I have only considered whether Document 238 contains ‘confidential information’ within the following definition of ‘confidential information’ in section 3(1)(h), being ‘confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)’.

23. Section 66 of the LG Act provides:

(1) A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

(2) The circumstances are—

(a) the meeting is to consider confidential information; or

(b) security reasons; or

(c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

...

(5) If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—

(a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and

(b) an explanation of why the specified ground or grounds applied.

24. Document 238 is titled ‘Confidential – [item number] [location]’ and contains a header marked, ‘Council Meeting [date]’. The document has two appendixes (Appendix A and B). However, the Agency has split the two appendixes into multiple documents for this review.³

25. The minutes for an Ordinary Council Meeting held on [date] records [item number] concerning [location] was closed to members of the public pursuant to section 66(2) of the LG Act on grounds it contains legal privileged information pursuant to section 3(1)(e) of the LG Act.⁴

26. In these circumstances, I am satisfied Document 238 contains information that was submitted and/or considered at a Closed Council Meeting.

27. However, the minutes for an Ordinary Council Meeting held on [date] record that Council resolved to publicly release the [document].⁵ I am satisfied the [document] is Appendix A.⁶ Accordingly, by virtue of section 125(2) of the LG Act, Appendix A is not exempt from release under section 38 in conjunction with section 125(1), as Council determined the document should be publicly available and it has subsequently been published on the Agency’s website.

28. Accordingly, I am satisfied the enactment applies to certain information in Document 238 only.

Does the enactment prohibit persons from disclosing information in the documents?

29. Section 125(1) of the LG Act prohibits Agency officers, specifically Councillors and Council staff, from disclosing ‘confidential information’.

³ See Appendices A to H in the Schedule of Documents in **Annexure 1**.

⁴ City of Darebin, *Ordinary Council Meeting Minutes – [date]* at [redacted].

⁵ City of Darebin, *Ordinary Council Meeting Minutes – [date]* at [redacted].

⁶ ‘Appendix A’ is recorded as Appendices A to F in the Schedule of Documents in **Annexure 1**.

30. As I am satisfied that Document 238 contains 'confidential information', section 125(1) of the LG Act prohibits disclosure of parts of the document.
31. Accordingly, I am satisfied parts of Document 238 are exempt from release under section 38 of the FOI Act in conjunction with section 125(1) of the LG Act.
32. My decision is set out in the Schedule of Documents in **Annexure 1**.

Section 30(1) – Internal working documents

33. 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.
34. The exemption does not apply to purely factual material in a document.⁷

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?

35. 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.
36. The term 'officer of an Agency' is defined in section 5(1). It includes a member of an agency, a member of an agency's staff, and any person employed by or engaged on behalf of an agency, whether or not they are subject to the *Public Administration Act 2004* (Vic).
37. 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.⁸
38. The documents were created during the course of the Agency considering and negotiating the sale of the land with [another Victorian Government agency]. The documents include internal correspondence between Agency officers, and also between the Agency and third parties, in relation to the sale and related matters, which I am satisfied is matter in the nature of advice, consultation and deliberation.
39. The documents also include correspondence exchanged between the Agency and the [other Victorian government agency] in the context of negotiating the sale of the land. In the circumstances of this matter, I am satisfied such information is matter in the nature of deliberation that occurred between agency officers and falls within the ambit of section 30(1).

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?

⁷ Section 30(3).

⁸ *Mildenhall v Department of Education* (1998) 14 VAR 87 at 90.

40. 'Deliberative process' is interpreted broadly and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.⁹
41. In *Re Waterford and Department of Treasury (No.2)*,¹⁰ 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.
42. I am satisfied the documents were prepared in the course of, or for the purpose of, the deliberative processes of the Agency in negotiating a sale of the land.

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

43. In deciding if release is contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information.
44. In doing so, I have given weight to the following factors:¹¹
- (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.
45. In the circumstances of this matter, I have had regard to the Agency's strong interest in acquiring the land and the intention[s] of [the other agency] if it is not purchased by the Agency, as set out in the agenda for an Ordinary Council Meeting held on [date]:

[redacted quote from Ordinary Council Meeting]

⁹ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

¹⁰ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

¹¹ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483 at 488.

46. I also accept internal deliberations with respect to the sale of land can be commercially sensitive, particularly where negotiations are ongoing. There is a public interest in confidentiality where there is concern disclosure may bias negotiations of parties involved in the acquisition of land. The Agency submits the negotiations for the sale of the land are currently ongoing.
47. Further, there is some information in the documents that is sensitive and confidential in nature, for example, where it contains the Agency's strategy towards to the sale of the land. I am satisfied such information is exempt from release under section 30(1).
48. However, having carefully considered each document and the history of the sale, as published in the Agency's agenda and minutes for Ordinary Council Meetings, I am not satisfied disclosure of most of the documents would be contrary to the public interest for the following reasons:
- (a) The Applicant requested documents for the period of [date range]. Accordingly, the documents represent the negotiation for the sale at a particular point in time, and the issues in contention have progressed, or have likely progressed at the time of my decision. In such circumstances, I am not satisfied disclosure of the documents would have a material impact on the current negotiations.
 - (b) Many of the documents provide further contextual information to what is already published in the Agency's agendas and meeting minutes for Ordinary Council Meetings. Accordingly, I am not persuaded disclosure of the documents will provide a partial explanation for the taking of a particular action or decision only, or would not clearly or accurately represent any decision of the Agency. Rather, I consider disclosure of the documents would provide a more complete picture of what has occurred between [date range].
 - (c) Given the negotiations for the sale of the land have been ongoing since [year], there is a strong public interest in transparency for the local community.
 - (d) Providing access to information that demonstrates the basis upon which a government decision is made that impacts upon local residents and the broader public, builds community trust in government decision making processes. Therefore, I consider disclosure of the documents serves the public interest in promoting transparency of and accountability for the Agency's decision making with respect to the sale of the land. As such, while the issues involved in this sale are complex and ongoing, I consider there is a public interest in the community being better informed about the issues considered by the Agency that have impacted its negotiations with the [other Victorian government agency].
 - (e) I do not accept disclosure would be likely to misinform or confuse the public or cause unnecessary debate. In any case, it is open to the Agency to provide an explanation when releasing the documents, should it be necessary to do so.
 - (f) I do not accept disclosure of the documents would be reasonably likely to inhibit, restrict or limit communications between Agency officers, its advisors, or communications to or from the [other Victorian government agency].
 - (g) I am not satisfied disclosure of the relevant information would negatively impact upon the nature or quality of advice and recommendations prepared by Agency officers in the future. I note the views of Macnamara J in *Graze v Commissioner for State Revenue*,¹² which observed the possibility of public scrutiny in some circumstances provides for better administrative decision making. In any case, Agency officers are responsible for ensuring advice provided to agencies, ministers and the government is accurate, properly considered and impartial regardless of whether such information is intended to be publicly released.

