

Notice of Decision and Reasons for Decision

Applicant:	'FC4'
Agency:	Victorian Rail Track (trading as VicTrack)
Decision date:	18 April 2023
Exemptions and provision considered:	Sections 28(1)(c), 30(1), 25
Citation:	'FC4' and VicTrack (Freedom of Information) [2023] VICmr 30 (18 April 2023)

FREEDOM OF INFORMATION – Cabinet documents – transport infrastructure project – rail project – project steering committee – Cabinet deliberations – level crossing removal project (LXRP) – Mont Albert – Surrey Hills – options appraisal – options consultation – internal working documents – disclosure not contrary to the public interest

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 in that I have determined to release additional information where I am satisfied it is not exempt information.

While I am satisfied certain information is exempt from release under section 28(1)(c), I am not satisfied the documents are exempt from release under section 30(1).

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

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

18 April 2023

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to documents relating to level crossing removal projects and the redevelopment of the Mont Albert and Surrey Hills railway stations. Following consultation, the Applicant clarified their request for the following documents:

Any recommendations or communications by VicTrack to other areas of government that relate to the redevelop(ed) Mont Albert and Surrey Hills Railway Stations, the level crossing removals at Surrey Hills and Mont Albert, the Lorne Parade Reserve and any assessments of design options for the new station to be located in Lorne Parade Reserve since 1 January 2018.

2. The Agency identified three documents falling within the terms of the Applicant's request and refused access to one document in part and two documents in full under sections 28(1)(c), 30(1) and 33(1). The Agency's decision letter sets out the reasons for its decision.

Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. The Applicant advised they do not seek access to third party personal affairs information to which the Agency refused access under section 33(1). Therefore, this information is irrelevant information for the purposes of section 25, which is discussed below.
5. I have examined a copy of the three documents subject to review.
6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
7. I have considered all communications and submissions received from the parties.
8. During the review, the Agency also sought to rely on section 34(4)(a)(ii) to refuse access to certain information in the documents.
9. 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.
10. 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.
11. 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'.¹ 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.

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

Review of exemptions

Section 28(1)(c) – A copy or draft of, or an extract from a Cabinet document

12. Section 28(1)(c) provides a document is an exempt document if it is a copy or a draft of, or contains extracts from, a document referred to in sections 28(1)(a), (b) or (ba).
13. Sections 28(1)(a), 28(1)(b) and 28(1)(ba) provide a document is exempt from release if it is:
 - (a) the official record of any deliberation or decision of the Cabinet;
 - (b) a document that has been prepared by a Minister or on his or her behalf or by an agency for the purpose of submission for consideration by the Cabinet;
 - (ba) a document prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet;
14. A reference to the ‘Cabinet’ includes a committee or sub-committee of the Cabinet.²
15. A document will be a copy of a Cabinet document if it is a reproduction of a Cabinet document, for example, a photocopy of a Cabinet submission.
16. A draft Cabinet document is a ‘preliminary version’ of the document. A document will not be considered a draft simply because it was created before the relevant Cabinet document or because there is information common to both a document and a Cabinet document. The relevant document should be a draft of the *actual* Cabinet document, and be preferably marked as ‘draft’ and not documents of ‘different kinds prepared by different agencies’.³
17. In relation to an extract from a Cabinet document, a document will usually contain a reproduction of part of the text or material from a Cabinet document such as a quote, paraphrase, or summary. Simply referring to a Cabinet document is not sufficient.⁴
18. In relation to Cabinet documents and the exemptions under section 28(1), the Victorian Civil and Administrative Tribunal (VCAT) has held:

... a document is not exempt merely because it has some connection with Cabinet, or is perceived by departmental officers or others as being of a character that they believe ought be regarded as a Cabinet document or because it has some Cabinet “aroma” about it. Rather, for a document to come within the Cabinet document exemption, “it must fit squarely within one of the four exceptions” in section 28(1) of the Act.^[11] But the language used to describe the exemptions is itself open to different interpretations.⁵
19. The Agency submits Documents 2 and 3 contain an extract from a document that would normally be exempt from release under section 28(1)(b) – being an ‘Options Assessment Table’ from an Options Appraisal document for the removal of level crossings at Union Road, Surrey Hills and Mont Albert Road, Mont Albert and a map in Document 3.
20. A document will be exempt from release under section 28(1)(b) if the sole purpose, or one of the substantial purposes, for which it was prepared was for submission to the Cabinet for its consideration.
21. On {{date}}, following a hearing at which VCAT accepted sworn evidence provided by senior Agency officers that the documents were prepared as part of a process which involved them being submitted for consideration to the Cabinet, the Tribunal determined and made an order that an ‘Options

² Section 28(7).

