

## Notice of Decision and Reasons for Decision

Applicant:	'FN4'
Agency:	Parks Victoria
Decision date:	12 January 2024
Sections and provision considered:	Sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b), 25
Citation:	'FN4' and Parks Victoria (Freedom of Information) [2024] VICmr 8 (12 January 2024)

FREEDOM OF INFORMATION – conservation action – wildlife management – feral horses – feral animal – animal control – culling – Strategic Action Plan: Protection of floodplain marshes in Barmah National Park and Barmah Forest Ramsar site [2020-2023] – action plan – progress report – operational plans – safety procedures – Barmah National Park – Barmah Forest Ramsar – internal working documents – disclosure contrary to public interest – endanger the life or physical safety of a confidential source of information or person engaged in law enforcement – irrelevant information

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

### Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision.

While I am satisfied certain information is exempt from release under sections 30(1), 31(1)(a) and 31(1)(e), I am not satisfied certain other information to which the Agency refused access under sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b) is exempt from release.

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, I have determined to grant access to the documents in part.

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

My reasons for decision follow.

Information about further review rights through the Victorian Civil and Administrative Tribunal is set out at page 18 of this decision.

**Shantelle Ryan**

Acting Public Access Deputy Commissioner

12 January 2024

## Reasons for Decision

### Background to review

1. The Applicant made a request to the Agency for access to certain documents. Following consultation with the Agency, the Applicant amended the initial request and sought:
  - (a) From 1 July 2021 to 15 June 2022: Quarterly progress reports under the Strategic Action Plan provided to the Regional Leadership Team Project Control Group.
  - (b) Sections of the operational plans regarding safety procedures for the public and management of carcasses in the delivery of the Strategic Action Plan: Protection of floodplain marshes in Barmah National Park and Barmah Forest Ramsar site [2020-2023] from 1 July 2021 to 15 June 2022.
  - (c) Parks Victoria emails referencing the destruction of brumby horses in the Barmah National Park between May 1, 2022, and June 15, 2022.
2. The Applicant did not seek access to any personal affairs information or business affairs information relating to third parties or any duplicate documents and agreed to receive edited copies of documents.
3. The Agency identified six documents falling within the terms of the Applicant's request and granted access to three documents in part and refused access to three documents in full under sections 30(1), 31(1)(e), 36(1)(b). The Agency also redacted irrelevant information in accordance with section 25. The Agency's decision letter sets out the reasons for its decision.
4. The Agency in its decision also stated:
  - (a) The reports for the second and third quarter of the 2021-22 financial year do not exist, as no operations were undertaken during these quarters; and
  - (b) The report for the fourth quarter did not form part of the documents identified by the Agency as at the time of the Agency's decision, this report was still being finalised.

### 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. During the review, the Agency also sought to rely on the exemption under section 31(1)(a).
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.
12. In conducting a review under section 49F, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.<sup>1</sup> This involves ensuring my decision is correctly made under the FOI Act and any other applicable law in force at the time of my decision.

### Agency's functions

13. The Agency's functions include the control and management of Agency managed land, in a manner that protects, conserves and enhances the land and in a manner which provides for the land to be appropriately used, enjoyed and appreciated, including developing management and other plans and strategies and undertaking works, improvements and other activities on Agency managed land.<sup>2</sup>
14. The Agency's functions are set out in a range of state and Commonwealth legislation, including:
  - (a) *Parks Victoria Act 2018* (Vic);
  - (b) *National Parks Act 1975* (Vic) (**National Parks Act**);
  - (c) *Flora and Fauna Guarantee Act 1988* (Vic);
  - (d) *Environment Protection and Biodiversity Conservation Act 1999* (Cth); and
  - (e) International Ramsar Wetlands Convention.
15. Under the National Parks Act, the Agency is required to ensure that a national or state park is controlled and managed in a manner that will 'preserve and protect indigenous flora and fauna in the park', and 'exterminate or control exotic fauna in the park'.<sup>3</sup>

### Barmah Strategic Action Plan

16. In accordance with its statutory obligations, the Agency released the *Strategic Action Plan: Protection of floodplain marshes in Barmah National Park and Barmah Forest Ramsar site [2020-2023]* on 21 February 2020 (the **Strategic Action Plan**).<sup>4</sup>

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<sup>1</sup> *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577 at [591].

<sup>2</sup> *Parks Victoria Act 2018* (Vic), section 8(1)(a)(i) and (iii).

<sup>3</sup> Section 17(2)(a)(i) and (ii).

<sup>4</sup> Available at <https://www.parks.vic.gov.au/-/media/project/pv/main/parks/documents/management-plans/barmah-national-park-and-barmah-forest-ramsar-site-strategic-action-plan-2020-2023.pdf?la=en&rev=aff2953d21bb41e0a8394128bbf66014&hash=B8CDB093D900813F76B4B928E3308AA4D7B5CE6B>

17. The Strategic Action Plan outlines a four year program to address threats to the floodplain marshes within the Barmah Forest Ramsar Site. The program includes the Agency taking protective measures by removing feral horses and other invasive animals from the subject land.

18. In relation to the status of the Strategic Action Plan, the Agency's website states:<sup>5</sup>

An Extension to the Barmah Strategic Action Plan is currently being prepared, that will extend its lifespan through to June 2026 with revised conservation strategies. Until the Extension is published Parks Victoria will continue implementing the actions described in the Barmah Strategic Action Plan [2020-2023].

Parks Victoria will be conducting an evaluation of the implementation of the Strategic Action Plan [2020-2023] between July 2023 and July 2024. The outcomes from the evaluation will be used to refine the delivery of conservation strategies outlined in the Extension, and operational priorities.

19. Therefore, I acknowledge that the Agency is continuing to implement the Strategic Action Plan as part of its conservation strategies.

