

## Notice of Decision and Reasons for Decision

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Applicant:	'FF3'
Agency:	Emergency Services Telecommunications Authority
Decision date:	8 June 2023
Exemptions and provision considered:	Sections 30(1), 31(1)(a), 31(1)(d), 25
Citation:	'FF3' and Emergency Services Telecommunications Authority (Freedom of Information) [2023] VICmr 56 (8 June 2023)

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FREEDOM OF INFORMATION – Emergency Services Telecommunications Authority (ESTA) – board meeting – minutes of meeting – Board deliberations – disclosure of deliberative material contrary to the public interest – prejudice proper administration of the law – *Emergency Services Telecommunications Authority Act 2004* (Vic)

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 not satisfied certain information to which the Agency refused access under sections 30(1), 31(1)(a) and 31(1)(d) is exempt from release. Accordingly, I have decided to release further information where I am not satisfied it is exempt information.

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

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document and a marked-up copy of certain documents indicating exempt or irrelevant information in accordance with my decision has been provided to the Agency.

My reasons for decision follow.

**Joanne Kummrow**  
Public Access Deputy Commissioner

8 June 2023

## Reasons for Decision

### Background to review

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

copies of the agendas and minutes of ESTA Board meetings conducted in financial years [year] and [year] together with a list of the titles of any attachments to the agendas considered at those meetings of the ESTA Board
2. The Agency identified 16 documents falling within the terms of the Applicant's request and refused access all documents in part under sections 30(1), 31(1)(a), 31(1)(d), 33(1) and 34(4)(a)(ii). The Agency's decision letter sets out the reasons for its decision.

### Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. The Applicant initially indicated they sought review of the Agency's decision to refuse access to information pursuant to sections 30(1) and 34(4)(a)(ii) only.
5. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
6. I have examined a copy of the documents subject to review and considered all communications and submissions received from the parties.
7. 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.
8. 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.

### Preliminary view provided to Agency and informal release of information

9. On [date], the Agency was provided with a preliminary view that the requirements of sections 30(1) and 34(4)(a)(ii) had not been made out in relation to certain information in the documents. The Agency was invited to provide a further submission or consider making a fresh decision under section 49M.
10. On [date], the Agency agreed to release further information to the Applicant outside the FOI Act.
11. On [date], the Applicant advised they continue to seek review of the Agency's decision to refuse access to information under sections 30(1), 31(1)(a) and 31(1)(d) in Documents 2, 3, 5, 6, 7, 11 and 13 to 15. Therefore, this review relates to these documents only. Where access to information in these documents was refused under another exemption, such information is irrelevant information for the purpose of section 25, which is discussed below.

## Review of exemptions

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

12. 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.

13. Section 30(1) provides the exemption does not apply to purely factual material in a document.

*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?*

14. 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.

15. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, the issue is whether release of the document would disclose matter of that nature.<sup>1</sup>

16. Whether the meeting minutes of an agency will satisfy this limb of section 30(1) depends on their specific content. As observed by the former Victorian Administrative Appeals Tribunal:<sup>2</sup>

... minutes do not of themselves have some special characteristic which brings them under the ambit of s 30(1)(a). The character of the minutes in question determines whether or not they fall within the ambit of the section. Where minutes reveal the thought processes of Board members, they would, in my view, fall within the subsection. However, where they disclose factual matters or motions passed at a meeting which record the final decision of the meeting in relation to a particular matter, as distinct from a preliminary decision, they do not fall within s 30(1)(a).

17. The Victorian Civil and Administrative Tribunal (**VCAT**) has also observed:<sup>3</sup>

Minutes by their nature are records of fact rather than constituting opinion, recommendation or advice which is given. Obviously, however, they may record the terms opinion, recommendation or advice which is given.

18. Having reviewed the documents, I am not satisfied all information in the meeting minutes records an option, or a series of alternatives considered, thinking process or the deliberative discussions of Board members leading to a final decision or course of action. In such cases, I am not satisfied that the information meets the first requirement of section 30(1).

19. However, where the information discusses a series of options, or records advice and recommendations prepared by Agency officers to be considered by the board on matters not yet concluded or resolved, I am satisfied such information satisfies the first requirement of section 30(1).

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<sup>1</sup> *Mildenhall v Department of Education* (1998) 14 VAR 87.

<sup>2</sup> *Re Collins v Greyhound Racing Board* (1990) 4 VAR 65 at 70.

<sup>3</sup> *Birnbauer v Inner and Eastern Health Care Network; Re Collins v Greyhound Racing Board* (1999) 16 VAR 9 at 46.