³ *Asher v Department of Infrastructure* (2006) 25 VAR 143.

⁴ *Mildenhall v DoE* (unreported, VCAT, Glover M, 16 April 1999).

⁵ *Ryan v Department of Infrastructure* [2004] VCAT 2346 at [33] quoting *Birnbauer v Department of Industry Technology and Resources* [1986] 1 VAR 279.

Appraisal' for three level crossing removal locations was exempt from release under section 28(1)(b).⁶

22. Having reviewed Documents 2 and 3 and based on the information before me, I am satisfied they contain an extract from a document that forms part of a suite of documents that were prepared by the Agency as part of a process that contemplated the documents would be submitted to the Cabinet for its consideration.
23. Accordingly, I am satisfied certain information in Documents 2 and 3 is exempt from release under section 28(1)(c).
24. My decision in relation to section 28(1)(c) is set out in the Schedule of Documents in **Annexure 1**.

Section 30(1) – Internal working documents

25. Section 30(1) has three requirements:
 - (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister;
 - (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
 - (c) disclosure of the matter would be contrary to the public interest.
26. Section 30(3) provides purely factual information is not exempt under section 30(1).
27. The Agency refused access to Documents 1 and 2 in full, and part of Document 3 under section 30(1).
28. Document 1 is a document prepared by consultants on behalf of the Department of Transport, and appears to have been approved by two Agency officers. The document contains a small number of comments indicating it is still in draft form. The front page notes the document is not for wider distribution. The document provides some technical requirements and general information about the rail corridor, including information that I consider is purely factual in nature or is publicly available (for example maps).
29. Documents 2 and 3 are 'decision papers' of the 'LX Working Group South Eastern Project Alliance (SEPA) (the **Working Group**). They appear to be in final form as they contain a 'date recommended'. The documents outline recommended options for the project and high level reasons for its recommendations.
30. In a submission to OVIC following the provision of a preliminary view, the Agency no longer seeks to refuse access to the following information in Documents 2 and 3:
 - (a) the information on pages 1-2 of Document 2;
 - (b) the subheading "Background" and the following three lines on page 3 of Document 2.

⁶ *Davis v Major Transport Infrastructure Authority (Review and Regulation)* [2022] VCAT 894.

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?

31. 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.
32. 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.⁷
33. In a submission to OVIC, the Agency states:
 7. Decisions ultimately made about Level Crossing Removals in Victoria are made by a Project Steering Committee (“PSC”) established by the Level Crossing Removal Authority (“LXRA”).
 8. Throughout 2019 and 2020, the Union Road & Mont Albert Road Level Crossing Removal Project South Eastern Program Alliance (“SEPA”) were meeting regularly to and preparing materials to consider the various requirements, including technical and design options, to remove the level crossings at the Surrey Hills (Union Road) and Mont Albert train stations.
 9. The SEPA is comprised of representatives from the Level Crossing Removal Program (“LXRP”), the Department of Transport (“DoT”), Metro Trains and VicTrack and private design and construct firms. Final recommendations made by the SEPA would then be provided to the PSC for consideration, deliberation and final decision-making.
34. From my review of the documents, I am satisfied they contain opinion, advice and recommendations prepared by officers of the Agency and other agency officers in relation to proposed options considered for the removal of level crossings at Surrey Hills and Mont Albert and the associated options for a new train station development.

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?

35. 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.⁸
36. In *Re Waterford and Department of Treasury (No.2)*,⁹ 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.
37. I accept the documents were prepared for the deliberative processes involved in the functions of the Agency, namely, discharging its responsibilities in relation to level crossing removal projects.

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

38. In determining if disclosure of the documents would be contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and

⁷ *Mildenhall v Department of Education* (1998) 14 VAR 87.

