

Notice of Decision and Reasons for Decision

Applicant:	'CW5'
Agency:	Victorian WorkCover Authority
Decision date:	20 December 2021
Exemptions considered:	Sections 33(1), 32(1), 34(1)(b)
Citation:	'CW5' and Victorian WorkCover Authority (Freedom of Information) [2021] VICmr 96 (20 December 2021)

FREEDOM OF INFORMATION – legal professional privilege – summary brief and supporting documents – request for legal advice – *Occupational Health and Safety Act 2004* (Vic)

All reference to legislation in this document is to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

I 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 is the same as the Agency's decision, with the exception of Document 93, where I have determined the document is not exempt under section 34(1)(b) and is to be released in full.

I am satisfied all other documents are exempt under sections 32(1) and 33(1).

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
20 December 2021

Reasons for Decision

Background to review

1. The Applicant, via its legal representative, made a request to the Agency seeking access to the following documents relating to:

1. An incident on [date] at a site at [address in Victoria], where a crane was damaged and/or collapsed and/or fell, including the make safe and clean up in relation to that incident.
2. Entry report [number].
3. Entry report [number].
4. Non disturbance notice [number].
5. Prohibition Notice [number].

Documents in this request includes:

1. Reports (including but not limited to any entry reports, expert reports, and other authority reports).
 2. Draft reports.
 3. Notices.
 4. Witness statements.
 5. File notes and telephone call notes.
 6. Correspondence including letters, facsimiles and emails.
 7. Photographs.
 8. Records and results of inspections, measurements or tests (including but not limited to testing on the crane and any testing/measurement procedures).
 9. Any other file documents.
2. The Agency identified certain documents falling within the terms of the Applicant's request, which are listed in the Schedule of Documents in **Annexure 1**.
3. The Agency relied on the provisions and exemptions under sections 14(1), 33(1), 32(1) and 34(1)(b) to refuse access to information in the documents.
4. 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. I have examined a copy of the documents subject to review.
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.

8. I have considered all communications and submissions received from the parties.
9. The Agency has provided its submission in confidence. However, I do not consider the entire submission to be sensitive and in order to adequately explain my reasons for decision, as required by section 49P(3), it is appropriate to include excerpts of the Agency's submissions below.
10. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
11. I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.

Scope of review

12. In their review application, the Applicant also advised they do not seek a review of documents refused under section 14. Accordingly, these documents are not subject to review.
13. On [date], the Applicant confirmed they seek review of the documents to which the Agency refused access in full and parts of the following documents that were released in part:
 - (a) Item 11 on page 2 of the Entry Report [number] [date] (Document 73).
 - (b) Information exempted by the Agency in the sentences "Letter head [company name]..." to "[company name] Tower Crane Operator Induction..." in Entry Report [number] [date] (Document 74).
 - (c) Information exempted by the Agency in item 2 on page 2 of Entry Report [number] [date] (Document 88).
 - (d) information exempted by the Agency following in the sentence "[company name] letterhead [date]" on page 1 of Entry Report [number] [date] (Document 110).
14. Accordingly, this review relates to all documents refused in full and the above four documents which were refused in part under section 33(1).

Applicant's adequacy of search complaint

15. During the review, the Applicant raised concerns with OVIC that certain documents were not located in response to their FOI request.
16. In accordance with section 61B(3), OVIC determined to address these concerns as part of this review.
17. OVIC made inquiries with the Agency regarding the Applicant's concerns. Our findings were communicated to the Applicant and accepted by the Applicant. I am satisfied the Agency identified all relevant documents in its possession and the Applicant's concerns regarding the Agency's document search have been pursued to the fullest extent.

Review of exemptions

Section 32(1) – legal professional privilege

18. 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 privilege**).
19. A document will be subject to legal professional privilege and exempt under section 32(1) where it contains a confidential communication:¹
 - (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;
 - (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.
20. The High Court of Australia has observed the importance of legal professional 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.²
21. The dominant purpose for which the confidential communication was made will determine whether the exemption applies.³
22. Whether a document is privileged will depend upon the purpose for which it was brought into existence and is a question of fact.⁴
23. With respect to litigation privilege, the question on whether litigation was reasonably contemplated or anticipated at the relevant time is a question of fact determined by reference to objective criteria.⁵
24. Whether legal proceedings are anticipated requires consideration of whether there was, at the relevant time, a real prospect of litigation, as distinct from a mere possibility.⁶
25. In *Australian Federal Police v Propend Finance Pty Ltd (Propend)*,⁷ the High Court of Australia held copies of non-privileged documents may be subject to legal professional privilege if the copies were made for the sole purpose of obtaining legal advice or for use in litigation. This sole purpose test has since changed to the dominant purpose test.⁸ As stated by Brennan CJ:

¹ *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also section 119 of the *Evidence Act 2008* (Vic).