20. From my review of the documents, I consider they also contain factual information, including details on new government processes, action dates and records of events concluded. I am satisfied this information is not exempt from release by virtue of section 30(3).

*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?*

21. The term '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.<sup>4</sup>

22. In *Re Waterford and Department of Treasury (No.2)*,<sup>5</sup> the former Victorian Administrative Appeals Tribunal held:

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

23. I am satisfied the documents were prepared for the deliberative processes involved in the functions of the Agency's board including receiving information and advice upon which it is required to provide its input or make a decision as part of the Agency's governance arrangements.

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

24. In deciding if release is contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information. In doing so, I have given weight to the following relevant factors:<sup>6</sup>

- (a) the right of every person to gain access to documents under the FOI Act;
- (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
- (c) the stage 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.

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<sup>4</sup> *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at [208].

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

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

25. The Agency submits:

... the key issue for OVIC's consideration relates to whether the public interest limb of s 30(1) is satisfied in relation to the Documents. In *Lambert v VicRoads* VCAT held that matters in draft minutes of the respondent's Project Review Committee could shed light on the respondent's reasoning which, if made public, would not be contrary to the public interest but instead help clear the air and assist in the processes of the respondent becoming more transparent (as opposed to mislead a reader). ESTA submits that the parts of the Board minutes over which the exemption in s 30(1) is claimed would not have such an effect given the lack of appropriate context regarding certain discussions had by the Board.

26. Having reviewed the documents and information before me, I am satisfied the disclosure of information relating to the Agency's normal business practices, as well as details of previous agreements and service contracts with third parties, would not be contrary to the public interest for the following reasons:
- (a) The purpose of the meeting minutes is to record deliberations and decisions made by the Agency's Board. In some instances, the information refers to projects yet to be concluded, or proposals not yet adopted by the Agency at the time the minutes were recorded. However, I consider the information goes no further than making a record of relevant matters, highlights issues to be monitored, or provides for a deadline for future discussion of an issue. In such instances, I consider the nature of the information is clear and is not confusing or misleading to the reader.
  - (b) In some instances, the meeting minutes describe considerations and reasons for entering into contracts. Where the contract or agreement has run its course or has been completed, I am of the view disclosure of this information would not have a negative impact on any future government or Agency negotiations in relation to the services provided.
  - (c) Further, I consider the public interest in the community being informed about the way in which the Agency and its Board performs their statutory functions weighs in favour of releasing the information, particularly where it would allow for public scrutiny of issues affecting the Agency and its implementation of projects.
  - (d) I do not consider disclosure of the meeting minutes would negatively impact on the ability of Agency officers to provide future advice to the Agency's Board given the responsibilities of public sector employees under the Public Sector Values in the *Public Administration Act 2004* (Vic). For example, these values include the requirement to provide frank, impartial and timely advice to the government (Responsiveness); make decisions and provide advice on merit and without bias, caprice, favouritism or self-interest (Impartiality); and submit themselves to appropriate scrutiny (Accountability).<sup>7</sup>
  - (e) I do not accept disclosure of certain information in the meeting minutes would mislead the Applicant or members of the public. Rather, I consider members of the public are capable of understanding the role of the Agency's Board to make strategic decisions regarding the provision of emergency telecommunications services and that the Agency will make decisions based on relevant information and data obtained from a range of sources. If the Agency considers the information to be disclosed will mislead the Applicant or a member of the public, it can release additional information to explain the meaning of information in the documents, should this be required.
27. However, I have determined disclosure of certain information that I am satisfied would be contrary to the public interest for the following reasons:

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<sup>7</sup> Section 7(1) of the *Public Administration Act 2004* (Vic).

- (a) Without disclosing specific information in the meeting minutes, they contain sensitive information about Board discussions concerning the Agency's information technology (IT) infrastructure and telecommunications equipment used by emergency services personnel.
- (b) There are public interest factors in favour of disclosure, including public scrutiny of the Board's ability to carry out its important public functions. However, given the detail recorded in the minutes and the nature of the information, as described above, I consider certain information is sensitive in nature and its disclosure under the FOI Act would be contrary to the public interest.
- (c) Finally, noting the public release of the final report of Graham Ashton AM APM following a capability and service review of the Agency<sup>8</sup> (the **Review**) and the Victorian Government's response to the Review,<sup>9</sup> I am not satisfied disclosure of the relevant information is required to provide for greater public scrutiny in light of that review process.
- (d) Given the sensitive and frank nature of certain information in the meeting minutes, I cannot discount the fact that its disclosure could be exploited by nefarious actors should it be accessible more broadly and, would therefore pose a serious risk to the safety of emergency services personnel.