⁸ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at [208], citing *Re Waterford and Department of the Treasury (No 2)* (1984) 5 ALD 588 at [606].

⁹ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

promote the disclosure of information. In doing so, I have given weight to the following relevant factors:¹⁰

- (a) the right of every person to gain access to documents under the FOI Act;
 - (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
 - (c) the stage of a decision or status of policy development or a process being undertaken at the time the communications were made;
 - (d) whether disclosure of the documents would be likely to inhibit communications between Agency officers, essential for the agency to make an informed and well-considered decision or participate fully and properly in a process in accordance with the Agency's functions and other statutory obligations;
 - (e) whether disclosure of the documents would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the Agency would not otherwise be able to explain upon disclosure of the documents;
 - (f) the impact of disclosing documents in draft form, including disclosure not clearly or accurately representing a final position or decision reached by the Agency at the conclusion of a decision or process; and
 - (g) the public interest in the community being better informed about the way in which the Agency carries out its functions, including its deliberative, consultative and decision making processes and whether the underlying issues require greater public scrutiny.
39. In relation to whether disclosure of the requested documents would be contrary to the public interest, the Agency's decision letter states:
- ...
- Much of the material to which this exemption applies has been superseded by the final position which is now endorsed and published by the government as the position ultimately adopted. The government should be judged on positions it adopts and endorses, rather than the preliminary and superseded views and opinions of officers engaging in the deliberative functions of the government to assist it to arrive at the ultimate position it chooses to take. Disclosure of parts of recommendations do not disclose the full picture as to the government's overall deliberative processes.
- ...
40. In submissions made to OVIC, the Agency submits the following public interest factors against disclosure of the documents:
- (a) the level crossing removals at the 2 train stations involved significant community and stakeholder engagement and input, as demonstrated here: <https://engage.vic.gov.au/project/lxrp-surrey-hills-and-montalbert/> participate. That is, members of the public and interested parties were invited and were able to provide input into at least the following topics:
 - Open Spaces Design, including in relation to trees and plants;
 - Planning Amendments proposed (preliminary and final surveys);
 - Overall Station Design (preliminary and final surveys);
 - Station naming;
 - Local businesses in each of the preceding station precincts survey;

¹⁰ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (b) throughout the decision-making process, decisions made have been published, and in some instances where appropriate, feedback invited, and these are as documented and published in paragraph 18 referred to earlier;
- (c) to preserve the ability of non-decision-making officers to openly and candidly communicate and comment their ideas when exploring options for decision-makers, to ensure the thoroughness and integrity of the deliberative process and to ensure the final decisions or outcomes are well-informed and well-considered. Disclosure would put at risk this best outcome scenario;
- (d) the Government should be criticised and judged for the decisions it makes and the outcomes of its actions, which in this case can be viewed at the resources published and described at paragraph 18 and in the physical construction works taking place at the former Mont Albert and Surrey Hills train stations precincts. Junior officers preparing draft and preliminary assessments and material and advice should not be judged on their exploratory, speculative or candid thoughts and opinions when canvassing all possible options in order to assist decision-makers to make well-informed decisions;
- (e) The deliberative process of government requires options to be canvassed and advice to be prepared by officers who are not the ultimate decision-makers, without fear that their unfinalised and indeterminate advice prepared for consideration purposes only, would make them the target of fear and speculation based on options that have not yet been approved or finalised. This is particularly the case in present circumstances where project officers involved in carrying out tasks related to the level crossing removal of the 2 train stations report being harassed by stakeholders who have particular views about the position taken by the Government. Officers who do not make ultimate decisions should be free to be candid and frank in their assessments and work in preparing advice, without fear that people with particular views who disagree with their thoughts will attack them for their frank and fearless advice to the Government in its deliberative processes;
- (f) The options canvassed within the material reflects the input of different government agencies at a particular point in time and does not reflect the ultimate decision-making process or the final positions adopted by the Government, which are now on the public record. Disclosing these analyses and options, which were not necessarily adopted or approved, in a situation where the government can be judged for the decision it did ultimately make and the reasons for which it made them, is misleading and gives undue weight to options which do not reflect the Government's decision-making process;
- (g) Importantly, the 3 documents the subject of this review were not the only documents created or made that relate to that decision-making process, but only some of the documents. Other documents relating to the level crossing of the 2 stations, which were captured by this request, were released to [the Applicant] with only irrelevant information and information exempt under s 33(9) of the FOI Act removed. Further, other documents were not captured by this request because the request sought documents specifically relating to VicTrack's input into the overall deliberations. VicTrack was not the only agency involved in the subject matter of this FOI request and is not in possession of all the documents that led to the Government ultimately making the decision it did to remove the two train stations. This means that disclosing the partial and superseded options described in the materials would be misleading and cause confusion about how those options were considered by the Government in arriving at its final decision;
- (h) The nature of the discussions in the materials and the fact that they comprise the thinking at such a preliminary stage in the level crossing removal projects at the 2 train stations is evident by the fact that the use of various terms and figures as they appear in the documents under review, changed significantly as the project developed. Disclosure of the documents would be confusing because they would lead to debate and speculation about the merits or assessments of each of the options in circumstances where:
 - a decision has been made has been published;
 - the rationale for the decision made also published; and
 - the documents by themselves give a misleading picture about the matters ultimately considered and deliberated on by the decision-makers who made the final decisions;
- (i) Some of the comparisons made in Documents 1 and 2 for example, are based on figures that were later found to be inaccurate or outdated and superseded, and different figures were