20. The Strategic Action Plan states the following in relation to monitoring the effectiveness of conservation strategies concerning feral horses:

Reporting on operational component will be done through quarterly and end-of-year reports by Parks Victoria's Northern Region using data collected during horse capture and surrender activities.<sup>6</sup>

21. I acknowledge there has been extensive media coverage concerning the Agency's Strategic Action Plan, particularly in relation to the control of brumby horses.<sup>7</sup> I also acknowledge certain community groups and members of the public strongly oppose the Agency's operations arising from the Strategic Action Plan.<sup>8</sup>

### Commonwealth Senate Standing Committee on Environment and Communications Inquiry

22. In undertaking my review, I have considered the report arising from the Commonwealth Senate Standing Committee on Environment and Communications inquiry into the impacts and management of feral horses in the Australian Alps, tabled in October 2023<sup>9</sup> (the **Senate Standing Committee Report**).

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<sup>5</sup> <https://www.parks.vic.gov.au/projects/barmah-strategic-action-plan>

<sup>6</sup> Strategic Action Plan, page 56 available at <https://www.parks.vic.gov.au/-/media/project/pv/main/parks/documents/management-plans/barmah-national-park-and-barmah-forest-ramsar-site-strategic-action-plan-2020-2023.pdf?la=en&rev=aff2953d21bb41e0a8394128bbf66014&hash=B8CDB093D900813F76B4B928E3308AA4D7B5CE6B>.

<sup>7</sup> <https://www.abc.net.au/news/2022-06-09/brumby-carcasses-found-hidden-in-barmah-national-park/101134958>  
HYPERLINK "<https://www.theage.com.au/national/victoria/parks-victoria-plans-to-cull-up-to-600-wild-horses-in-barmah-forest-20190405-p51b9r.html>"<https://www.theage.com.au/national/victoria/parks-victoria-plans-to-cull-up-to-600-wild-horses-in-barmah-forest-20190405-p51b9r.html>

<sup>8</sup> <https://www.theguardian.com/environment/2022/jun/08/daniel-andrews-defends-plan-to-cull-feral-horses-as-protesters-rally-outside-state-parliament>  
[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc\\_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf)

<sup>9</sup> [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc\\_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf)

23. Although the Senate Standing Committee Report relates to the management of feral horses in the Australian Alps regions, I consider certain information in the report to be relevant for my consideration in this review.
24. In particular, I have considered the information highlighted by the committee relating to the treatment of government parks staff undertaking feral horse control programs and the threats made by some members of the community dissatisfied with the management strategies.
25. The following paragraph from the Senate Standing Committee Report concerning the submission it received from the Agency:

Similar abusive treatment of staff was reported in other jurisdictions. For example, Parks Victoria explained that community challenges to feral horse management included 'high levels of abuse and threats (direct and virtual) to on-ground and managerial staff...Traditional Owners and, in some cases, their families'. Parks Victoria elaborated that this involved 'threats of violence, including death threats, and resulted in Victoria Police involvement and ongoing vigilance to protect staff'.<sup>10</sup>

26. I have also considered the following recommendation set out in the Senate Standing Committee Report:

The Committee recommends that the NSW, Victoria and ACT Governments urgently review the safety of staff working in and around national parks, and work with local law enforcement agencies to ensure that staff are properly protected in their workplaces.<sup>11</sup>

### ***Scope of the Applicant's request***

27. The terms of the Applicant's request are set out in paragraphs 1 and 2, above.
28. OVIC staff made enquiries with the Agency regarding information it determined irrelevant to the terms of the Applicant's request. The Agency was provided with a preliminary view, and in the interests of procedural fairness, the Agency was invited to consider whether it seeks to rely on any exemptions as a basis for refusing access to the information in the event I determine the information is in the scope of the Applicant's request.
29. In response, the Agency provided OVIC with marked up copies of Documents 2 to 6, with certain information previously considered irrelevant information now either being released or refused under sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b).
30. Having reviewed the documents, I accept certain information is not relevant to the terms of the Applicant's request, particularly in Documents 4 to 6 where it does not concern safety procedures for the public and management of carcasses.
31. However, I consider other information the Agency deleted as irrelevant is relevant to the terms of the Applicant's request, as it has a sufficient connection to the requested information. Accordingly, this type of information is subject to my review.

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<sup>10</sup> Paragraph 5.110.

<sup>11</sup> Recommendation 14.

32. Also, I consider certain information the Agency now submits is relevant to the terms of the Applicant's request to fall outside the scope of the Applicant's request. Accordingly, this type of information is not subject to my review.
33. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 25.

## Review of exemptions

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

34. 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; and
  - (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.
35. The exemption does not apply to purely factual material in a document.<sup>12</sup>
36. The term 'officer of an Agency' is defined in section 5(1). It includes a member of the agency, a member of the agency's staff, and any person employed by or for the agency, regardless of whether they are subject to the *Public Administration Act 2004* (Vic) apply or not.
37. The Agency refused access to Documents 4 to 6 in full under section 30(1).
38. Documents 4 to 6 are Firearms Use Operations Plans for invasive animal and wildlife control of Feral Horses in Barmah National Park (the **Operation Plans**). The Operation Plans cover tactical and safety issues for shooting operations.
39. The Agency also applied section 30(1) to Documents 2 and 3 during this review, which are emails between Agency officers discussing post operation matters.

*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?*

40. 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.
41. 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>13</sup>

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<sup>12</sup> Section 30(3).

<sup>13</sup> *Mildenhall v Department of Education* [1998] 14 VAR 87.

42. Section 30(3) provides purely factual information is not exempt under section 30(1). This provision must be considered in conjunction with section 25, which allows for an edited copy of a document to be released with exempt or irrelevant information deleted, where it is practicable to do so.
43. I am satisfied certain information in the documents is in the nature of opinion, advice and recommendation prepared by Agency officers.
44. However, I consider other information to be in the nature of factual material. This includes statements of intention, instructions and information in the nature of communications informing Agency officers in relation to a sequence of events rather than conveying opinion, advice, recommendations or consultation and deliberation. I also consider other information including safety procedural information, the methods used in the management of carcasses; and the operational roles, responsibilities and qualifications of participants involved in operations to be factual in nature. Accordingly, I am not satisfied this type of information is exempt from release under section 30(1).
45. While the application of section 30(1)(a) is to be interpreted broadly, I am satisfied the first limb of the exemption is not met with respect to this type of information. I am also satisfied this information is not intertwined with the opinions, advice and recommendations of an Agency officer.