¹² [2013] VCAT 869 at [26].

- (h) I do not accept the Agency's commercial position would be prejudiced through release of most of the documents. However, as noted above, I am satisfied certain documents that contain strategic information would be contrary to the public interest to disclose as it could bias the negotiations between the parties.

49. Accordingly, I am satisfied most of the documents are not exempt from release under section 30(1).

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

Section 32(1) – Documents affecting legal proceedings

51. 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

52. A document will be subject to legal professional privilege and exempt under section 32(1) where it contains a confidential communication:¹³

- (a) between 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; or
- (b) between the client's professional legal advisers and third parties, that was made for the dominant purpose of pending or contemplated litigation; or
- (c) between 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

53. A document will be subject to client legal privilege where it contains a 'confidential communication'¹⁴ 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;¹⁵ 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.¹⁶

54. For convenience, I refer to 'legal professional privilege' and 'client legal privilege' as 'legal privilege' in this decision.

55. Legal privilege exists to protect the confidentiality of communications between a lawyer and a client. Privilege will be lost where the client has acted in a way that is inconsistent with the maintenance of

¹³ *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also *Evidence Act 2008* (Vic), section 119.

¹⁴ 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.

¹⁵ Section 118 of the *Evidence Act 2008* (Vic).

¹⁶ Section 119 of the *Evidence Act 2008* (Vic).

that confidentiality – for instance where the substance of the information has been disclosed with the client’s express or implied consent.¹⁷

56. The High Court of Australia has observed the importance of legal privilege:

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

57. Legal privilege extends to communications between a government agency and its inhouse lawyers, so long as the Agency’s lawyers are sufficiently independent.¹⁹

58. The dominant purpose for which the confidential communication was made will determine whether the exemption applies.²⁰

59. I am satisfied the documents contain confidential communications between the Agency and its external lawyer that was for the dominant purpose of obtaining and providing legal advice with respect to the sale of the land. Such information is exempt under section 32(1).

60. However, in some circumstances, I consider privilege has been waived where the Agency has informed the [other Victorian government agency] of the contents of the legal advice. Such information is not exempt from release under section 32(1).

61. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 32(1).

Section 34(1)(b) – Business, commercial or financial information of an undertaking

62. Section 34(1)(b) provides a document is an exempt document if its disclosure under the FOI Act would disclose information acquired by an agency (or a Minister) from a business, commercial or financial undertaking and:

- (a) the information relates to other matters of a business, commercial or financial nature; and
- (b) the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.

Was the information acquired from a business, commercial or financial undertaking?

63. In *Thwaites v Department of Human Services*,²¹ the Victorian Civil and Administrative Tribunal (**VCAT**) observed the phrase ‘information acquired’ in section 34(1) signifies the need for some positive handing over of information in some precise form.

64. Section 34(1)(b) is claimed over information acquired from external consultants, including information provided to the Agency from the [other Victorian government agency] that was produced by external consultants.

65. I am satisfied the information was acquired from a business, commercial or financial undertaking.

¹⁷ Sections 122(2) and 122(3) of the *Evidence Act 2008* (Vic) (for client legal privilege); *Mann v Carnell* (1999) 201 CLR 1 at [28] (for legal professional privilege).

¹⁸ *Grant v Downs* [1976] HCA 63; (1976) 135 CLR 674 at [19].

¹⁹ *Waterford v The Commonwealth* [1987] HCA 25 at [4] (per Mason and Wilson JJ) and at [5] to [6] (per Brennan J).

²⁰ *Esso Australia Resources Ltd v Commissioner of Taxation* (1999) 201 CLR 49.

²¹ (1999) 15 VAR 1.

Does the information relate to matters of a business, commercial or financial nature?

66. VCAT has also recognised the words ‘business, commercial or financial nature’ have their ordinary meaning.²²
67. The information includes fee proposals, town planning assessments, plans, advice concerning land valuations, and other reports commissioned by the Agency.
68. I am satisfied the information relates to matters of a business, commercial or financial nature.

Would disclosure of the information be likely to expose the undertaking unreasonably to disadvantage?

69. Section 34(2) provides that in deciding whether disclosure of information would expose an undertaking unreasonably to disadvantage, for the purposes of section 34(1)(b), an agency or Minister may take account of any of the following considerations:
 - (a) whether the information is generally available to competitors of the undertaking;
 - (b) whether the information would be exempt matter if it were generated by an agency or a Minister;
 - (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking; and
 - (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls—and of any other consideration or considerations which in the opinion of the agency or Minister is or are relevant.
70. I have also had regard to the decision in *Dalla Riva v Department of Treasury and Finance*,²³ in which VCAT held documents are exempt from release under section 34(1)(b) if their disclosure would:
 - (a) give competitors of a business undertaking a financial advantage;
 - (b) enable competitors to engage in destructive competition with a business undertaking; and
 - (c) would lead to the drawing of unwarranted conclusions as to a business undertaking’s financial affairs and position with detrimental commercial and market consequences.
71. I consider the phrase ‘expose the undertaking unreasonably to disadvantage’ in section 34(1)(b), contemplates disclosure of documents under the FOI Act may expose a business undertaking to a certain measure of disadvantage. By introducing the word ‘unreasonably’ in section 34(1)(b), I consider Parliament determined this exemption applies where an undertaking would be exposed ‘unreasonably’ to disadvantage only, rather than where disclosure would result in any measure of exposure to disadvantage.
72. Accordingly, section 34(1)(b) contemplates a business undertaking may be exposed to a certain level of disadvantage. The question is whether any such disclosure would expose the undertaking unreasonably to disadvantage.
73. In determining whether disclosure of commercially sensitive information in a document would expose an undertaking unreasonably to disadvantage, if practicable, an agency must notify an

²² *Gibson v Latrobe CC* [2008] VCAT 1340 at [25].

²³ [2007] VCAT 1301 at [33].

undertaking and seek its views on disclosure.²⁴ I have considered the undertakings' view on disclosure of the relevant information.