28. Accordingly, I am satisfied that the disclosure of certain information in the documents would be contrary to the public interest and is therefore exempt from release under section 30(1).

29. My decision in relation to section 30(1) is set out in the Schedule of Documents in **Annexure 1**.

**Section 31(1)(a) – Disclosure would prejudice the enforcement or proper administration of the law**

30. Section 31(1)(a) provides a document is an exempt document if its disclosure under the FOI Act would or would be reasonably likely to 'prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance'.

31. 'Reasonably likely' means there is a real chance of an event occurring; it is not fanciful or remote.<sup>10</sup>

32. 'Prejudice' means to hinder, impair or undermine and includes actual prejudice as well as impending prejudice.<sup>11</sup>

33. 'In a particular instance' does not require a single specific investigation. This phrase can encompass specific, identified aspects of law, administration of law or investigations of breaches or potential breaches of law.<sup>12</sup>

34. The Agency submits:

...in carrying out its functions under s 7 of the [*Emergency Services Telecommunications Authority Act 2004* (Vic)] ESTA Act, which include to provide or enable and control, the provision by others of emergency telecommunications, and to promote and develop policies and procedures to improve the standard and provision of emergency telecommunications and other communication services, ESTA falls within the 'administration of the law' in respect of emergency telecommunication services, for the purposes of s 31(1)(a).

<sup>8</sup> Graham Aston AM APM, *Capability and Service Review: Final Report 2022* at <https://www.vic.gov.au/esta-capability-and-service-review>.

<sup>9</sup> Victorian Government, *Victorian Government response to the recommendations of the ESTA Capability and Service Review* at <https://www.vic.gov.au/esta-capability-and-service-review>.

<sup>10</sup> *Bergman v Department of Justice Freedom of Information Officer* [2012] VCAT 363 at [65], quoting *Binnie v Department of Agriculture and Rural Affairs* [1989] VR 836.

<sup>11</sup> *Ibid*, Bergman at [66], referring to *Sobh v Police Force of Victoria* [1994] VicRp 2; [1994] 1 VR 41 at [55].

<sup>12</sup> *Cichello v Department of Justice (Review and Regulation)* [2014] VCAT 340 at [24].

35. Having considered the Agency's reasons for decision and submission, I accept granting access to certain information to which it refused access would prejudice the Agency's proper administration of the *Emergency Services Telecommunications Authority Act 2004* (Vic) (**ESTA Act**). For the most part, the relevant information relates to call signs, which are used by emergency services personnel when responding to an emergency situation, and facilitates the Agency's proper administration of the ESTA Act, specifically ensuring clear communication to and between personnel which also provides for their safety.
36. For similar reasons to those set out at paragraph 27, I am satisfied the disclosure of sensitive information about Board discussions concerning the Agency's IT infrastructure and telecommunications equipment used by emergency services personnel would be reasonably likely to prejudice the Agency's enforcement or proper administration of the ESTA Act.
37. Accordingly, I am satisfied certain information in the documents is exempt from release under section 31(1)(a).
38. My decision in relation to section 31(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

***Section 31(1)(d) – Disclosure of methods for preventing, detecting, investigating breaches of the law***

39. Section 31(1)(d) provides a document is an exempt document if its disclosure would or would be reasonably likely to 'disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures'.
40. The exemptions in section 31(1) do not apply to widespread and well-known methods and procedures.<sup>13</sup>
41. Having considered the Agency's reasons for decision and submission, I accept disclosure of certain information it exempted from release would be reasonably likely to 'disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures'.
42. As with section 31(1)(a), the information to which the Agency refused access relates to the call signs used by emergency services personnel when responding to an emergency and Board discussions concerning the Agency's IT infrastructure and telecommunications equipment.
43. Accordingly, I am satisfied certain information in the documents is exempt from release under section 31(1)(d).
44. My decision in relation to section 31(1)(d) is set out in the Schedule of Documents in **Annexure 1**.

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

45. 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.
46. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'<sup>14</sup> and the effectiveness of the deletions. Where

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<sup>13</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [177].

<sup>14</sup> *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

deletions would render a document meaningless, they are not 'practicable' and release of the document is not required under section 25.<sup>15</sup>

47. As the Applicant does not seek review of information exempted from release under sections 33(1) and 34(4)(a)(ii), such information is irrelevant information for the purposes of section 25 and is to remain deleted.
48. I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted as to do so would not require substantial time and effort, and the edited documents would retain meaning.
49. My decision in relation to section 25 is set out in the Schedule of Documents in **Annexure 1**.