*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?*

46. 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>14</sup>
47. In *Re Waterford and Department of Treasury (No.2)*,<sup>15</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.

48. I am satisfied the opinion, advice and recommendations were prepared by Agency officers in the course of, and for the purposes of, the Agency’s decision making functions in the delivery of the Strategic Action Plan and more broadly, with the Agency’s compliance with its statutory obligations arising from the National Parks Act and other relevant legislation.

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

49. In deciding if release is contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful that the object of the FOI Act is to facilitate and promote the disclosure of information.

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

<sup>15</sup> [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].



50. In deciding whether the information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:<sup>16</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; and
  - (e) 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.
51. In relation to the exemption under section 30(1), the Agency's decision letter states:

The operational plans contain information formed as advice and recommendations for tactical staff to consider when engaging in shooting activities in the delivery of the Strategic Action Plan. These operational plans are deliberative in nature, since careful consideration, debate, discussion, and research was undertaken by agency staff to ensure these operations are lawful, humane, effective, and uphold Parks Victoria's responsibilities to manage feral horse control operations in a safe manner.

The operational plans contain the location and details of operations in high priority areas where shooting is conducted. The operations plans and their implementation are also used in monitoring the actions, progress against threat management objectives and conservation outcomes of the Strategic Action Plan throughout its life. These monitoring activities allow management actions to be assessed and, if found not to be achieving the critical conservation outcomes, alternative actions may be required. If prematurely disclosed, they would inhibit communications between Agency officers, essential for Parks Victoria to assess the effectiveness of the control method and make an informed and well-considered decision or participate fully and properly in a process in accordance with the Strategic Action Plan and Parks Victoria's functions and statutory obligations.

While the end date of the published Strategic Action Plan is June 2023, delays in commencement due to the COVID-19 pandemic and limited stakeholder engagement will likely see the delivery of the Strategic Action Plan extended to June 2025 in line with current funding. As a result, the release of the operational plans before June 2025 would be contrary to the public interest as it would impact its delivery.

Disclosure of this information would also be against the public interest in consideration of the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents. The implementation of the Strategic Action Plan has involved a highly contentious public debate which has led to increased public scrutiny and threatening

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<sup>16</sup> *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

behaviour from members of the public towards Parks Victoria staff. Thus, release of the exempt information would prevent Parks Victoria from protecting the physical and mental wellbeing of its staff when carrying out their duties. Furthermore, it would also inhibit Parks Victoria from preventing members of the public from engaging in dangerous and unlawful interference of these operations, which involve the use of firearms.

52. In my review, I have considered the Victorian Civil and Administrative Tribunal (VCAT) decision of *Humane Society International Inc v Royal Botanic Gardens*<sup>17</sup> (**Royal Botanic Gardens case**) and the following findings of Senior Member Preuss:

In this regard I accept the applicant's submission that there is a public interest in providing the public with access to information to enable it to assess the nature and quality of information forming the basis of the Department's decision to give the authorisation.

Balanced against that public interest consideration is the public interest against disclosure where such disclosure might endanger the lives or physical safety of individuals and place at risk property of the RBG and individuals.

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I have formed the view that on balance the public interest in favour of disclosure is outweighed by the public interest in protecting people whose lives or physical safety might be endangered if the material is released. Whilst the people responsible for threats and vandalism are no doubt small in number I am mindful that disclosure is to the world at large and not just those people opposed to culling of the bats who have behaved in a law abiding manner.

I turn to the material referred to in paragraph 26(b) of these reasons which provides details of the controls techniques and methodology used by Wildpro during the operation... In relation to Section 30(1)(a) of the FOI Act the words in questions do not, in my view disclose matter in the nature of opinion, advice or recommendation prepared by Mr Krstic for the purposes of the deliberative process. Rather, the material is in the nature of an instruction by him in the event that certain circumstances exist. Accordingly the document is not exempt under that section.

If I am wrong, and the material does fall within Section 30(1)(a) I am not satisfied that it would be contrary to the public interest to release it.... It does not appear to be controversial and is in the nature of a commonsense instruction regarding the conduct of the culling operation. In my view the public interest factors advanced on behalf of the applicant in relation to the material to which I earlier referred outweigh any public interest considerations in withholding the material.

53. Having reviewed the documents and based on the information before me, I am satisfied disclosure of certain information relating to the location of the Agency's operations and other operational information would be contrary to the public interest, for the following reasons:
- (a) The Operation Plans contain information relating to the location and details of operations in high priority areas where shooting is conducted, and in this context, I consider the information to be highly sensitive; and
  - (b) I consider any public interest in favour of disclosure is outweighed by the public interest in protecting people whose lives or physical safety might be endangered if the material is released. Having considered the submissions and recommendations arising from the Senate Standing Committee Report, I am of the view that disclosure of certain

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<sup>17</sup> [2002] VCAT 1051 [13 June 2002]

information could pose a risk of harm to employees and contractors of the Agency, to whom the Agency owes a duty of care.

54. Therefore, I am satisfied certain information is exempt from release under section 30(1).
55. However, I am not satisfied it would be contrary to the public interest to release the remaining information for the following reasons:
- (a) While I acknowledge certain information is sensitive in nature, and relates to contentious and controversial information, I do not consider release would inhibit the provision of similar advice and recommendations in the future. I also do not consider disclosure will inhibit the Agency from assessing the effectiveness of the Agency's control methods and whether conservation outcomes are being achieved, nor will it prejudice the Agency's ability to make informed decisions on future operations;
  - (b) I consider certain information can be distinguished from the information refused by VCAT in the Royal Botanic Gardens case, as it does not relate to the size and scale of the operation;
  - (c) There is significant public interest in the disclosure of information relating to the Agency's functions and ensuring that operations are undertaken in compliance with its statutory obligations. Disclosure of this information will provide a mechanism for transparency in the Agency's decision making and by holding it accountable for its actions and compliance obligations.