74. I accept that each of the business undertakings involved in this matter operate in a commercially competitive environment, and disclosure may cause a certain measure of disadvantage. However, the test in regard to section 34(1)(b) is whether disclosure would be likely to expose a business undertaking unreasonably to disadvantage.
75. I am satisfied disclosure of fees and quotes for services acquired by the Agency would not expose the undertakings unreasonably to disadvantage for the following reasons:
- (a) a key purpose of access to information under the FOI Act is to ensure the expenditure of public funds are better able to be subject to public scrutiny;
 - (b) private companies contracting with government agencies for the provision of goods and services should reasonably expect a greater degree of transparency and accountability given the use of public funds for the procurement of those goods and services;
 - (c) while it is possible the undertakings may be exposed to a certain measure of disadvantage, I am not satisfied any such exposure would be unreasonable given the circumstances of this matter; and
 - (d) while I note certain information concerns financial information not generally known to competitors of the business undertaking, this is one factor for consideration only and is not determinative.
76. Generally speaking, I am not satisfied there is a public interest in disclosing quotes provided to the Agency by undertakings who were not ultimately engaged by the Agency and disclosure would expose those undertakings unreasonably to disadvantage. However, in this matter, I have determined to release information where the unsuccessful undertakings have consented to disclosure or where the document itself does not disclose the quote or any business information.
77. With respect to the remaining information, such as the town planning advice, valuation advice and [report] and related documents, there is not sufficient information to satisfy me any such disadvantage to which the business undertakings may be exposed would be unreasonable. In this respect, I have placed weight on the following factors:
- (a) the information is tailored to the land and it is unlikely such information could be used by competitors or in respect to another land sale;
 - (b) the town planning advice has been shared between the Agency and the [other Victorian government agency];
 - (c) the [document] is published on the Agency's website;
 - (d) I do not accept disclosure would allow competitors to draw unwarranted conclusions as to the undertakings' financial affairs and position with detrimental commercial and market consequences;
 - (e) the FOI Act requires access be provided to information in the possession of government 'limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs' and that any discretion conferred by the FOI Act be exercised, as far as possible, to facilitate and promote the disclosure of information;²⁵

²⁴ Section 34(3).

²⁵ Section 3.

- (f) I am satisfied the Applicant is not a competitor of the undertakings; and
- (g) while I note the business undertakings did not consent to disclosure, I am not satisfied their responses demonstrate disclosure would unreasonably expose them to disadvantage.

78. Accordingly, I am not satisfied information in the documents is exempt from release under section 34(1)(b).

79. My decision on section 34(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

Section 35(1)(a) – Information communicated in confidence to an agency that would be exempt if generated by an agency

80. 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.

81. The Agency relies on this exemption where it considers the document would divulge information or a matter that was communicated in confidence to or from the [other Victorian government agency], and the information would be exempt from release if it were generated by the Agency under section 30(1).

82. Section 35(1)(a) has the effect that section 30(1) can apply to information communicated from a source external to an agency under the FOI Act, where each of the requirements of section 30(1) are met, other than the requirement that it be generated within the agency.²⁶

Was the information communicated in confidence to the Agency?

83. The communications occurred in the course of negotiations for the sale of the land. In these circumstances, I am satisfied the [other Victorian government agency] communicated information to the Agency in confidence.

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

84. The Agency submits that had the documents been generated by the Agency they would be exempt matter under section 30(1).

85. To determine if these conditions are met it is necessary to undertake the same analysis as for the exemption in section 30(1). Therefore, I must consider whether the correspondence from the [other Victorian government agency] would be exempt from release under section 30(1).

86. For the same reasons as set out above with respect to section 30(1), I am not satisfied disclosure would be contrary to the public interest. Accordingly, I am not satisfied section 35(1)(a) applies to the documents.

87. My decision on section 35(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

88. 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.

²⁶ *Ryder v Booth* [1985] VR 869.

89. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²⁷ 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 25.²⁸
90. I have considered the information the Agency deleted from the documents as irrelevant. In some circumstances, I am not satisfied the information falls outside of the terms of the Applicant's request. This is set out in the Schedule of Documents in **Annexure 1**.
91. As noted above, the Applicant does not seek access to personal affairs information of third parties. The documents contain names, signatures, position titles, addresses, email addresses, telephone numbers, and certain personal information of employees that is not related to the scope of the request. Accordingly, this information is to be deleted from the documents in accordance with section 25 as it is irrelevant information.
92. I have considered the effect of deleting irrelevant and exempt information from the documents. Where it is practicable to delete the irrelevant and exempt information, as it would not require substantial time and effort and the edited documents would retain meaning, access is granted in part. Where it not practicable to do so, access is refused in full.
93. My decision on section 25 for each document is set out in the Schedule of Documents in **Annexure 1**.

Conclusion

94. Based on the information before me, I am satisfied certain information in the documents is exempt from release under sections 30(1), 32(1) and 38. However, I have decided to release additional information to the Applicant where I am satisfied it is not irrelevant or exempt information.
95. Where 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, access to the document is granted in part. Where it is not practicable to do so, access is refused in full.
96. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

Review rights

97. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²⁹
98. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.³⁰
99. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.³¹
100. 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.

²⁷ *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].

²⁸ *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].

²⁹ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

³⁰ Section 52(5).

³¹ Section 52(9).

101. 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.³²

Third party review rights

102. As I have determined to release documents that contain information to which the Agency refused access under sections 34(1)(b) and 35(1)(a), if practicable to do so, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.³³

103. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights and confirm they will be notified of my decision on the date of decision. However, third parties who did not object to disclosure do not have review rights.

When this decision takes effect

104. My decision does not take effect until the third parties' 60 day review period expires.

105. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

³² Sections 50(3F) and 50(3FA).

³³ Sections 49P(5), 50(3A), 50(3AB) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
1.	[Date]	Email chain	7	Refused in full Section 38	Refuse in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): I am not satisfied the document is exempt under sections 30(1) or 35(1)(a) for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: The Applicant does not seek access to personal affairs information, Accordingly, names and contact details are to be deleted in accordance with section 25. Access is granted in part as it is practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted in accordance with section 25.
2.	[Date]	Email chain	12	Refused in full Section 38	Refuse in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): I am not satisfied the document contains information that is exempt from release under section 30(1) for the reasons provided in the Notice of Decision above. Section 34(1)(b): While the document contains information obtained by an undertaking, there is no substantive information in this document that would disclose the undertaking unreasonably to disadvantage. It is not exempt from release under section 34(1)(b).