provided to decision-makers. To that end, the way the options are set out and discussed in Documents 1 and 2 do not accurately represent what the Government ultimately considered in arriving at its decisions. Therefore, disclosure of those documents would be extremely misleading as it would invite debate about the merits of those options and why the Government may or may not have considered them when those options were further assessed and either abandoned or updated or corrected when the Government was making its final deliberations;

- (j) The absence of any public interest in disclosure of the documents, rather merely the private interest of the applicant out of curiosity or desire to obtain information means there is no benefit in disclosure to the community as a whole, especially as the material reflects deliberations which fed into an outcome for which construction and works have already commenced;
- (k) ...
- (l) the public interest in protecting the efficacy and integrity of intergovernmental decision-making processes.

41. Having reviewed the documents, I am satisfied disclosure of the relevant information would not be contrary to the public interest for the following reasons:

- (a) Opinion, advice and recommendations provided by an agency officer to a Minister are not automatically exempt from release under section 30(1). Rather, each document must be considered in terms of its content and context, and an agency must demonstrate disclosure of the document would be contrary to the public interest.
- (b) I do not consider the information in the documents is particularly sensitive or controversial. Document 1 contains a significant amount of factual information, including existing conditions, some of which is publicly available. Documents 2 and 3 contain high level background information and general statements supporting the Working Group's recommendations. Further, the level crossing removal program commenced in 2016 and such projects are now commonplace around metropolitan Melbourne. In this case, the documents were created more than two years ago, were subject to public consultation and information about the current status of project is publicly available and widely known, as detailed in the Agency's submission to OVIC.
- (c) While I acknowledge the views and information in the documents may have been superseded, I do not consider the disclosure of this information would be misleading. In my view, such arguments underestimate the capacity of the public to understand advice received and decisions made by government are often done so at a particular point in time and can be subject to change. It is also open to the Agency to explain, update or give relevant background or context to any information in the documents, should it be required.
- (d) While I have carefully considered the Agency's submission, I am not persuaded disclosure of the documents would have a detrimental impact on the Agency, or other agencies involved in this project or future similar projects. I consider there is a public interest in the public being informed about government decision making processes, including options considered regardless of whether an option was ultimately adopted or a final decision made differs from advice provided.
- (e) By providing access to information that demonstrates preliminary considerations, figures and advice on which eventual decisions are made, disclosure of documents such as these builds community trust in government decision making processes. Accordingly, I am of the view disclosure of information relating to the level crossing removal projects would promote transparency and accountability in government decision making and the expenditure of public funds on major transport infrastructure projects.
- (f) I am not satisfied disclosure of the relevant information would negatively impact upon the nature or quality of advice and recommendations prepared by Agency officers for this project or future similar projects. I note the views of VCAT in *Graze v Commissioner for State*

Revenue,¹¹ in which the Tribunal observed the possibility of public scrutiny in some circumstances would provide for better administrative decision making. In any case, it is arguable agency officers are responsible for ensuring advice provided is accurate, complete and properly considered on matters central to the agency's governmental functions. Further, I am not satisfied disclosure of the relevant documents would have a detrimental impact on the efficacy and integrity of government decision making processes.