² *Grant v Downs* [1976] HCA 63; (1976) 135 CLR 674 at [19].

³ *Esso Australia Resources Ltd v Commissioner of Taxation* (1999) 201 CLR 49.

⁴ *Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority* (2002) 4 VR 332; [2002] VSCA 59 at [14].

⁵ *Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority* 920020 4 VR 332; [2002] VSCA 59 at [22].

⁶ *Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority* 920020 4 VR 332; [2002] VSCA 59 at [19].

⁷ *Commissioner of Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501.

⁸ *Esso Australia Resources Ltd v Commissioner of Taxation* (1999) 201 CLR 49.

The test is anchored to the purpose for which the document was brought into existence; the use to which a document is put after it is brought into existence is immaterial. So, on a strictly logical application of the test, if a copy is made solely for the purpose of providing it to a legal adviser in order to obtain legal advice or for use in connection with apprehended litigation, the copy would be privileged.⁹

26. Material gathered by a lawyer or client in preparation for litigation is privileged as if it were a confidential communication between the lawyer and the client, even if it is not such a communication.¹⁰

Applicant's submissions

27. The following is a summary of the Applicant's submissions in support of its view that section 32(1) should not be applied:
- (a) Caution has been shown towards expanding privilege to all documents submitted in a brief, and the dominant purpose at the time the document was created still applies. The mere selection of a document that has an existence independent of litigation or the obtaining of legal advice for inclusion in the brief does not attract privilege.¹¹
 - (b) The documents obtained during the Agency's investigation that were in existence prior to the incident being investigated could not have been created for the dominant purpose of obtaining legal advice, or for the use in litigation, as it was obtained at a time that pre-existed any contemplation of litigation.
 - (c) With respect to copies of documents held by external parties, the Applicant submits the documents were copied by the parties that hold the documents for the purpose of complying with the Agency's directions pursuant to its powers under the *Occupational Health and Safety Act 2004* (Vic) (**OHS Act**), not for the purpose of obtaining legal advice or for use in litigation.
 - (d) If there are multiple purposes, obtaining legal advice or for use in litigation must be the dominant purpose for the privilege to apply.¹² Where copy documents were prepared to provide to the Agency, it was for the dominant purpose of the Agency's investigation, not contemplated litigation.
 - (e) The Agency has multiple purposes for obtaining copies of non-privileged documents. In the Applicant's view, the immediate purpose of the Agency's investigation in the present matter was to determine if the work site was safe, and then subsequently to determine cause of any incident, and the possibility of any contravention of the OHS Act. The Applicant considers determining whether to prosecute is one possible purpose, but it is unlikely to be the dominant purpose, particularly at the commencement of investigations.
 - (f) The obtaining of documents by the Agency's non-legal investigators during an investigation and obtaining documents is not the same as a lawyer obtaining documents for use in litigation. The Agency may later provide the documents in a brief to its lawyers, but at the time the copy documents were provided to the Agency, it was not providing a brief to its lawyers.

⁹ *Commissioner of Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501, per Brennan CJ at [508].

¹⁰ *Dingle v Commonwealth Development Bank of Australia* (1989) 23 FCR 63 at [66]. This principle was cited with approval by the Victorian and Civil Administrative Tribunal in *Mostafa v Victorian WorkCover Authority* [2013] VCAT 782.

¹¹ *Brooks v Medical Defence Assn of Western Australia* (1999) 94 FCR 164; *Mundraby v Commonwealth of Australia* [2001] FCA 884; 184 ALR 737.

¹² *Powercor Australia Ltd v Perry* [2011] VSCA 239.

- (g) For the purpose of applying the Propend¹³ case on copy documents, a distinction needs to be made between documents obtained by non-legal Agency officers and copy documents later provided in a brief to inhouse lawyers. The Applicant submits:

The Propend case provided that the copy documents held by the solicitor were privileged in the hands of the solicitor. Just as a client providing copy documents to its external lawyers will not make the original non-privileged document privileged in the hands of the client, so too Worksafe non-legal officers cannot cloak documents in privilege, merely by providing a copy of the document to its in-house lawyers.

- (h) If a blanket approach to privilege is taken to any pre-existing or copy document obtained by the Agency in investigating an incident, it will unnecessarily undermine the object of the FOI Act, as it will act as a barrier to an applicant accessing documents in relation to any investigation conducted by the Agency.