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
							Sections 33(1) and 25: See comments for Document 1.
3.	[Date]	Email	1	Released in part Sections 38, 25	Release in part Sections 30(1), 33(1)	Not subject to review	The Applicant does not seek review of documents released in part.
4.	[Date]	Email chain	4	Refused in full Section 38	Refuse in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
5.	[Date]	Email chain	19	Refused in full Section 38	Refuse in full Sections 30(1), 32(1) 33(1), 35(1)(a)	Refuse in full Section 32(1)	Section 32(1): I am satisfied the email thread is a confidential communication between the Agency and its lawyer for the purpose of obtaining legal advice. Other exemptions: As I am satisfied the document is exempt from release under section 32(1) in full, it is not necessary to consider other exemptions.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
							Section 25: I am not satisfied it is practicable to edit the document to delete exempt information in accordance with section 25.
6.	[Date]	Email chain with attachment	6	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): I am not satisfied disclosure of the fee paid by the Agency for the preparation of plans would be likely to expose the undertaking unreasonably to disadvantage for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
7.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
8.	[Date]	Email chain	4	Refused in full Section 38	Refused in full	Refused in full Section 32(1)	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
					Sections 30(1), 32(1), 33(1)		
9.	[Date]	Email chain with attachments	43	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refused in full Section 32(1)	See comments for Document 5.
10.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): See comments for Document 2. I also note the undertaking was consulted with and provided the Agency with their consent to disclose their fee proposal. Sections 33(1) and 25: See comments for Document 1.
11.	[Date]	Email chain	37	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Release in part Sections 32(1), 25 The document is to be released, except for the following information which is to be deleted in	Sections 30(1) and 35(1)(a): See comments for Document 1. Section 32(1): I am satisfied the document contains information that is exempt from release under section 32(1) for the reasons provided in the Notice of Decision above. However, privilege has been waived in relation to the email dated [date], as based on information on the bottom of

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>accordance with section 25:</p> <p>(a) the email dated [date] is to be released with personal affairs information deleted in accordance with section 25;</p> <p>(b) the email dated [date] is to be released with personal affairs information deleted in accordance with section 25;</p> <p>(c) the email dated [date] is to be released, except for irrelevant personal affairs information and the first two paragraphs following the</p>	<p>page 20 of the PDF document, where an Agency officer explicitly referred to the content of the legal advice in their negotiation with the [another agency].</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>greeting, which are exempt from release under section 32(1);</p> <p>(d) the remaining emails in the 18-page email are to remain deleted, as the emails are exempt from release under section 32(1);</p> <p>(e) the second 17-page email thread (that starts on page 20 of the PDF) is to be released with irrelevant personal affairs information deleted in accordance with section 25.</p>	
12.	[Date]	Email chain	21	Refused in full	Refused in full	Refuse in full	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 32(1), 33(1), 35(1)(a)	Section 32(1)	
13.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
14.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1): See comments for Document 2. Section 32(1): I am not satisfied the document contains legally privileged information. Sections 33(1) and 25: See comments for Document 1.
15.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Release in part Section 25 The document is to be released with	Sections 30(1): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						personal affairs information deleted in accordance with section 25.	Section 32(1): I am not satisfied the document contains legally privileged information. Sections 33(1) and 25: See comments for Document 1.
16.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
17.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 34(1)(b): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
18.	[Date]	Email chain	2	Refused in full	Refused in full	Release in part Section 25	Section 30(1): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1)	The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
19.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
20.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refuse in full Section 32(1)	See comments for Document 5.
21.	[Date]	Email chain	30	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 34(1)(b), 35(1)(a)	Refuse in full Section 32(1)	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
22.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 34(1)(b): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
23.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 32(1): I am not satisfied the document contains legal privileged information. Accordingly, it is not exempt from release under section 32(1). Sections 33(1) and 25: See comments for Document 1.
24.	[Date]	Email chain with attachment	47	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted	Sections 30(1) and 35(1)(a): See comments for Document 1. Section 34(1)(b): The undertaking did not object to disclosure of this document, other than personal information. I am not satisfied disclosure will be likely expose the undertaking unreasonably to

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	disadvantage, for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
25.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
26.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 35(1)(a): I am not satisfied the document is exempt from release under section 35(1)(a) for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
27.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25	Section 34(1)(b): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
28.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
29.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
30.	[Date]	Email chain	4	Refused in full	Refused in full	Release in part	Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Section 33(1)	Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	
31.	[Date]	Email chain	4	Refused in full Section 25	Refused in full Section 25	Refused in full Sections 25	Section 25: While the document relates to [location], I am not satisfied it concerns the sale or transfer of land, as specified in the terms of the Applicant's request. Accordingly, the document falls outside of the scope of the Applicant's request.
32.	[Date]	Email chain with attachment	11	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): This document contains a fee proposal and terms of engagement contract. I am not satisfied disclosure would be likely to expose the undertaking unreasonably to disadvantage for the reasons in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
33.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25	Section 34(1)(b): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
34.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
35.	[Date]	Email chain with attachment	11	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): See comments for Document 32. Sections 33(1) and 25: See comments for Document 1.
36.	[Date]	Email chain	4	Refused in full	Refused in full	Release in part	Section 30(1): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1)	Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
37.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32(1)	See comments for Document 5.
38.	[Date]	Email chain	6	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 32(1): see comments for Document 15. Sections 33(1) and 25: See comments for Document 1.
39.	[Date]	Email chain	6	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						personal affairs information deleted in accordance with section 25.	
40.	[Date]	Email chain with attachments	10	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
41.	[Date]	Email chain	3	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 7.
42.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 8.
43.	[Date]	Email chain with attachments	43	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 9.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
44.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 10.
45.	[Date]	Email chain	37	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 11.
46.	Undated	Licence	35	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1): I am not satisfied the document contains information that satisfies the first limb of the exemption under section 30(1). Section 35(1)(a): Given I am not satisfied section 30(1) applies, this document is not exempt from release under section 35(1)(a). Sections 33(1) and 25: See comments for Document 1.
47.	[Date]	Licence	35	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted	Sections 30(1): See comments for Document 46. Section 35(1)(a): See comments for Document 46. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
48.	[Date]	Letter	5	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): I am not satisfied disclosure of this document will be likely to expose the undertaking unreasonably to disadvantage for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
49.	[Date]	Land Use and Development Review	21	Refused in full Section 38	Refused in full Section 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): This is a duplicate of the report attached to Document 24. See comments for Document 24. Sections 33(1) and 25: See comments for Document 1.
50.	Undated	License	33	Refused in full Section 38	Refused in full Sections 32(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs	Sections 30(1): See comments for Document 46. Section 35(1)(a): See comments for Document 46.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
51.	[Date]	Fee proposal and attachment	9	Refused in full Section 38	Refused in full Section 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 34(1)(b): See comments for Document 32. Sections 33(1) and 25: See comments for Document 1.
52.	[Date]	Email	2	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
53.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
54.	[Date]	Email chain	1	Refused in full Section 25	Refused in full Section 25	Release in part Section 25	Sections 25 and 33(1): Having considered Document 53, I am satisfied this email exchange concerns matters related to the sale or transfer of the land. Accordingly, I