56. Therefore, I am not satisfied certain information is exempt from release under section 30(1).

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

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

58. During the review, the Agency submitted that certain information is exempt from release under section 31(1)(a), being the same information that it exempted from release under section 31(1)(e), which will be discussed below.

59. Section 31(1)(a) provides:

**31 Law enforcement documents**

Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to —

- (a) 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;

60. 'Reasonably likely' means that there is a real chance of an event occurring; it is not fanciful or remote.<sup>18</sup> 'Prejudice' means to hinder, impair or undermine and includes actual prejudice as

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<sup>18</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.

well as impending prejudice.<sup>19</sup> '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>20</sup>

61. The Agency submits that the disclosure of the Operation Plans would prejudice the proper administration of the law in a particular instance, namely, the protection of Victoria's natural environment from threatening impacts under the National Parks Act, the *Flora and Fauna Guarantee Act 1988* (Vic) and other legislation.
62. Under the National Parks Act, the Agency is required to ensure that a national or state park is controlled and managed in a manner that will 'preserve and protect indigenous flora and fauna in the park', and 'exterminate or control exotic fauna in the park'.<sup>21</sup>
63. As stated above, I have considered the Senate Standing Committee Report relating to the management of feral horses in the Australian Alps regions, particularly, the information highlighted by the committee relating to the treatment of government parks staff undertaking feral horse control programs and the threats made by some members of the community dissatisfied with the management strategies.<sup>22</sup>
64. With respect to the Operation Plans subject to review, I am of the view that if information about the specific location of the Agency's operations and other related information became generally known, there is a real chance that an individual would be able to compromise the operations of the Agency by persons opposed to the culling of feral horses. Given disclosure under the FOI Act is unrestricted and unconditional, this means that if disclosed, the information could be disseminated and utilised by persons whose intent is to disrupt the operations of the Agency, thereby prejudicing the proper administration of the law in a particular instance.
65. Accordingly, I am satisfied that certain information in the documents is exempt from release under section 31(1)(a).

***Section 31(1)(e) – Endanger the life or physical safety of a confidential source of information or person engaged in law enforcement.***

66. Section 31(1)(e) provides:

**31 Law enforcement documents**

- (1) Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to—

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<sup>19</sup> Ibid, Bergman at [66], referring to *Sobh v Police Force of Victoria* [1994] VicRp 2; [1994] 1 VR 41 (Nathan J) at [55].

<sup>20</sup> *Cichello v Department of Justice (Review and Regulation)* [2014] VCAT 340 at [24].

<sup>21</sup> Section 17(2)(a)(i) and (ii).

<sup>22</sup> [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc\\_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000047/toc_pdf/ImpactsandmanagementofferalhorsesintheAustralianAlps.pdf) at 5.107 to 5.110.

- (e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law.

67. Section 31(2) describes the exceptions to the application of section 31(1)(e), including:

(2) This section does not apply to any document that is—

- (a) ...
- (c) a document containing any general outline of the structure of any programme adopted by an agency for investigating breaches of, or enforcing or administering, the law;
- (d) ...

if it is in the public interest that access to the document should be granted under this Act.

68. The Agency refused access to Documents 4 to 6 in full under section 31(1)(e).

69. During the review, the Agency submitted that certain information it initially considered to be irrelevant information in Documents 2 to 6 is now in scope but exempt under section 31(1)(e).

70. In deciding whether section 31(1)(e) applies to the documents, I have taken the following factors into consideration:

- (a) for disclosure of the documents to be ‘reasonably likely’ to endanger the lives or physical safety of the relevant persons, there must be a real, rather than a fanciful or remote, chance of that occurring;<sup>23</sup>
- (b) the danger to the relevant persons must arise from the disclosure of the specific documents rather than from other circumstances;<sup>24</sup>
- (c) the risk may not be from the Applicant himself or herself: it may be from anyone should the information become generally known;<sup>25</sup>
- (d) the exemption applies where it would be reasonably likely that there would be a danger to physical safety, not that physical harm will occur;<sup>26</sup>
- (e) it has been held that physical safety is not just about actual safety; it is ‘also about the perception that one is safe’;<sup>27</sup>and
- (f) the relevant test requires the focus to be on the impact on the relevant persons, not upon the motives of the applicant.<sup>28</sup>

71. In relation to the application of section 31(1)(e), the Agency submits:

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<sup>23</sup> *Department of Agriculture and Rural Affairs v Binnie* (1989) VR836 at [842]

<sup>24</sup> *Lawless v Department, Chief Commissioner of Police & Director of Public Prosecutions* (1985) 1 VAR 42 at 50–51.

<sup>25</sup> *Department of Agriculture and Rural Affairs v Binnie* (1989) VR836 at [844]

<sup>26</sup> *Ibid* at [844].

<sup>27</sup> *O’Sullivan v Police* (Vic) (2005) 22 VAR 426; [2005] VCAT 532 at [19].

<sup>28</sup> *Ibid* at [19].

The *National Parks Regulations 2013* have been made under Sections 32AA, 37 and 48 of the *National Parks Act 1975 (Vic.)*. Particularly, regulation 18 of the *National Parks Regulations 2013* provides that Parks Victoria's Authorised Officers (AOs) can direct people to leave the National Park for their safety. If a member of the public enters the operational area described in the operations plans, the operations must cease until the member of the public leaves or is removed by Victoria Police.

If released, certain information in these operational plans could endanger the life or physical safety of Parks Victoria AOs. Due to the coercive and highly sensitive nature of these enforcement actions, Parks Victoria rely on the support from Victoria Police for enforcement related assistance and operational planning. If the material contained in these operational plans were to be released to the public, this information could then pose a serious threat to Parks Victoria AOs and police officers involved in these enforcement and operational activities. Parks Victoria is of the belief that there is a real chance of harm occurring, specifically since certain members of the public have in the past been physically violent in response to these operations and are already known to Victoria Police.