Agency's submissions

28. The Agency submits the documents subject to review were prepared for the purpose of submission to an internal legal advisor to seek legal advice as to whether to prosecute the matter, which the Agency submits is the usual procedure following an investigation.
29. Following inquiries by OVIC staff, the Agency confirmed:
- (a) the exhibits were collected and compiled by Agency officers for the purpose of submission to inhouse lawyers; and
 - (b) litigation was pending or contemplated at the time in which the documents were submitted to internal legal advisers; and
 - (c) each of the document subject to review, including exhibits, were submitted to its internal Legal Services for review.

Are the documents subject to litigation privilege?

30. Having reviewed the documents and submissions from both parties, I am satisfied the documents are subject to litigation privilege for the following reasons:
- (a) The documents comprise a brief of evidence, and include Notes to Prosecutor, notices, index to the brief and exhibits. I accept the brief of evidence was compiled by an investigator within the Agency's Enforcement Group who is responsible for conducting investigations into suspected contraventions of the laws administered by the Agency, including the OHS Act.
 - (b) It is general practice within the Agency that at the conclusion of an investigation, any evidence or material gathered and created during the investigation is sent to its legal team for review for the purpose of deciding whether or not to prosecute a matter.¹⁴
 - (c) I am satisfied the documents were either created or obtained by an investigator within the Agency for the dominant purpose of submission to the Agency's internal lawyers to request and obtain legal advice as to whether to commence prosecution under the OHS Act, which I accept is the general practice of the Agency.

¹³ *Commissioner of Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501.

¹⁴ See <https://www.worksafe.vic.gov.au/investigations-and-enforcement> and <https://www.worksafe.vic.gov.au/worksafe-investigations>.

- (d) I accept there exists a client-lawyer relationship between Agency officers, who investigate and prepare a brief of evidence, and Agency lawyers who receive the brief of evidence.
- (e) I accept at the time certain documents were created by external third parties; it was not for the dominant purpose of inclusion into a brief of evidence to be submitted to the Agency's lawyers. However, I accept copies of these documents are subject to litigation privilege as they were obtained by Agency officers from third parties for the dominant purpose of submission to the Agency's lawyers as part of preparing the brief of evidence.
- (f) I accept the Agency's submission that evidence and material was obtained and gathered by Agency officers at a time when litigation was reasonably contemplated.
- (g) I am satisfied the prospect of litigation was not a mere possibility, but rather, was reasonably contemplated by the Enforcement Group which prepared the brief of evidence, having considered the information in Documents 1 and 2 and certain exhibits forming part of the brief, including Documents 118, 120 and 122.
- (h) I accept each document subject to review was submitted to an Agency lawyer for advice.

Has legal professional privilege been waived?

- 31. Legal privilege exists to protect the confidentiality of communications between a lawyer and a client. Privilege will be lost where a client has acted in a way that is inconsistent with the maintenance of that confidentiality. For example, where the substance of the information has been disclosed with the client's express or implied consent.¹⁵
- 32. An implied waiver of privilege occurs when a positive act of a party is inconsistent with maintenance of confidentiality in the communication, irrespective that a waiver of privilege was not the subjective intention of the party.
- 33. I note the matter to which the documents relate was not prosecuted, therefore, the information was not disclosed in open court.
- 34. While the Agency has published news articles about the incident on its website, it has not disclosed material subject to litigation privilege.
- 35. There is no other information before me to be satisfied that legal privilege has been waived.
- 36. Accordingly, I am satisfied the documents subject to review are exempt under section 32(1).
- 37. My decision in relation to the application of section 32(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 33(1) – Documents affecting an individual's personal privacy

- 38. A document is exempt under section 33(1) if two conditions are satisfied:
 - (a) disclosure of the document under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant (**third parties**);¹⁶ and
 - (b) such disclosure would be 'unreasonable'.

¹⁵ Sections 122(2) and (3) of the *Evidence Act 2008* (Vic) (for client legal privilege); *Mann v Carnell* (1999) 201 CLR 1 at [28] (for legal professional privilege).

¹⁶ Sections 33(1) and 33(2).

39. Where I have determined a document is exempt in full under section 32(1), I have not considered the application of section 33(1).

Do the documents contain the personal affairs information of individuals other than the Applicant?