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						The document is to be released with personal affairs information deleted in accordance with section 25.	am satisfied the document is relevant to the Applicant's request. See comments for Document 1.
55.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 53.
56.	[Date]	Email	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 52.
57.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
58.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
59.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
60.	[Date]	Email	1	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 57. Therefore, it is not subject to review.
61.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
62.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	
63.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
64.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
65.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						The personal affairs information relating to the Applicant is to be released.	
66.	[Date]	Email chain	3	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
67.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 32(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) irrelevant personal affairs information; and</p> <p>(b) the last sentence in the third last dot-point, which is exempt from</p>	<p>Section 32(1): I am satisfied the document includes a reference to legal advice from the Agency's external legal advisor, which I am satisfied is exempt from release under section 32(1).</p> <p>Section 30(1): See comments for Document 2.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						release under section 32(1).	
68.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 32(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) irrelevant personal affairs information; and</p> <p>(b) the last sentence in the third last dot-point, which is exempt from release under section 32(1).</p>	<p>Section 32(1): See comments for Document 67.</p> <p>Section 30(1): See comments for Document 2.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>
69.	[Date]	Email chain with attachment	3	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
70.	[Date]	Email chain	3	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
71.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
72.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
73.	[Date]	Email	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
74.	[Date]	Email	1	Released in part	Released in part	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Sections 38, 25	Section 33(1)		
75.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
76.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
77.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
78.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						personal affairs information deleted in accordance with section 25.	
79.	[Date]	Email chain with attachment	2	Released in part Sections 38, 25	Refused in full Sections 30(1), 33(1), 35(1)(a)	Not subject to review	
80.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
81.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
82.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
83.	[Date]	Email	1	Refused in full	Refused in full	Release in part	Section 30(1): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1)	Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
84.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
85.	[Date]	Email	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
86.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
87.	[Date]	Email chain	3	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
88.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
89.	[Date]	Email with attachment	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
90.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
91.	[Date]	Email	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
92.	[Date]	Email chain	3	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
93.	[Date]	Email chain with attachment	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
94.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
95.	[Date]	Email with attachment	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25. The Applicant's personal affairs information is to be released.	Section 30(1): See comments for Document 2. I note the attachment contains information published in the Agency's Ordinary Meeting Minutes. Sections 33(1) and 25: See comments for Document 1.
96.	[Date]	Email	1	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
97.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Sections 30(1), 25 The document is to be released, except for the following information which is	Section 30(1): I am satisfied certain information relating to the Agency's strategic position would be contrary to the public interest to disclose. The remaining information would not be contrary to the public interest to disclose for the reasons provided in the Notice of Decision above.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) points 1 to 9 of the email dated [date] is exempt under section 30(1).</p>	Section 25 and 33(1): See comments for Document 1.
98.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to</p>	<p>Section 30(1): See comments for Document 97.</p> <p>Section 25 and 33(1): See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>be deleted in accordance with section 25;</p> <p>(b) the information in the brackets in dot point 3 of the email dated [date] is exempt under section 30(1); and</p> <p>(c) dot points 1 to 9 of the email dated [date] is exempt under section 30(1).</p>	
99.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to</p>	<p>Section 30(1): See comments for Document 97. In addition, I am satisfied it would be contrary to the public interest to disclose an opinion of an Agency officer where it relates to an Agency officer's performance.</p> <p>Section 25 and 33(1): See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>be deleted in accordance with section 25;</p> <p>(b) the third sentence in the email dated [date], which is exempt under section 30(1) and contains irrelevant personal affairs information;</p> <p>(c) the information in the brackets in dot point 3 of the email dated [date] is exempt under section 30(1); and</p> <p>(d) dot points 1 to 9 of the email dated [date] is exempt under section 30(1).</p>	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
100.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
101.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
102.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Sections 30(1), 25 The document is to be released, except for the following information which is to be deleted in accordance with section 25: (a) personal affairs information is to be deleted in accordance with section 25; (b) the third sentence in the	Section 30(1): See comments for Document 99. Section 25 and 33(1): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>email dated [date], which is exempt under section 30(1) and contains irrelevant personal affairs information;</p> <p>(c) the information in the brackets in dot point 3 of the email dated [date] is exempt under section 30(1); and</p> <p>(d) dot points 1 to 9 of the email dated [date] is exempt under section 30(1).</p>	
103.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is</p>	<p>Section 30(1): See comments for Document 99.</p> <p>Section 25 and 33(1): See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) the information in the brackets in dot point 3 of the email dated [date] is exempt under section 30(1); and</p> <p>(c) dot points 4 to 6 of the email dated [date] is exempt under section 30(1).</p>	
104.	[Date]	Email chain	8	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with personal affairs information deleted</p>	<p>Section 30(1): See comments for Document 2.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
105.	[Date]	Email chain	7	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 1. Therefore, it is not subject to review.
106.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
107.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): I note this is a draft response to a question submitted by the Applicant for an Ordinary Council meeting and does not reflect the official response as published in the meeting minutes. However, in my view, it remains that it is not contrary to the public interest to disclose this information for the reasons provided in the Notice of Decision above.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
							Sections 33(1) and 25: See comments for Document 1.
108.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
109.	[Date]	Electronic confirmation	1	Refused in full Section 25	Refused in full Section 25	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 25: I am satisfied the document concerns the transfer of sale of [location] and is relevant to the terms of the Applicant's request. See comments for Document 1.
110.	[Date]	Email chain	11	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs	Sections 30(1) See comments for Document 2. Section 34(1)(b): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
111.	[Date]	Email chain with attachment	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
112.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
113.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						personal affairs information deleted in accordance with section 25.	
114.	[Date]	Email with attachment	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
115.	[Date]	Email with attachment	3	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 89. Therefore, it is not subject to review.
116.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
117.	[Date]	Email chain with attachment	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
118.	[Date]	Email chain	7	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
119.	[Date]	Email chain with attachment	8	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.
120.	[Date]	Email chain with attachments	48	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Refuse in full Section 32	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
121.	[Date]	Email chain with attachments	25	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) points 1 to 11 in the email dated [date] which is exempt from release under section 30(1);</p> <p>(c) points 1 to 11 in the email dated [date] on page 12 of the PDF, which is exempt from release</p>	<p>Section 30(1): See comments for Document 97 above.</p> <p>Section 32(1): See comments for Document 5.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>under section 30(1);</p> <p>(d) the 5 page email thread dated [date] (that starts on page 13 of the PDF), which is exempt from release under section 32(1);</p> <p>(e) the attachment on pages 18 to 20 of the PDF, which I am satisfied was attached to the 5 page email thread exempt under section 32(1); and</p> <p>(f) points 1 to 11 in the email dated [date] on page 22 of the PDF.</p>	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
122.	[Date]	Email chain with attachment	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
123.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
124.	[Date]	Email chain with attachment	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
125.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
126.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
127.	[Date]	Email chain with attachment	12	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with the following	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>information deleted in accordance with section 25:</p> <p>(a) all personal affairs information; and</p> <p>(b) the first sentence of the email dated [date] is also irrelevant personal affairs information.</p>	
128.	[Date]	Email chain with attachment	4	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
129.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
130.	[Date]	Email chain with attachments	56	Refused in full	Refused in full	Release in part Section 25	Section 30(1): See comments for Document 2. In addition, I note a significant amount of information in this