72. The Agency also submits:

The Secretary to the Department of Environment, Land, Water and Planning (DELWP) appoints Authorised Officers under section 83(1) of the Conservation Forests and Lands Act 1987. The Secretary may make an appointment for all or specific relevant laws under that Act and may appoint for the whole or part of Victoria. Authorised Officers are provided with a Certificate of Appointment that is legal proof of appointment and may be required to be produced in court as evidence of appointment. Parks Victoria authorized officers powers under various Acts include:

- Demanding a person's name and address
- Directing a person to leave a park
- Seizing items used in the commission of an offence
- Arresting a person
- Stopping and searching a vehicle
- Demanding to inspect a licence permit or other authority
- Applying for a search warrant
- Entering land not occupied as a dwelling without a warrant
- Stopping a vehicle
- Issuing infringement notices
- Taking proceedings in court

73. I accept the Agency's submission that certain functions and powers of the Agency relate to activities connected with criminal law or with the legal process of upholding or enforcing civil law or monitoring compliance with the law.

74. I acknowledge the Operation Plans disclose sensitive information relating to the times and location of the Agency's control operations and certain methods and intelligence. This information is not accessible by the general public.

75. I also acknowledge the documents deal with a matter that is highly contentious to some members of the community and further acknowledge the submissions and recommendations from the Senate Standing Committee Report.

76. I must consider the impact that release of this type of information would have on the safety of Agency officers and also the perception of safety of those officers, given that the FOI Act does

not place any restrictions on an applicant's use or dissemination of documents obtained under FOI.

77. I accept that any danger would not necessarily arise from the Applicant, who is seeking access to the information as a[occupation]. However, given disclosure under the FOI Act is unrestricted and unconditional, this means that if disclosed, the information could, through no fault of the Applicant, end up with parties that would pose a danger to those relevant persons.
78. I am of the view that if information about the specific location of the Agency's operations and other related information became generally known, there is a real chance that an individual would be able to compromise the safety of Agency officers and police officers assisting the Agency.
79. In these circumstances, I am satisfied that if certain information were disclosed, it could reasonably endanger the physical safety of Agency officers and police officers involved in these enforcement and operational activities. And this includes, as described above, the perception of those persons that they are unsafe due to the information being publicly available.
80. As stated above, for a document to be exempt under section 31(1)(e), there must be a real chance that disclosure would be reasonably likely to endanger the lives or safety of individuals, rather than a fanciful or remote chance.
81. In relation to other information exempted by the Agency under section 31(1)(e), I consider disclosure of that information does not present the same danger as disclosure of more sensitive information, and I do not consider the information would reasonably likely be used by individuals to compromise the security of Agency officers and police officers. This includes some safety procedural information, the methods used in the management of carcasses; and the operational roles, responsibilities and qualifications of participants involved in operations.
82. While I acknowledge the Agency's concern for the safety of its officers and that of police officers, I consider there is only a remote chance that disclosure of the information referred to above would result in the outcome described by the Agency.
83. For these reasons, I am not satisfied that the release of certain information would be reasonably likely to endanger the physical safety or lives of those individuals and it is not exempt from release under section 31(1)(e).
84. In undertaking my review, I have also considered the exception to the application of section 31(1)(e), particularly in subsection 31(2)(c), which relates to a document containing a general outline of the structure of any programme adopted by an agency for investigating breaches of, or enforcing or administering, the law.
85. Although I consider part of the information in the Operation Plans cover a general outline of the process to be followed by Agency officers in undertaking the control operation as part of the Agency's delivery of the Strategic Action Plan, I am satisfied that as a whole, the Operation Plans contain information that is more specific in nature, and addresses specific logistical issues and considerations including locations, times and specific responsibilities for various roles within the operation. Therefore, I am not satisfied the exception in section 31(2)(c) applies.
86. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 31(1)(e).

### *Section 36(1)(b) - Disclosure contrary to public interest*

87. Section 36(1)(b) provides a document is an exempt document if:

in the case of documents of a department or prescribed authority its disclosure under this Act would be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use or guidance of, officers of an agency on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of the Crown or of an agency.

88. The Agency refused access to Documents 4 to 6 in full under section 36(1)(b).

89. During the review, the Agency submitted that certain information refused as irrelevant information in Documents 2 to 6 is now in scope and is exempt under section 36(1)(b).

90. The Agency's decision letter states:

The Strategic Action Plan establishes roles and responsibilities of partners in delivering the proposed conservation actions, and includes a monitoring, evaluation and reporting framework to enable the effectiveness of actions to be assessed and inform further management. According to the plan, the management of feral horses and other invasive animals is conducted under operational plans that are developed and approved for relevant control action. These activities are currently the subject of legal action in the Supreme Court with the next hearing date for the case set for 1 and 2 December 2022. Thus, disclosure of the operational plans would be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use or guidance of, officers of Parks Victoria on the procedures to be followed on the delivery of the Strategic Action Plan and the associated legal cases.

91. The Agency submits the Operation Plans and information from the post operation documents contain instructions issued to, or provided for the use or guidance of, officers on the procedures to be followed in undertaking the operations, and so go to matters of personnel management.

92. Section 36(1)(b) specifically relates to the disclosure of '... instructions issued to, or provided for the use or guidance of, officers of an agency on the procedures to be followed or the criteria to be applied in negotiation ... or in similar activities ...'.

93. I am not satisfied the documents fall within the scope of this exemption as they do not apply in the context of 'negotiation' in relation to financial, property or personnel management.

94. While I accept the Operation Plans may be considered as disclosing procedures to be followed in undertaking the Agency's control operations, I do not accept such activity represents or would occur in the context of a personnel management negotiation or similar activity, as contemplated and required under section 36(1)(b).

95. Accordingly, I am not satisfied the documents are exempt from release under section 36(1)(b) as I do not consider the information is of a kind contemplated by the exemption in the circumstances.

96. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 36(1)(b).