40. Information will relate to the 'personal affairs' of a person if it is reasonably capable of identifying them, or of disclosing their address or location.¹⁷ It also includes any information from which such information may be reasonably determined.¹⁸
41. A document will disclose a third party's personal affairs information if it is capable, either directly or indirectly, of identifying that person. As disclosure under the FOI Act is unrestricted and unconditional, this is to be interpreted by the capacity of any member of the public to potentially identify a third party.¹⁹
42. It has also been held information will relate to a person's personal affairs if it 'concerns or affects that person as an individual'.²⁰
43. With respect to the documents subject to review under section 33(1), I am satisfied the documents contain the personal affairs information of third parties. This includes names, signatures, email addresses, license numbers, details of their experience in operating tower cranes, and their pay slips, which include such details as their gross pay, net pay, employer, hours worked and rate.

Would the disclosure of this information be unreasonable?

44. In determining whether the exemption applies, it is necessary to determine whether disclosure of a third party's personal affairs information would be unreasonable in the circumstances. This involves balancing the public interest in the disclosure of official information with the personal interest in privacy in the particular circumstances of a matter.
45. In *Victoria Police v Marke*,²¹ it was held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others', and the exemption under section 33(1) 'arises only in cases of unreasonable disclosure' and '[w]hat amounts to an unreasonable disclosure of someone's personal affairs will necessarily vary from case to case'.
46. As also stated in *Victoria Police v Marke*, '[t]he protection of privacy, which lies at the heart of [section] 33(1), is an important right that the FOI Act properly protects. However, an individual's privacy can be invaded to a lesser or greater degree'.²²
47. I acknowledge the Applicant may already know the third parties named in the documents. However, even where an applicant claims to know the identity of a third party, disclosure of their personal affairs information may still be unreasonable in the circumstances.²³
48. The proper application of section 33(1) involves consideration of 'all matters relevant, logical and probative to the existence of conditions upon which the section is made to depend'.²⁴

¹⁷ Section 33(9).

¹⁸ Section 33(9).

¹⁹ *O'Sullivan v Department of Health & Community Services (No 2)* [1995] 9 VAR 1 at [14]; *Beauchamp v Department of Education* [2006] VCAT 1653 at [42].

²⁰ *Hanson v Department of Education and Training* [2007] VCAT 123 at [9].

²¹ [2008] VSCA 218 at [76].

²² *Ibid* at [79].

²³ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

²⁴ *Victoria Police v Marke* [2008] VSCA 218 at [104].

49. I have had regard to the following factors in determining whether disclosure of the personal affairs information in the documents would be unreasonable in the circumstances:

(a) The nature of the personal affairs information and the circumstances in which it was obtained by the Agency

The Agency obtained the personal affairs information for the purposes of gathering evidence in support of contemplated prosecution of offences under the OHS Act.

With respect to disclosing personal affairs information of public sector employees, I generally consider it would not be unreasonable to disclose the information where it records them carrying out their usual employment duties and responsibilities. I consider members of the public have a general expectation of transparency with respect to public sector employees. However, as stated above, consideration of whether disclosure of personal affairs information of public sector employees would be unreasonable must be considered in the particular circumstances of each matter.

In this matter, the personal affairs information exempted by the Agency concerns third parties in their professional capacity, who are not public sector employees. Unlike public sector employees, I am not satisfied that members of the public have an expectation of transparency to the same extent as public sector employees.

Having considered the circumstances in which the Agency obtained the personal affairs information, I consider many of the third parties would have provided their personal affairs information to the Agency on the understanding it would only be used for the purpose of its investigation and any potential legal proceedings. As such, I consider it is reasonably likely the third parties would not expect their personal affairs information to be disclosed under the FOI Act.

(b) The Applicant's interest in the information, and whether their purpose for seeking the information is likely to be achieved

The FOI Act provides a general right of access exercisable by any person, regardless of their reason for seeking access to a document. However, the reason why an applicant seeks access to a document is a relevant consideration in determining whether disclosure would be unreasonable.²⁵

The Applicant seeks to determine the surrounding circumstances and cause of the incident, given no party has taken responsibility for the incident to which the documents relate, and the incident caused loss to the Applicant.

Disclosure of the personal affairs information may assist the Applicant to identify individuals connected with the incident.

(c) Whether the individuals to whom the information relates object, or would be likely to object to the release of the information

The Agency did not consult with third parties to obtain their views on disclosure of their personal affairs information, as it was considered impracticable to do so. However, the impracticability to consult with third parties does not determine it would be unreasonable to disclose personal affairs information in the document.

While I do not have information before me as to the views of the third parties on the release of their personal affairs information, on the information before me, I consider it is reasonably

²⁵ *Victoria Police v Marke* [2008] VSCA 218 at [104].

likely they would not consent to the release of their personal affairs information given the circumstances in which this information was obtained by the Agency.