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1)	<p>The document is to be released with personal affairs information deleted in accordance with section 25.</p> <p>However, the attached document that is publicly available on the Agency's website is to be released in full.</p>	<p>document is publicly available on the Agency's website, and disclosure of this information is not contrary to the public interest.</p> <p>Section 33(1): The Applicant does not seek access to personal affairs information. However, given one of the attachments is publicly available, I have determined there is no utility in deleting the personal affairs information in that document.</p> <p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted.</p>
131.	[Date]	Email chain	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
132.	[Date]	Email chain	3	Refused in full Section 38	Released in part Sections 30(1), 33(1)	Not subject to review	This document is a duplicate of Document 93. Therefore, it is not subject to review.
133.	[Date]	Email chain	5	Refused in full	Refused in full	Release in part	Section 30(1): See comments for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1)	Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
134.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 34(1)(b): I am not satisfied disclosure will expose the undertaking unreasonably to disadvantage for the reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
135.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
136.	[Date]	Email chain	9	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
137.	[Date]	Email chain	8	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
138.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
139.	[Date]	Email chain	8	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
140.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
141.	[Date]	Email chain with attachments	10	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 40. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
142.	[Date]	Email chain	7	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
143.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
144.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
145.	[Date]	Email chain	8	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1)	Release in part Sections 32(1), 25 The emails dated [date] to [date] (inclusive) are to be released with personal affairs information deleted. The remaining emails in the thread are to remain deleted as they are exempt from release under section 32(1).	Section 32(1): I am satisfied part of the email thread is a confidential communication between the Agency and its lawyer for the purpose of obtaining legal advice. Sections 33(1) and 25: See comments for Document 1.
146.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 31. Therefore, it is not subject to review.
147.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Sections 30(1), 25	Section 30(1): See comments for Document 97.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) points 1 to 11 in the email dated [date], which is exempt from release under section 30(1).</p>	Sections 33(1) and 25: See comments for Document 1.
148.	[Date]	Email chain with attachment	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in</p>	<p>Section 30(1): See comments for Document 97.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) the two last paragraphs prior to the salutation in the email dated [date]; and</p> <p>(c) points 1 to 11 in the email dated [date], which is exempt from release under section 30(1).</p>	
149.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with personal affairs information deleted</p>	<p>Section 30(1): See comments for Document 2.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
150.	[Date]	Email chain	9	Refused in full Section 25	Refused in full Section 25	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 25: The document relates to the transfer or sale of [location] and therefore falls within the terms of the Applicant's request. Section 30(1): See comments for Document 2. Section 33(1): The Applicant does not seek access to personal affairs information. Therefore, this information is irrelevant for the purposes of my review.
151.	[Date]	Email chain	4	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
152.	[Date]	Email chain	3	Refused in full Section 25	Refused in full Section 25	Refused in full Section 25	Section 25: The document is not correspondence between the Agency and [another Victorian government agency], or internal emails between Agency officers, as it is an email thread between the Applicant and the Agency. Accordingly, it falls outside of the terms of the Applicant's request.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
153.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
154.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Section 32(1): Although the Agency does not submit section 32(1) applies, this email thread contains the same as those in Document 23. See comments for Document 23. Sections 33(1) and 25: See comments for Document 1.
155.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
156.	[Date]	Email chain	12	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25;</p> <p>(b) points 1 to 11 in the email dated [date] which is exempt from release under section 30(1).</p>	<p>Section 30(1): See comments for Document 97.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
157.	[Date]	Email chain with attachments	16	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 25</p> <p>The document is to be released, except for the following information which is to be deleted in accordance with section 25:</p> <p>(a) personal affairs information is to be deleted in accordance with section 25; and</p> <p>(b) the two last paragraphs prior to the salutation in the email dated [date] on page 12 of the PDF, which is exempt from release under section 30(1); and</p>	<p>Section 30(1): See comments for Document 97.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						(c) points 1 to 11 in the email dated [date] on page 13 of the PDF, which is exempt from release under section 30(1).	
158.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
159.	[Date]	Multiple Email chains	230	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Released in part Sections 30(1), 25 The document is to be released, except for the following information which is to be delete in accordance with section 25:	Section 30(1): See comments for Document 97. Section 34(1)(b): See comments for Document 32 regarding the fee proposal and terms of engagement. I am also satisfied disclosure of the information acquired by the other undertaking would also not be reasonably likely to expose the undertaking unreasonably to