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

97. 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.
98. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’<sup>29</sup> 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.<sup>30</sup>
99. As discussed above, I have considered the information the Agency deleted from the documents as irrelevant. I agree certain information falls outside the scope of the Applicant’s request as it relates to matters other than those specified in the request. However, I am not satisfied certain other information is irrelevant to the terms of the Applicant’s request.
100. I have considered the effect of deleting irrelevant and exempt information from the documents. In my view, it is practicable for the Agency to delete the irrelevant and exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.
101. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 25.

### **Conclusion**

102. My decision on the Applicant’s request differs from the Agency’s decision.
103. While I am satisfied certain information is exempt from release under sections 30(1), 31(1)(a), and 31(1)(e) and certain information is irrelevant information and should remain deleted in accordance with section 25, I am not satisfied certain other information to which the Agency refused access under sections 30(1), 31(1)(a), 31(1)(e) and 36(1)(b) is exempt from release. I am also not satisfied certain information is irrelevant to the terms of the Applicant’s request.
104. 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, I have determined to grant access to the documents in part.
105. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

### **Timeframe to seek a review of my decision**

106. 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>31</sup>

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<sup>29</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].

<sup>30</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], [155].

<sup>31</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

107. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>32</sup>
108. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>33</sup>
109. 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.
110. 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>34</sup>

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

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

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<sup>32</sup> Section 52(5).

<sup>33</sup> Section 52(9).

<sup>34</sup> Sections 50(3F) and 50(3FA).

## Annexure 1 – Schedule of Documents

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Northern Victoria Regional Leadership Team Paper	3	Released in part Section 25	<p><b>Release in part</b> Section 25</p> <p>No further information is to be released.</p>	<p><b>Section 25:</b> The Applicant is not seeking access to personal affairs information of third parties. I am satisfied the information deleted by the Agency is irrelevant information as it falls outside the scope of the Applicant’s FOI request.</p> <p>I am satisfied it is practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted in accordance with section 25.</p>
2.	[date]	Email between Agency officers	2	Released in part Section 25	<p><b>Release in part</b> Sections 31(1)(a), 31(1)(e), 25</p> <p>The document is to be released except for the following information which is to remain deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>the names, position titles, email addresses, telephone and mobile numbers of third parties, which is irrelevant information; and</li> </ul> <p>The following information after the salutation, which is exempt from release under sections 31(1)(a) and 31(1)(e):</p> <ul style="list-style-type: none"> <li>all references to the time; and</li> <li>all references to locations.</li> </ul>	<p><b>Section 25:</b> During the review, the Agency submitted that certain information previously deleted as irrelevant is now in scope. The Agency agreed to the release of part of this information, and submitted certain information is exempt from release under sections 30(1), 31(1)(a), 31(1)(e) and 36(1)(b). I am satisfied this information is relevant to the terms of the Applicant’s request and is subject to my review.</p> <p>In relation to the information deleted as irrelevant information concerning the personal affairs information of third parties, see comments for Document 1.</p>

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p><b>Section 30(1):</b> I am not satisfied the first limb of the exemption has been met, for the reasons set out in the Notice of Decision.</p> <p><b>Section 31(1)(a):</b> I am satisfied certain information is exempt from release under section 31(1)(a) for the reasons set out in the Notice of Decision.</p> <p><b>Section 31(1)(e):</b> I am satisfied certain information is exempt from release under section 31(1)(e) for the reasons set out in the Notice of Decision.</p> <p><b>Section 36(1)(b):</b> I am not satisfied the information is exempt from release under section 36(1)(b), for the reasons set out in the Notice of Decision.</p>
3.	[date]	Email from Agency officer with attached report	3	Released in part Section 25	<p><b>Release in part</b> Sections 31(1)(a), 31(1)(e), 25</p> <p>The document is to be released except for the following information which is to remain deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>• all names; and</li> <li>• all information in the email signature block;</li> </ul>	<p><b>Section 30(1):</b> I am not satisfied information in this document is exempt from release under section 30(1) for the reasons provided in the Notice of Decision, above.</p> <p><b>Sections 25, 31(1)(a), 31(1)(e) and 36(1)(b):</b> See comments for Document 2.</p>

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>The following information, which is exempt from release under sections 31(1)(a) and 31(1)(e):</p> <ul style="list-style-type: none"> <li>• all references to times and dates (except the year);</li> <li>• all references to locations;</li> <li>• on page 2, in row 2, column 2:</li> <li>• on the 28<sup>th</sup> line: the entire sentence containing 26 words, commencing with the letter “C” and ending in the letter “d”;</li> <li>• starting from the 31<sup>st</sup> line: the last two paragraphs, commencing with the letter “H” and ending with the letter “y)..”</li> <li>• on page 3, <ul style="list-style-type: none"> <li>○ the first sentence and the second paragraph on the page (in the first row); and</li> </ul> </li> <li>• on page 3, the last row, column 2:</li> <li>• on the 11<sup>th</sup> line, all words after the word “with” and ending with the letter “s”, and the last sentence on the page.</li> </ul>	
4.	[date]	Firearms Use	41	<b>Refused in full</b>	<b>Release in part</b>	<b>Section 25:</b> During the review, the Agency submitted that certain information previously

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
		Operations Plan – [title] – [date]		Sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b), 25	<p>Sections 30(1), 31(1)(a), 31(1)(e), 25</p> <p>The document is to be released except for the following information which is to remain deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>• All names, position titles, signatures, telephone and mobile phone numbers of third parties;</li> <li>• Page 4, the first four paragraphs, commencing with the word “The”, and ending with the letter “g”;</li> <li>• Page 10, all information at items 5 and 6;</li> <li>• Page 11 in its entirety;</li> <li>• Page 12, all information at item 8 (at the bottom of the page);</li> <li>• Pages 13 to 15 in their entirety;</li> <li>• Page 16, all information except for certain information in the third row, specifically, the information relating to the ‘[2 words]’, and the last two paragraphs on the page, commencing with the letter “P” and ending with the letter “n”;</li> <li>• Page 17, the information in the first dot point, and from the third dot point onwards, excluding the last dot point and heading;</li> </ul>	<p>deleted as irrelevant information is now in scope and is exempt from release under sections 30(1), 31(1)(a), 31(1)(e) and 36(1)(b). I am satisfied parts of this information is relevant to the terms of the Applicant’s request and is subject to my review.</p> <p>However, I am not satisfied all parts of this information is in scope, and therefore, certain information is to be deleted as irrelevant information.</p> <p>Also, I consider certain information which the Agency submitted should remain deleted as irrelevant information is in scope.</p> <p>In relation to the information deleted as irrelevant information concerning the personal affairs information of third parties, see comments for Document 1.</p> <p><b>Sections 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.</p> <p><b>Sections 31(1)(a), 31(1)(e) and 36(1)(b):</b> See comments for Document 2.</p>