(d) The likelihood of further disclosure of information, if released

The nature of disclosure under the FOI Act is unconditional and unrestricted, which means an applicant is free to use or disseminate a document as they choose once it is released.²⁶ Accordingly, I have considered the likelihood of the personal affairs information in the documents being further disseminated, if disclosed to the Applicant.

Having considered the Applicant's submission, I am satisfied the Applicant does not intend to disseminate the personal affairs information broadly if it were released under FOI. However, I consider it reasonably likely the Applicant intends to use the information for the purpose of determining whether it can pursue any legal remedies, which would involve disclosure of personal affairs information.

(e) Whether any public interest would be promoted by release of the information

While I acknowledge the Applicant's interest in the documents, I am satisfied the public interest would not be promoted by disclosure of the personal affairs information of third parties to the Applicant.

(f) Whether the disclosure of information would, or would reasonably likely endanger the life or physical safety of any person²⁷

There is no information before me to suggest this is a relevant factor in this matter.

50. Having weighed up the above factors, I am satisfied disclosure of the personal affairs information of third parties in the documents would be unreasonable in the circumstances.

51. Accordingly, I am satisfied this information is exempt under section 33(1).

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

Section 34(1)(b) – Disclosure of the business, commercial or financial information which would be likely to expose an undertaking unreasonably to disadvantage

53. A document will be an exempt document under section 34(1)(b) if the document contains information:

- (a) acquired by an agency from a business, commercial or financial undertaking;
- (b) that relates to other matters of a business, commercial or financial nature; and
- (c) the disclosure of which, having regard to the matters listed in section 34(2), would be likely to expose an undertaking unreasonably to disadvantage.

54. Where I am satisfied a document is exempt in full under section 32(1), it is not necessary for me to consider the application of section 34(1)(b) to these documents.

55. Accordingly, my review of section 34(1)(b) concerns Document 93 only.

²⁶ Ibid at [68].

²⁷ Section 33(2A).

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

56. The phrase 'information acquired' in section 34(1) signifies the need for some positive handing over of information in some precise form.²⁸
57. The phrase 'business, commercial or financial undertaking' generally refers to an entity, such as a company or organisation, that is engaged in business, trade, or commerce for a financial profit or gain.
58. I am satisfied the information was obtained by the Agency from a commercial or business undertaking (the **Undertaking**).

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

59. The phrase 'information of a business, commercial or financial nature' is not defined in the FOI Act. Therefore, the words 'business, commercial or financial nature' should be given their ordinary meaning.²⁹
60. I am satisfied the information in the document relates to matters of a business nature because the document is a tax invoice for certain work, which was issued to another business undertaking.

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

61. In determining whether disclosure of a document would expose an undertaking unreasonably to disadvantage for the purposes of section 34(1)(b), section 34(2) provides 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.
62. I have also had regard to the decision in *Dalla-Riva v Department of Treasury and Finance*,³⁰ in which the Victorian Civil and Administrative Tribunal (**VCAT**) held documents are exempt 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.

²⁸ *Thwaites v Department of Human Services* (1999) 15 VAR 1.

²⁹ *Gibson v Latrobe CC* [2008] VCAT 1340 at [25].

³⁰ [2007] VCAT 1301 at [33].

63. Having considered the purpose and content of the document, I consider there is insufficient evidence before me to be satisfied disclosure of the document would be likely to expose the relevant business undertaking to disadvantage for the following reasons:
- (a) The information is standard business information, being an invoice issued for certain works performed.
 - (b) The invoice was issued in [specified year]. Therefore, the amounts charged are reasonably likely to be outdated.
 - (c) The Applicant is not a competitor of the Undertaking.
 - (d) I am not satisfied that disclosure of the information in the documents is of such a nature that it would give a competitor of the Undertaking a financial advantage or allow them to engage in destructive competition with the Undertaking.
 - (e) I am not satisfied disclosure would lead to the drawing of unwarranted conclusions as to the Undertaking's financial affairs and position with detrimental commercial and market consequences.
64. Accordingly, I am not satisfied Document 93 is exempt under section 34(1)(b).
65. My decision in relation to section 34(1)(b) and Document 93 is outlined in the Schedule of Documents at **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

66. 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.
67. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'³¹ 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 25.³²
68. I have considered the effect of deleting exempt information from the documents in accordance with section 25. I am satisfied it is not practicable to delete information exempted from release under sections 32(1) and 33(1) as the edited documents would not retain meaning.

Conclusion

69. On the information before me, I am satisfied information in the documents is exempt under sections 32(1) and 33(1). However, I have determined the information in Document 93 is not exempt under section 34(1)(b). I have therefore determined to grant access to Document 93 in full.
70. The Schedule of Documents at **Annexure 1** sets out my decision in relation to each document.