### **Conclusion**

50. On the information before me, I am not satisfied certain information in the documents is exempt from release under sections 30(1), 31(1)(a) and 31(1)(d). However, I have decided to release further information where I am not satisfied it is exempt from release.
51. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access is granted in part.
52. The Schedule of Documents in **Annexure 1** sets out my decision on each document and a marked-up copy of certain documents indicating exempt or irrelevant information in accordance with my decision has been provided to the Agency.

### **Review rights**

53. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.<sup>16</sup>
54. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>17</sup>
55. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>18</sup>
56. Information about how to apply to VCAT is available online at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au). Alternatively, VCAT may be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.
57. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.<sup>19</sup>

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

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

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<sup>15</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division* (Review and Regulation) [2013] VCAT 1267 at [140] and [155].

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

<sup>17</sup> Section 52(5).

<sup>18</sup> Section 52(9).

<sup>19</sup> Sections 50(3F) and 50(3FA).



Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Authority Meeting No 160	10	Released in part Sections 30(1), 33(1), 34(4)(a)(ii)	Not subject to review	
2.	[date]	Authority Meeting No 161	10	Released in part Sections 30(1), 31(1)(a), 31(1)(d), 33(1)	<p>Release in part Section 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> <ul style="list-style-type: none"> <li>• all information the Agency exempted from release under section 33(1), which is irrelevant information; and</li> <li>• the names of third parties on page 5 are irrelevant information that is to remain redacted.</li> </ul>	<p><b>Section 30(1):</b> During the review, the Agency released all information it had exempted from release under section 30(1) to the Applicant outside the FOI Act. Accordingly, this information is not subject to review.</p> <p><b>Section 31(1)(a):</b> I am not satisfied disclosure of certain information would be reasonably likely to prejudice the Agency's administration of the ESTA Act as the information exempted from release by the Agency is publicly available.</p> <p><b>Section 31(1)(d):</b> I am not satisfied disclosure of certain information would disclose methods for preventing, detecting, investigating breaches of the law as the information exempted from release by the Agency is publicly available.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p><b>Section 25:</b> As noted above, the Applicant does not seek review of information that was not exempted from release under sections 30(1), 31(1)(a) or 31(1)(d). Therefore, this information is irrelevant information for the purpose of section 25.</p> <p>I am satisfied it is practicable to provide the Applicant with an edited copy of this document with exempt and irrelevant information deleted in accordance with section 25.</p>
3.	[date]	Authority Meeting No 162	13	Released in part Sections 31(1)(a), 31(1)(d), 33(1)	<p><b>Release in part</b> Section 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> <ul style="list-style-type: none"> <li>all information the Agency exempted from release under section 33(1), which is irrelevant information.</li> </ul>	Sections 31(1)(a), 31(1)(d) and 25: See comments for Document 2.
4.	[date]	Authority Meeting No 163	13	Released in part	<b>Not subject to review</b>	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 30(1), 33(1), 34(4)(a)(ii)		
5.	[date]	Authority Meeting No 164	10	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 25  The document is to be released in accordance with the marked-up version of the document provided to the Agency with this decision.	<b>Section 30(1):</b> I am satisfied certain information is exempt from release under section 30(1) for the reasons set out in the Notice of Decision.  <b>Section 25:</b> See comments for Document 2.
6.	[date]	Authority Meeting No 165	10	Released in part Sections 30(1), 31(1)(a), 31(1)(d), 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:  <ul style="list-style-type: none"> <li>all information the Agency exempted from release under section 33(1), which is irrelevant information for the purpose of this review;</li> <li>the fourth and fifth sentences in item 4v on page 6, which is exempt from release under section 30(1);</li> </ul>	<b>Section 30(1):</b> During the review, the Agency released further information to the Applicant outside the FOI Act that it had exempted from release under section 30(1).  Of the remaining information, I am satisfied certain information is exempt from release under section 30(1) for the reasons set out in the Notice of Decision.  <b>Section 31(1)(a):</b> I am not satisfied disclosure of information would be reasonably likely to prejudice the Agency's administration of the ESTA Act. In my view, certain information highlighted as sensitive in the Agency's