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• Page 18, the following information:               <ul style="list-style-type: none"> <li>○ the third to the sixth dot point, including the heading, in the first row;</li> <li>○ the second row (both columns);</li> <li>○ the third row, except for the second and third sentences, with exception to the position title which is to remain deleted;</li> </ul> </li> <li>• Pages 19 and 20 in their entirety;</li> <li>• Page 21, all information except for:               <ul style="list-style-type: none"> <li>○ information in the first row of the table, both columns;</li> <li>○ the second to fourth points in the second row;</li> <li>○ information relating to the '[2 words]' in the third row; and</li> <li>○ the last and second last sentences on the page (except times);</li> </ul> </li> <li>• Page 22, the first, third and fourth dot points;</li> <li>• Page 23, all information except the ninth, tenth and 11<sup>th</sup> dot points;</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• Page 24, all information except the second and third paragraphs,</li> <li>• Pages 25 to 28 in their entirety;</li> <li>• Page 29, all information except at item 4, specifically, the information in the first, second and fourth rows (all columns) under this numbered item;</li> <li>• Page 30;</li> <li>• Page 31, all information except item 8 (all information in the three rows and columns);</li> <li>• Page 32;</li> <li>• Page 33, all information at item 10 (all columns);</li> <li>• Pages 35 to 37, 39 and 40 in their entirety; and</li> <li>• Page 41, except for the last three sentences.</li> </ul> <p>The following information, which is exempt under sections 30(1) and 31(1)(e):</p> <ul style="list-style-type: none"> <li>• all references to times and dates (except the year);</li> <li>• all references to locations;</li> </ul>	



Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• Page 4, the fifth paragraph, the four words after the word “[word]” and the four words after the word “[word]” in the same paragraph;</li> <li>• Page 5, the following information: <ul style="list-style-type: none"> <li>○ under the second heading on the page, in the first paragraph, the three words after the word “[word]” and the four words after the word “[word]” in the same paragraph;</li> <li>○ in the second paragraph, the third sentence, commencing with the letter “T” and ending with the letter “a”;</li> <li>○ under the third heading, the three words after the word “[word]” in the first sentence and the eight words after the word “[word]” in the second sentence;</li> <li>○ the last 18 words in the paragraph, commencing with the letter “w” and ending with the letter “c”;</li> </ul> </li> <li>• Page 6, the dates under the first heading, except for the year;</li> <li>• Page 8, the sentence after the word “[word]”;</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• Page 10, the sentence next to item “b)” near the top of the page;</li> <li>• Page 12, the dates, except for the year;</li> <li>• Page 16, in the third row, the sentence after item “c)” and the last two paragraphs on the page commencing with the time and ending with the letter “n”;</li> <li>• Page 17, the following information: <ul style="list-style-type: none"> <li>○ the first sentence at the top of the page, commencing with the letter “A” and ending with the letter “s”;</li> <li>○ the last sentence of the second dot point, commencing with the letter “M” and ending with the letter “f”;</li> </ul> </li> <li>• Page 18, the first two dot points;</li> <li>• Page 21, the following information: <ul style="list-style-type: none"> <li>○ the four words after the word “[word]” in the first row,</li> <li>○ the two sentences after the word “[word]:” in the first row;</li> </ul> </li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>○ the last five words at item “4)”, commencing with the letter “w” and ending in “l” in the second row; and</li> <li>○ the sentence following item “d)” in the third row.</li> <li>● Page 22, the following information: <ul style="list-style-type: none"> <li>○ all references to times;</li> <li>○ the last word on the first line and the first two words on the second line;</li> <li>○ the first two words at the seventh line, commencing with the letter “T” and ending with the letter “t”; and</li> <li>○ the first sentence at the 20<sup>th</sup> line, commencing with the letter “O” and ending with the letter “y”</li> </ul> </li> <li>● Page 23, dot points 10 and 11;</li> <li>● Page 24, the first sentence of the second paragraph and the third paragraph, commencing with the letter “l” and ending with “s).”;</li> <li>● Page 29, in the third row, third column, the word after the word “[word]”, and the fourth and sixth rows (all columns);</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>Page 33, dot points 5 and 5 in the second row, second column;</li> <li>Page 38 in its entirety;</li> <li>Page 41, the fourth sentence, commencing with the letter "A" and ending with the letter "s".</li> </ul>	
5.	[date]	Firearms Use Operations Plan – [title]– [date]	33	<b>Refused in full</b> Sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b), 25	<p style="text-align: center;"><b>Release in part</b></p> <p style="text-align: center;">Sections 30(1), 31(1)(a), 31(1)(e), 25</p> <p>The document is to be released except for the following information which is to remain deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>All names, position titles, signatures, telephone and mobile phone numbers of third parties;</li> <li>Page 4 the first four paragraphs, commencing with the word "The", and ending with the letter "g";</li> <li>Page 8, all information at items 5 and 6;</li> <li>Page 9;</li> <li>Page 11;</li> <li>Page 12, except for the first row (both columns), and in the second row the third numbered point</li> </ul>	<p><b>Sections 25 and 30(1):</b> See comments for Document 4.</p> <p><b>Sections 31(1)(a), 31(1)(e) and 36(1)(b):</b> See comments for Document 2.</p>