Review rights

³¹ *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].

³² *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].

71. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.³³
72. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.³⁴
73. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.³⁵
74. 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.
75. 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.³⁶

Third party review rights

76. As I have determined to release Document 93, which contains information of a business, commercial or financial nature relating to the Undertaking, if practicable, I am required to notify the Undertaking of its right to seek review by VCAT of my decision within 60 days from the date they are given notice.³⁷
77. In this case, I am satisfied it is practicable to notify the Undertaking of its third party review rights and confirm it will be notified of my decision.

When this decision takes effect

78. My decision does not take effect until the relevant review periods expire, as set out above.
79. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

³³ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

³⁴ Section 52(5).

³⁵ Section 52(9).

³⁶ Sections 50(3F) and (3FA).

³⁷ Sections 49P(5), 50(3A) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[Date]	Incident Investigation – Indictable Brief – Notes to the Prosecutor	5	Refused in full Section 32(1)	Refuse in full Section 32(1)	<p>Section 32(1): I am satisfied the document is exempt under section 32(1) for the reasons outlined in the Notice of Decision above.</p> <p>Section 25: I am satisfied it would not be practicable to delete exempt information in the document in accordance with section 25, as it would render the document meaningless. Accordingly, access to the document is refused in full.</p>
2.	Undated	Notices Accompanying Full Brief and Index to Brief	17	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
3.	Various	Witness Statements	161	Refused in full Sections 32(1), 33(1)	Refuse in full Section 32(1)	<p>Section 32(1): See comments for Document 1.</p> <p>Section 33(1): As I am satisfied the document is exempt in full under section 32(1), it is not necessary for me to consider the application of section 33(1).</p> <p>Section 25: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
4.	[Date]	Exhibit 1	2	Released in part Section 33(1)	Not subject to review	By email dated [date], the Applicant advised they do not require a review of this document.
5.	[Date]	Exhibit 2	6	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
6.	[Date]	Exhibit 3	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
7.	[Date]	Exhibit 4	2	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
8.	[Date]	Exhibit 5	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
9.	[Date]	Exhibit 6	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
10.	[Date]	Exhibit 7	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
11.	[Date]	Exhibit 8	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
12.	Various	Exhibit 9	46	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	Section 32(1): See comments for Document 1. Section 34(1)(b): As I am satisfied the document is exempt in full under section 32(1), it is not necessary for me to consider the application of section 34(1)(b). Section 25: See comments for Document 1.
13.	Various	Exhibit 10	262	Refused in full Sections 32(1), 33(1), 34(1)(b)	Refuse in full Section 32(1)	Section 32(1): See comments for Document 1. Section 33(1): See comments for Document 3. Section 34(1)(b): See comments for Document 12. Section 25: See comments for Document 1.
14.	Various	Exhibit 11	28	Refused in full Sections 32(1), 33(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 13.
15.	[Date]	Exhibit 12	5	Refused in full Sections 32(1), 33(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 13.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
16.	Various	Exhibit 13	36	Refused in full Sections 32(1), 33(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 13.
17.	Various	Exhibit 14	104	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
18.	Various	Exhibit 14A	140	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
19.	Various	Exhibit 14B	255	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
20.	Undated	Exhibit 14C	175	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
21.	[Date]	Exhibit 15	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
22.	[Date]	Exhibit 16	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
23.	Various	Exhibit 17	1212	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
24.	[Date]	Exhibit 18	2	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
25.	v	Exhibit 19	6	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
26.	[Date]	Exhibit 20	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
27.	[Date]	Exhibit 21	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
28.	[Date]	Exhibit 22	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
29.	[Date]	Exhibit 23	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
30.	[Date]	Exhibit 24	6	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
31.	[Date]	Exhibit 25	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.

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32.	[Date]	Exhibit 26	7	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
33.	[Date]	Exhibit 27	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
34.	Undated	Exhibit 28	15	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
35.	[Date]	Exhibit 29	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
36.	[Date]	Exhibit 30	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
37.	Various	Exhibit 31	50	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
38.	Various	Exhibit 32	52	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
39.	Various	Exhibit 33	33	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.