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						(a) personal affairs information; and (b) the points on page 221 of the PDF, which are exempt from release under section 30(1).	disadvantage, for the reasons in the Notice of Decision above. Section 25 and 33(1): See comments for Document 1.
160.	[Date]	Email chain	10	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
161.	[Date]	Email chain with attachment	11	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
162.	[Date]	Email with attachments	15	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	<p>Section 30(1): See comments for Document 2.</p> <p>Section 34(1)(b): See comments for Document 10 regarding pages 2 and 3 of this document.</p> <p>Regarding the fee proposal on pages 4 to 12, see comments for Document 32.</p> <p>Regarding the fee proposal on pages 13 to 15, the undertaking consents to disclosure of the fee proposal. Accordingly, I am not satisfied disclosure would be likely to expose the undertaking unreasonably to disadvantage.</p> <p>Accordingly, I am not satisfied information in the document is exempt from release under section 34(1)(b).</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>
163.	[Date]	Email	1	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 58. Therefore, it is not subject to review.
164.	[Date]	Email with attachments	54	Refused in full	Refused in full	Refused in full Sections 32(1)	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 32(1), 33(1)		
165.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
166.	[Date]	Email chain	3	Refused in full Section 25	Refused in full Section 25	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	<p>Section 25: The document relates to the transfer or sale of [land] and therefore falls within the terms of the Applicant's request.</p> <p>Section 30(1): See comments for Document 2.</p> <p>Section 33(1): The Applicant does not seek access to personal affairs information. Therefore, this information is irrelevant for the purposes of my review.</p>
167.	[Date]	Email and attachment	4	Refused in full Section 38	Refused in full Sections 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information deleted	<p>Section 34(1)(b): This document contains a preliminary version of a plan of subdivision prepared by an undertaking. I am not satisfied disclosure of this document would be likely to expose the undertaking unreasonably to disadvantage for the</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	reasons provided in the Notice of Decision above. Sections 33(1) and 25: See comments for Document 1.
168.	[Date]	Email chain	19	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 5. Therefore, it is not subject to review.
169.	[Date]	Email chain	18	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	<p>Release in part Sections 32(1), 25</p> <p>The document is to be released as follows:</p> <p>(a) the email dated [date] is to be released with personal affairs information deleted in accordance with section 25;</p> <p>(b) the email dated [date] is to be released, except for irrelevant</p>	<p>Section 32(1): I am satisfied the document contains information that is exempt from release under section 32(1) for the reasons provided in the Notice of Decision above.</p> <p>However, privilege has been waived in relation to the email dated [date], as based on information in Document 170, an Agency officer explicitly referred to the content of the legal advice in their negotiation with [another agency].</p> <p>However, the email following the legal advice is not exempt, as it does not reveal the legal advice and is not a confidential communication between the Agency and its lawyer.</p> <p>Sections 30(1) and 35(1)(a): See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						<p>personal affairs information and the first two paragraphs following the greeting, which are exempt from release under section 32(1); and</p> <p>(c) the remaining emails in the document are exempt from release under section 32(1) and is to be deleted in accordance with section 25.</p>	Sections 33(1) and 25: See comments for Document 1.
170.	[Date]	Email chain	18	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	<p>Release in part Section 25</p> <p>The document is to be released with personal affairs information deleted</p>	<p>Sections 30(1) and 35(1)(a): See comments for Document 1.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
171.	[Date]	Email chain	20	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	<p>Release in part Sections 32(1), 25</p> <p>The document is to be released as follows:</p> <p>(a) the emails dated [date] are to be released with personal affairs information deleted in accordance with section 25;</p> <p>(b) the email dated [date] is to be released, except for irrelevant personal affairs information and the first two paragraphs following the greeting, which are exempt from</p>	<p>Section 32(1): See comments for Document 169.</p> <p>Sections 30(1) and 35(1)(a): See comments for Document 1.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						release under section 32(1); (c) the remaining emails in the document are exempt from release under section 32(1) and is to be deleted in accordance with section 25.	
172.	[Date]	Email chain	17	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
173.	[Date]	Email chain	24	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	
174.	[Date]	Email chain	3	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 68. Therefore, it is not subject to review.
175.	[Date]	Email chain with attachment	49	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	<p>Release in part Sections 32(1), 25</p> <p>The email dated [date] is to be released, except for irrelevant personal affairs information and the first two paragraphs following the greeting, which are exempt from release under section 32(1).</p> <p>The remaining information in the document is to remain deleted in accordance with section 25 as it is</p>	<p>Section 32(1): See comments for Document 169.</p> <p>Sections 30(1) and 35(1)(a): See comments for Document 1.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						exempt from release under section 32(1).	
176.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 71. Therefore, it is not subject to review.
177.	[Date]	Email chain with attachment	30	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Section 34(1)(b): See comments for Document 48. Sections 33(1) and 25: See comments for Document 1.
178.	[Date]	Email chain	37	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 11. Therefore, it is not subject to review.
179.	[Date]	Email chain	18	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						in accordance with section 25.	
180.	[Date]	Email chain	19	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Section 34(1)(b): The attachment is Document 48. See comments for Document 48. Sections 33(1) and 25: See comments for Document 1.
181.	[Date]	Email chain	19	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refused in full Section 32(1)	See comments for Document 5.
182.	[Date]	Email	1	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 67. Therefore, it is not subject to review.
183.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 20. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
184.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 20. Therefore, it is not subject to review.
185.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 14. Therefore, it is not subject to review.
186.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 37. Therefore, it is not subject to review.
187.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refused in full Section 32(1)	See comments for Document 5.
188.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 20. Therefore, it is not subject to review.
189.	[Date]	Email chain	3	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	
190.	[Date]	Email chain with attachment	42	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refused in full Section 32(1)	See comments for Document 5.
191.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 153. Therefore, it is not subject to review.
192.	[Date]	Email chain and attachment	38	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
193.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 154. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
194.	[Date]	Email chain and attachment	37	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
195.	[Date]	Email	1	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 25. Therefore, it is not subject to review.
196.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
197.	[Date]	Email	1	Released in part Section 38	Released in part Section 33(1)	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
198.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
199.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
200.	[Date]	Email	1	Released in part Sections 38, 25	Duplicate	Not subject to review	This document is a duplicate of Document 3. Therefore, it is not subject to review.
201.	[Date]	Email chain	4	Refused in full	Refused in full	Refused in full Section 32(1)	See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 32(1), 33(1)		
202.	[Date]	Email chain	5	Released in part Sections 38, 25	Released in part Sections 30(1), 33(1)	Not subject to review	
203.	[Date]	Email	1	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
204.	[Date]	Email	1	Refused in full Section 25	Refused in full Section 25	Release in part Section 25 The document is to be released with personal affairs information, except for personal affairs information of the Applicant, deleted in	Sections 25 and 33(1): While the document does not specifically mention the sale of land to which the Applicant's request relates, I am satisfied based on the contextual information in the document that it concerns the subject matter of the Applicant's request and is relevant. See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						accordance with section 25.	
205a.	[Date]	Email chain	10	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 34(1)(b)	Release in part Section 25 The document is to be released with personal affairs information, except for personal affairs information of the Applicant, deleted in accordance with section 25.	Section 34(1)(b): This document concerns an investigation report that has since been published by the Agency. In my view, disclosure of the document will not be reasonably likely to expose the undertaking unreasonably to disadvantage for the reasons provided in the Notice of Decision above. Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
205b.	[Date]	[Report]	318	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	Section 30(1): Given the document is published on the Agency's website, I am not satisfied disclosure would be contrary to the public interest. Section 34(1)(b): Given the report is publicly available, I am not satisfied disclosure will be likely to expose the undertaking unreasonably to disadvantage. Section 25: While the Applicant does not seek access to personal affairs