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>words 7 to 13 in line 18 on page 6, which is exempt from release under section 30(1);</li> <li>lines 19 and 20 on page 6, which are exempt from release under section 30(1) (names are to remain deleted);</li> <li>the last five lines on page 6 and first two lines on page 7, which are exempt from release under section 30(1);</li> <li>lines 13 to 20 on page 7, which are exempt from release under section 30(1); and</li> <li>the names of third parties on page 7 are irrelevant information that is to remain deleted.</li> </ul>	<p>submission is more appropriately exempt from release under section 30(1).</p> <p><b>Section 31(1)(d):</b> I am not satisfied that disclosure of information would disclose methods for preventing, detecting, investigating breaches of the law. Certain information highlighted as sensitive in the Agency's submission is more appropriately exempt under section 30(1).</p> <p><b>Section 25:</b> See comments for Document 2.</p>
7.	[date]	Authority Meeting No 166	9	Released in part Sections 30(1), 33(1)	<p><b>Release in part</b> Sections 30(1), 25</p> <p>The document is to be released in accordance with the marked-up version of the document provided to the Agency with this decision.</p>	<p><b>Section 30(1):</b> During the review, the Agency released further information to the Applicant outside the FOI Act that it had exempted from release under section 30(1).</p> <p>Of the remaining information, see comments for Document 5.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Section 25: See comments for Document 2.
8.	[date]	Authority Meeting No 167	6	Released in part Sections 30(1), 33(1)	Not subject to review	
9.	[date]	Authority Meeting No 168	8	Released in part Sections 30(1), 33(1)	Not subject to review	
10.	[date]	Authority Meeting No 168	1	Released in part Section 33(1)	Not subject to review	
11.	[date]	Authority Meeting No 169	13	Released in part Sections 30(1), 33(1), 34(4)(a)(ii)	Release in part Sections 30(1), 25  The document is to be released in accordance with the marked-up version of the document provided to the Agency with this decision.	Section 30(1): During the review, the Agency released further information to the Applicant outside the FOI Act that it had exempted from release under section 30(1). For the remaining information, see comments for Document 5.  Section 25: See comments for Document 2.
12.	[date]	Authority Meeting No 170	3	Released in part Section 33(1)	Not subject to review	
13.	[date]	Authority Meeting No 171	14	Released in part Sections 30(1), 31(1)(a), 31(1)(d), 33(1), 34(4)(a)(ii)	Release in part Sections 31(1)(a), 31(1)(d), 25	Section 30(1): During the review, the Agency released further information to the Applicant outside the FOI Act that it had exempted from

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>The document is to be released except for information that is exempt from release under sections 31(1)(a) and 31(1)(d) or irrelevant, which is to be deleted in accordance with section 25, being:</p> <ul style="list-style-type: none"> <li>the redactions made by the Agency in the document.</li> </ul>	<p>release under section 30(1). Accordingly, this information is no longer subject to review.</p> <p><b>Sections 31(1)(a) and 31(1)(d):</b> See comments for Document 2.</p> <p><b>Section 25:</b> See comments for Document 2.</p>
14.	[date]	Authority Meeting No 172	15	<p><b>Released in part</b></p> <p>Sections 30(1), 33(1), 34(4)(a)(ii) and 29A of the <i>Victorian Ombudsman Act 1973</i> (Vic)</p>	<p><b>Release in part</b></p> <p>Sections 30(1), 25</p> <p>The document is to be released except for information that is exempt from release under section 30(1) or irrelevant, which is to be deleted in accordance with section 25, being:</p> <ul style="list-style-type: none"> <li>the redactions made by the Agency in the document.</li> </ul>	<p><b>Section 30(1):</b> During the review, the Agency released further information to the Applicant outside the FOI Act that it had previously exempted from release under section 30(1). Accordingly, this information is no longer subject to review. See comments for Document 5.</p> <p><b>Section 25:</b> See comments for Document 2.</p>
15.	[date]	Minutes - Authority Meeting No 172	16	<p><b>Released in part</b></p> <p>Sections 31(1)(a), 31(1)(d), 33(1), 34(4)(a)(ii) and 29A of the <i>Victorian Ombudsman Act 1973</i> (Vic)</p>	<p><b>Release in part</b></p> <p>Sections 31(1)(a), 31(1)(d), 25</p> <p>No further information is to be released.</p>	<p><b>Section 30(1):</b> During the review, the Agency released further information to the Applicant outside the FOI Act that it had previously exempted from release under section 30(1). Accordingly, this information is no longer subject to review.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Sections 31(1)(a) and 31(1)(d): See comments for Document 2. Section 25: See comments for Document 2.
16.	[date]	Agenda - Authority Meeting No 173	3	Released in part Sections 30(1), 33(1)	Not subject to review	