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40.	[Date]	Exhibit 34	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
41.	[Date]	Exhibit 35	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
42.	[Date]	Exhibit 36	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
43.	[Date]	Exhibit 37	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
44.	[Date]	Exhibit 38	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
45.	[Date]	Exhibit 39	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
46.	[Date]	Exhibit 40	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
47.	[Date]	Exhibit 41	6	Released in part Section 33(1)	Not subject to review	See comments for Document 4.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
48.	[Date]	Exhibit 42	2	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
49.	[Date]	Exhibit 43	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
50.	[Date]	Exhibit 44	18	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
51.	[Date]	Exhibit 45	7	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
52.	[Date]	Exhibit 46	16	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
53.	[Date]	Exhibit 47	2	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
54.	[Date]	Exhibit 48	11	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
55.	[Date]	Exhibit 49	3	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.

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56.	Undated	Exhibit 50	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
57.	Undated	Exhibit 51	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
58.	Undated	Exhibit 52	3	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
59.	[Date]	Exhibit 53	4	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
60.	Undated	Exhibit 54	5	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
61.	[Date]	Exhibit 55	2	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
62.	[Date]	Exhibit 56	4	Released in part Section 32(1)	Not subject to review	
63.	[Date]	Exhibit 57	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.

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64.	Undated	Exhibit 58	5	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
65.	Undated	Exhibit 59	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
66.	[Date]	Exhibit 60	2	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
67.	[Date]	Exhibit 61	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	<p>Section 33(1): I am satisfied the document contains the personal affairs information of a third party. I am satisfied it would be unreasonable to disclose the personal affairs information for reasons outlined in the Notice of Decision above.</p> <p>Section 25: I am satisfied it would not be practicable to delete exempt information in the document in accordance with section 25 as it would render the document meaningless. Accordingly, the document is exempt in full under section 33(1).</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
68.	[Date]	Exhibit 62	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	Sections 33(1): This is a payslip of a third party. I am satisfied it would be unreasonable to disclose the personal affairs information in this document for the reasons outlined in the Notice of Decision above. Section 25: See comments for Document 67.
69.	[Date]	Exhibit 63	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	See comments for Document 67.
70.	[Date]	Exhibit 64	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	See comments for Document 68.
71.	[Date]	Exhibit 65	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	See comments for Document 67.
72.	[Date]	Exhibit 66	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	See comments for Document 68.
73.	[Date]	Exhibit 66A	5	Released in part Section 33(1)	Release in part Section 33(1), 25 My decision is the same as the Agency's decision. No further	Section 33(1): On [date], the Applicant advised they seek review of information exempted by the Agency in 'Item 11 on page 2 of Entry Report [number] [date]'.

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					information in this document is to be released to the Applicant.	The information exempted by the Agency under section 33(1) are names of third parties. I am satisfied it would be unreasonable to disclose the personal affairs information for the reasons outlined above in the Notice of Decision.
74.	[Date]	Exhibit 66B	4	Released in part Section 33(1)	Release in part Section 33(1), 25 My decision is the same as the Agency's decision. No further information in this document is to be released to the Applicant.	Section 33(1): On [date], the Applicant advised they seek review of the following information exempted by the Agency: <ul style="list-style-type: none"> the exempted information in the sentence "Letter head [company name] Hoist Hire..." on page 1; and the exempted information in the sentence "[company name] Tower Crane Operator Induction' on page 2. See comments for Document 73.
75.	[Date]	Exhibit 66C	4	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
76.	Various	Exhibit 66D	8	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.

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77.	Various	Exhibit 66E	10	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
78.	Various	Exhibit 66F	2	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
79.	[Date]	Exhibit 66G	5	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
80.	[Date]	Exhibit 66H	2	Refused in full Section 33(1)	Refuse in full Section 33(1)	<p>Sections 33(1): This document concerns a third party's induction to operate a tower crane. I am satisfied it contains personal affairs information of a third party, the disclosure of which would be unreasonable for the reasons outlined in the Notice of Decision above.</p> <p>Section 25: See comments for Document 67.</p>
81.	[Date]	Exhibit 67	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
82.	[Date]	Exhibit 68	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
83.	[Date]	Exhibit 69	2	Refused in full Sections 32(1), 33(1)	Refuse in full Section 32(1)	See comments for Document 3.
84.	[Date]	Exhibit 70	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
85.	Various	Exhibit 71	170	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
86.	[Date]	Exhibit 72	5	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
87.	[Date]	Exhibit 73	4	Released in part Section 33(1)	Not subject to review	See comments for Document 4.
88.	[Date]	Exhibit 74	4	Released in part Section 33(1)	Release in part Section 33(1), 25 My decision is the same as the Agency's decision with no further information in this document is to be released.	Section 33(1): On [date], the Applicant advised they seek review of information exempted by the Agency in 'Item 2 on page 2 of Entry Report [number] [date]. See comments for Document 73.
89.	[Date]	Exhibit 75	2	Refused in full	Refuse in full	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
				Section 32(1)	Section 32(1)	
90.	[Date]	Exhibit 76	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
91.	[Date]	Exhibit 77	2	Refused in full Section 14	Not subject to review	In their review application dated [date], the Applicant excluded section 14 from the scope of this review.
92.	[Date]	Exhibit 78	5	Refused in full Section 14	Not subject to review	See comments for Document 91.
93.	[Date]	Exhibit 79	2	Refused in full Section 34(1)(b)	Release in full	Section 34(1)(b): The document is an invoice issued by one business undertaking to another for completion of certain works. For the reasons outlined in the Notice of Decision above, I am not satisfied the information in this document is exempt under section 34(1)(b). Accordingly, this document is to be released.
94.	Undated	Exhibit 80	2	Refused in full Section 33(1)	Refuse in full Section 32(1)	Section 33(1): The quality of the photocopying of this document is poor and is somewhat illegible. For this reason, I am unable to