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
							information, I have determined to release personal affairs information in this document as there is no utility in deleting it where it is already publicly available
206.	[Date]	Email chain and attachment	37	Refused in full Section 38	Refused in full Sections 30(1), 32(1), 33(1), 35(1)(a)	Refused in full Sections 32(1)	See comments for Document 5.
207.	[Date]	Email chain	4	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 59. Therefore, it is not subject to review.
208.	[Date]	Email chain with attachments	43	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 9. Therefore, it is not subject to review.
209.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information, except for personal affairs information of the Applicant, deleted in	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						accordance with section 25.	
210.	[Date]	Email chain	1	Released in part Sections 38, 25	Duplicate	Not subject to review	This document is a duplicate of Document 129. Therefore, it is not subject to review.
211.	[Date]	Email chain	1	Released in part Sections 38, 25	Duplicate	Not subject to review	This document is a duplicate of Document 131. Therefore, it is not subject to review.
212.	[Date]	Email chain	4	Released in part Sections 38, 25	Duplicate	Not subject to review	This document is a duplicate of Document 151. Therefore, it is not subject to review.
213.	[Date]	Email chain	3	Refused in full Section 25	Duplicate	Not subject to review	This document is a duplicate of Document 152. Therefore, it is not subject to review.
214.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 153. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
215.	[Date]	Email	1	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 58. Therefore, it is not subject to review.
216.	[Date]	Email with attachments	15	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 162. Therefore, it is not subject to review.
217.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 154. Therefore, it is not subject to review.
218.	[Date]	Email chain	5	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 143. Therefore, it is not subject to review.
219.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 107. Therefore, it is not subject to review.
220.	[Date]	Email chain	2	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 108. Therefore, it is not subject to review.
221.	[Date]	Email chain	4	Refused in full	Duplicate	Not subject to review	This document is a duplicate of Document 144. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38			
222.	[Date]	Email chain	7	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 142. Therefore, it is not subject to review.
223.	[Date]	Electronic confirmation	1	Refused in full Section 25	Duplicate	Not subject to review	This document is a duplicate of Document 109. Therefore, it is not subject to review.
224.	[Date]	Email chain	7	Refused in full Section 38	Duplicate	Not subject to review	This document is a duplicate of Document 1. Therefore, it is not subject to review.
225.	[Date]	Email chain	7	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
226.	[Date]	Email chain	4	Refused in full	Duplicate	Not subject to review	This document is a duplicate of Document 31. Therefore, it is not subject to review.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38			
227.	[Date]	Email chain	6	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
228.	[Date]	Email chain	2	Refused in full Section 38	Refused in full Section 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): Although the Agency does not submit that section 30(1) applies, I am satisfied it is a relevant exemption to consider as the document contains consultation between Agency officers. See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
229.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						information deleted in accordance with section 25.	
230.	[Date]	Email chain	4	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
231.	[Date]	Email chain	2	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
232.	[Date]	Email chain	5	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
233.	[Date]	Email chain	6	Refused in full Section 38	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Section 30(1): See comments for Document 2. Sections 33(1) and 25: See comments for Document 1.
234.	[Date]	Email chain	11	Refused in full Section 38	Refused in full Sections 30(1), 33(1), 35(1)(a)	Release in part Section 25 The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 30(1) and 35(1)(a): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
235.	[Date]	Email	1	Released in part Sections 38, 25	Released in part Section 33(1)	Not subject to review	
236.	[Date]	Email chain	15	Refused in full	Refused in full	Release in part Section 25	Sections 30(1) and 35(1)(a): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
				Section 38	Sections 30(1), 33(1), 35(1)(a)	The document is to be released with personal affairs information deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 1.
237.	[Date]	N/A	N/A	Not in scope	Not in scope	Not subject to review	The document falls outside of the date range of the Applicant's request and is therefore out of scope.
238.	[Date]	Report and Attachment - Confidential Meeting	9	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	See below for each part of Document 238.	Note: Each part of the Report is set out below.
		Council Report – Confidential Council Meeting (Final)	9	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Refused in full Section 38 in conjunction with section 125 of the LG Act 2020.	<p>Section 38: I am satisfied the document is exempt from release under section 38 in conjunction with section 125 of the LG Act, for the reasons provided 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 this document with exempt information deleted, as it would render the document meaningless.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
		Council Report – Confidential Council Meeting	9	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Refused in full Section 38 in conjunction with section 125 of the LG Act.	Sections 38 and 25: See comments for the Final report, immediately above.
		Appendix A	60	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	<p>Section 38: On [date], Council resolved to publish the report and it is now available on the Agency’s website. Accordingly, as it is no longer confidential, I am not satisfied the document is exempt from release under section 38.</p> <p>Section 30(1): Given the document is published on the Agency’s website, I am not satisfied disclosure would be contrary to the public interest.</p> <p>Section 34(1)(b): Given the report is publicly available, I am not satisfied disclosure will be likely to expose the undertaking unreasonably to disadvantage.</p> <p>Section 25: While the Applicant does not seek access to personal affairs information, I have determined to release personal affairs information in this</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
							document as there is no utility in deleting it where it is already publicly available.
		Appendix B	60	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	Sections 38: This is a continuation of the document in Appendix A. See comments for Appendix A. Sections 30(1), 34(1)(b) and 25: See comments for Appendix A.
		Appendix C	60	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	Section 38: This is a continuation of the document in Appendix A. See comments for Appendix A. Sections 30(1), 34(1)(b) and 25: See comments for Appendix A.
		Appendix D	48	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	Section 38: This is a continuation of the document in Appendix A. See comments for Appendix A. Sections 30(1), 34(1)(b) and 25: See comments for Appendix A.
		Appendix E	60	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Release in full	Section 38: This is a continuation of the document in Appendix A. See comments for Appendix A. Sections 30(1), 34(1)(b) and 25: See comments for Appendix A.

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
		Appendix F	60	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	<p>Release in part</p> <p>Section 38 in conjunction with section 125 of the LG Act.</p> <p>The first 30 pages of the document are to be released in full.</p> <p>The remaining pages of the document are to be deleted in accordance with section 25 as they are exempt from release under section 38.</p>	<p>Sections 38: The first 30 pages of this document is a continuation of the document in Appendix A. See comments for Appendix A.</p> <p>However, page 31 onwards has not been published by the Agency and is another attachment confidential report. I am satisfied section 38 applies for the reasons provided in the Notice of Decision above.</p> <p>Sections 30(1) and 34(1)(b): In relation to the first 30 pages of the document, see comments for Appendix A. I have not considered this exemption to the remaining pages of the document, as I am satisfied section 38 applies.</p> <p>Section 25: See comments for Appendix A in relation to the first 30 pages.</p> <p>I am satisfied it is practicable to provide the Applicant with an edited copy of this document with exempt information deleted in accordance with section 25.</p>
		Appendix G	22	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	<p>Refused in full</p> <p>Section 38 in conjunction with</p>	<p>Section 38: This is a continuation of the second report attached to the confidential Council report. I am satisfied it is exempt from release under section 38 for the</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Original Decision	Agency re-examined exemptions post LG Act amendments	OVIC Decision	OVIC Comments
						section 125(1) of the LG Act.	reasons provided in the Notice of Decision above. Section 25: See comments for the Final report above.
		Appendix H	46	Refused in full Section 38	Refused in full Sections 30(1), 34(1)(b)	Refused in full Section 38 in conjunction with section 125(1) of the LG Act.	Section 38: See comments for Appendix G. Section 25: See comments for the Final report above.