(g) When performing their official duties in providing advice to government, public sector officers are responsible for ensuring the advice they provide is accurate, complete and properly considered on matters central to an agency's governmental functions. As such, Agency officers are required to discharge their duty to provide impartial and fulsome advice to decision makers. This requirement of their role within the public sector is a core aspect of their professional responsibilities and accords with their obligations under the *Public Administration Act 2004* (Vic).¹² In this case, I am not persuaded officers of the Agency and other officers would be deterred from discharging their professional and ethical obligations should the documents be disclosed under the FOI Act.

42. Accordingly, for the above reasons, I am not satisfied information in the documents is exempt from release under section 30(1) and is to be released.

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

Section 25 – Deletion of exempt or irrelevant information

44. 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.

45. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'¹³ 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 25.¹⁴

46. As noted above, the Applicant does not seek access to certain personal affairs information in the documents. Accordingly, I am satisfied this information is irrelevant for the purpose of section 25.

47. I have considered the effect of deleting irrelevant information from the documents. I am satisfied it is practicable to delete the irrelevant information as to do so would not require substantial time and effort, and the edited documents would retain meaning.

48. My decision in relation to section 25 is set out in the Schedule of Documents in **Annexure 1**.

Conclusion

49. On the information before me, I am satisfied certain information in Document 2 and 3 is exempt from release under section 28(1)(c). However, I am not satisfied information in each of the documents is exempt from release under section 30(1).

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

¹¹ [2013] VCAT 869 at [25]-[27].

¹² For example, see the Public Sector Values in section 7(1) of the *Public Administration Act 20014* (Vic) (including Responsiveness, Integrity and Impartiality) and the Victorian Public Service Commission, *Code of Conduct for Victorian Public Sector Employees*.

¹³ *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].

¹⁴ *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].

51. Given my decision in relation to section 28(1)(c) to certain information in the documents, it is not necessary for me to consider the application of section 28(1)(d) to the same information.
52. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

Review rights

53. If either party to this review is not satisfied with my decision, they are entitled to apply to the VCAT for it to be reviewed.¹⁵
54. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹⁶
55. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.¹⁷
56. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
57. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.¹⁸

When this decision takes effect

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

¹⁵ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹⁶ Section 52(5).

¹⁷ Section 52(9).

¹⁸ Sections 50(3F) and 50(3FA).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Network Planning Requirements for Mont Albert and Surrey Hills Railway Stations	85	Refused in full Sections 30(1), 33(1)	Release in part Section 25 The document is to be released with irrelevant information deleted in accordance with section 25, being: <ul style="list-style-type: none"> the names and position titles on pages 4 and 5. 	Section 30(1): I am not satisfied information in this document is exempt from release under section 30(1) for the reasons outlined in the Notice of Decision above. Section 33(1): The Applicant does not seek access to third party personal affairs information to which the Agency refused access under section 33(1). Section 25: The document contains information that is irrelevant to the terms of the Applicant’s review application. I am satisfied it is practicable to delete this information from the document in accordance with section 25.
2.	[date]	Working Group Decision Paper	6	Refused in full Sections 28(1)(c), 28(1)(d), 30(1), 33(1), 25	Release in part Sections 28(1)(c), 25 The document is to be released with exempt and irrelevant information deleted in accordance with section 25.	Section 28(1)(c): I am satisfied the information identified by the Agency is an extract from a document referred to in section 28(1)(b), being a document prepared for consideration by the Cabinet. Accordingly, I am satisfied it is exempt from release under section 28(1)(c). Section 30(1): See comments for Document 1. In addition, the Agency no longer seeks to rely on section

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>30(1) to refuse access to certain information in this document.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
3.	[date]	Working Group Decision Paper	6	<p>Released in part</p> <p>Sections 28(1)(c), 28(1)(d), 30(1), 33(1), 25</p>	<p>Release in part</p> <p>Sections 28(1)(c), 25</p> <p>The document is to be released with exempt and irrelevant information deleted in accordance with section 25.</p>	<p>Section 28(1)(c): See comments for Document 2.</p> <p>Section 30(1): See comments for Document 2.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>