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						<p>determine whether the document is exempt under section 33(1).</p> <p>Section 32(1): Although the Agency did not exempt the document under section 32(1), given it is an exhibit to the brief of evidence, for the reasons provided in the Notice of Decision above, I am satisfied it is exempt under section 32(1).</p> <p>Section 25: See comments for Document 1.</p>
95.	Various	Exhibit 81	65	<p>Refused in full Sections 32(1), 34(1)(b)</p>	<p>Refuse in full Section 32(1)</p>	See comments for Document 12.
96.	[Date]	Exhibit 82	3	<p>Refused in full Section 32(1)</p>	<p>Refuse in full Section 32(1)</p>	See comments for Document 1.
97.	[Date]	Exhibit 83	4	<p>Refused in full Section 14</p>	Not subject to review	See comments in Document 91.
98.	[Date]	Exhibit 84	243	<p>Refused in full Sections 32(1), 34(1)(b)</p>	<p>Refuse in full Section 32(1)</p>	See comments for Document 12.

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99.	[Date]	Exhibit 85	8	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
100.	Undated	Exhibit 86	5	Released in part	Release in part Sections 32(1), 25	Note: While the Agency's Document Transfer form indicates this document was released in full, the Agency did not release the covering page to the exhibit. I am satisfied the covering page exempt under section 32(1).
101.	Undated	Exhibit 87	13	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
102.	[Date]	Exhibit 88	5	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
103.	[Date]	Exhibit 89	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
104.	[Date]	Exhibit 90	174	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
105.	[Date]	Exhibit 91	109	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.

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106.	Various	Exhibit 92	65	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
107.	[Date]	Exhibit 93	2	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
108.	[Date]	Exhibit 94	3	Refused in full Section 33(1)	Refuse in full Section 33(1)	See comments for Document 68.
109.	Various	Exhibit 95	6	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
110.	[Date]	Exhibit 96	4	Released in part Section 33(1)	Release in part Section 33(1), 25 My decision is the same as the Agency's decision. No further information in this document is to be released to the Applicant.	Section 33(1): On [date], the Applicant advised they seek review of information exempted by the Agency following the sentence '[company name] letterhead [date]'. The information exempted by the Agency under section 33(1) is the name of a third party. I am satisfied it would be unreasonable to disclose the personal affairs information for reasons outlined in the Notice of Decision above.
111.	[Date]	Exhibit 97	3	Refused in full	Refuse in full	See comments for Document 12.

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				Sections 32(1), 34(1)(b)	Section 32(1)	
112.	[Date]	Exhibit 98	3	Refused in full Section 14	Not subject to review	See comments for Document 91.
113.	Undated	Exhibit 99	109	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
114.	[Date]	Exhibit 100	32	Refused in full Section 33(1)	Refuse in full Section 33(1)	These are payslips of third parties. See comments for Document 68.
115.	Various	Exhibit 101	32	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
116.	Various	Exhibit 102	5	Refused in full Sections 32(1), 34(1)(b)	Refuse in full Section 32(1)	See comments for Document 12.
117.	[Date]	Exhibit 103	2	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
118.	[Date]	Exhibit 104	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
119.	[Date]	Exhibit 105	2	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.

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120.	[Date]	Exhibit 106	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
121.	[Date]	Exhibit 107	2	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
122.	[Date]	Exhibit 108	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	See comments for Document 1.
123.	[Date]	Exhibit 109	5	Refused in full Section 14	Not subject to review	See comments for Document 91.
124.	[Date]	Exhibit 110	5	Refused in full Section 14	Not subject to review	See comments for Document 91.
125.	[Date]	Exhibit 111	6	Refused in full Section 14	Not subject to review	See comments for Document 91.