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>under '[word]', and in the third row, the information relating to the '[2 words]';</p> <ul style="list-style-type: none"> <li>• Page 13;</li> <li>• Page 14, except for the second and third dot point;</li> <li>• Page 15, except for the second dot point;</li> <li>• Page 16, except for the first two dot points and the last row;</li> <li>• Page 17, all information under the heading "[2 words]";</li> <li>• Pages 18 to 21 in their entirety;</li> <li>• Page 22, except item 4 (all columns);</li> <li>• Page 23, the second row (all columns) and items 5 and 6 (all columns);</li> <li>• Page 24, except the first row (all columns);</li> <li>• Page 25, all information at item 9 (all columns);</li> <li>• Pages 27 to 29, 31 and 32 in their entirety;</li> <li>• Page 33, except for the last three sentences;</li> </ul> <p>The following information, which is exempt from release under sections 30(1), 31(1)(a), and 31(1)(e):</p>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• all references to times and dates (exempt the year);</li> <li>• all references to locations;</li> <li>• Page 5, the following information: <ul style="list-style-type: none"> <li>○ under the first heading on the page, in the third paragraph, the three words after the word “[word]” and the four words after the word “[word]”;</li> <li>○ in the fourth paragraph, the two sentences after the word “[word]”, ending with the letter “a”; and</li> <li>○ the dates under the third heading, except for the year;</li> </ul> </li> <li>• Page 8, the following information: <ul style="list-style-type: none"> <li>○ all information at item “d)” at the top of the page; and</li> <li>○ the first heading on the page and item “a)” under that heading;</li> </ul> </li> <li>• Page 10, the dates under the first heading, except for the year;</li> <li>• Page 12, the 11 words after the word “[word]” in the first row; and in the second row at item 3, the</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>words in the brackets; and in the third row, the words next to item “c”;</p> <ul style="list-style-type: none"> <li>• Page 14, at the second dot point, the second and third paragraphs, commencing with the letter “P” and ending with the letter “f”, and the third dot point (including the indented dot point);</li> <li>• Page 15, at the second dot point, the five words after the word “[word]”, and the word after the word “[word]” in the last sentence;</li> <li>• Page 16, the first two dot points and the word in the brackets in row three;</li> <li>• Page 22, the word after the word “[word]” in the final row</li> <li>• Page 23, the first and third rows (all columns);</li> <li>• Page 25, dot points 5 and 6 in row 2, column 2;</li> <li>• Page 30 in its entirety;</li> <li>• Page 33, the fourth sentence, commencing with the letter “A” and ending with the letter “s”.</li> </ul>	
6.	[date]	Firearms Use	33	<b>Refused in full</b>	<p><b>Release in part</b></p> <p>Sections 30(1), 31(1)(a), 31(1)(e), 25</p>	<b>Sections 25 and 30(1):</b> See comments for Document 4.

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
		Operations Plan - [title] – [date]		Sections 30(1), 31(1)(a), 31(1)(e), 36(1)(b), 25	<p>The document is to be released except for the following information which is to remain deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>• All names, position titles, signatures, telephone and mobile phone numbers of third parties;</li> <li>• Page 4, the first four paragraphs, commencing with the word “[word]”, and ending with the letter “g”;</li> <li>• Page 8, all information at items 5 and 6;</li> <li>• Page 9;</li> <li>• Page 10, all information at item 8 (at the bottom of the page);</li> <li>• Page 11;</li> <li>• Page 12, except for the first row (both columns), and in the second row the third numbered point under ‘[word]’, and in the third row, the information relating to the ‘[2 words]’;</li> <li>• Page 13;</li> <li>• Page 14, except for the second and third dot points;</li> <li>• Page 15, except for the second dot point;</li> </ul>	Sections 31(1)(a), 31(1)(e) and 36(1)(b): See comments for Document 2.



Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>• Page 16, except for the first two dot points and the last row;</li> <li>• Page 17, all information under the heading “[2 words]”;</li> <li>• Pages 18 to 21 in their entirety;</li> <li>• Page 22, except item 4 (all columns);</li> <li>• Page 23, the second row (all columns) and items 5 and 6 (all columns);</li> <li>• Page 24, except the first row (all columns);</li> <li>• Page 25, all information at item 9 (all columns);</li> <li>• Pages 27 to 29, 31 and 32 in their entirety;</li> <li>• Page 33, except for the last three sentences;</li> </ul> <p>The following information, which is exempt under sections 30(1), 31(1)(a) and 31(1)(e):</p> <ul style="list-style-type: none"> <li>• all references to times and dates (exempt the year);</li> <li>• all references to locations;</li> <li>• Page 4, the fifth paragraph, the two words after the word “[word]”;</li> <li>• Page 5, the following information:</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> <li>○ under the first heading on the page, in the third paragraph, the three words after the word “[word]” and the four words after the word “[word]”;</li> <li>○ in the fourth paragraph, the two sentences after the word “[word]”, ending with the letter “a”; and</li> <li>○ the dates under the third heading, except for the year;</li> <li>● Page 8, the following information: <ul style="list-style-type: none"> <li>○ all information at item “d)” at the top of the page; and</li> <li>○ the first heading on the page and item “a)” under that heading;</li> </ul> </li> <li>● Page 10, the dates under the first heading, except for the year;</li> <li>● Page 12, the 11 words after the word “[word]” in the first row; and in the second row at item 3, the words in the brackets; and in the third row, the words next to item “c”;</li> <li>● Page 14, at the second dot point, the second and third paragraphs, commencing with the letter “P”</li> </ul>	

Document No.	Date	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>and ending with the letter “f”, and the third dot point (including the indented dot point);</p> <ul style="list-style-type: none"> <li>• Page 15, at the second dot point, the five words after the word “[word]”, and the word after the word “[word]” in the last sentence.</li> <li>• Page 16, the first two dot points and the word in the brackets in row three;</li> <li>• Page 22, the word after the word “[word]” in the final row;</li> <li>• Page 23, the first and third rows (all columns);</li> <li>• Page 25, dot points 5 and 6 in row 2, column 2;</li> <li>• Page 30 in its entirety;</li> <li>• Page 33, the fourth sentence, commencing with the letter “A” and ending with the letter “s”.</li> </ul>	