

## Notice of Decision and Reasons for Decision

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Applicant:	'FK9'
Agency:	City of Stonnington
Decision date:	12 December 2023
Exemptions and provisions considered:	Sections 30(1), 25
Citation:	'FK9' and City of Stonnington (Freedom of Information) [2023] VICmr 103 (12 December 2023)

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FREEDOM OF INFORMATION – council documents – local government– FOI processing – Heritage overlay amendment – internal correspondence - external consultant report – internal working document – release 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.

While I am satisfied certain information relating to the processing of the original FOI requests is exempt from release under section 30(1), I am not satisfied that all of the remaining information to which the Agency refused access under section 30(1) 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.

Shantelle Ryan  
**Acting Public Access Deputy Commissioner**

12 December 2023

## Reasons for Decision

### Background to review

1. The Applicant made a request to the Agency for access to documents relating to two previous requests made to the Agency carrying Agency reference numbers [reference numbers], made on [date] and [date] respectively. These previous requests were for documents as follows:

1. Any customer service, email or file note records relating to the phone call to Council on [date] from the [role description] for land at [address];
2. Any documentation (emails, briefing notes, memos but not tape recordings) relating to Council's consideration of the Section 29A application made on [date] in relation to [address], and Council's decision of [date] to suspend the application;
3. A copy of the [suburb] heritage gap study review report or the Stonnington Heritage Review Part 2 report as it relates to properties within [suburb];
4. Any documentation (emails, briefing notes, memos etc.) relating to a heritage citation prepared by Council or its consultants for land at [address].

And

1. All draft and working draft versions of the [suburb] Heritage Citation Report, as it relates to [address], prepared on or after [date];
2. All draft and working draft versions of the [suburb] Heritage Gap Review Report, prepared on or after [date]; and
3. All draft and working draft versions of the Stonnington Heritage Review Part 2 Report as it relates to properties within [suburb], prepared on or after [date].

2. Following consultation with the Agency, the Applicant clarified the initial request, excluding personal affairs information and sought access to:

The types of documents in files [reference numbers] that we seek access to are documents created for the purposes of dealing with the requests i.e. considering and responding to them. It is not only documents between the Council and its heritage advisers. It would include draft or working documents produced by the FOI officer. Documents between [third party business]/[Applicant] and Council can be excluded.

- The request excludes documents released as part of the decisions made in relation to [reference numbers].
- In relation to correspondence etc between Council and its heritage advisers the date range is from receipt of the requests until Council's final decision on them. The correspondence is only about the processing and/or consideration and decision-making process in relation to the requests [reference numbers].

3. The Applicant indicated they did not seek access to emails as part of a chain where the most recent email is within the scope of the above request.
4. The Agency identified 40 documents made up of 501 pages falling within the terms of the Applicant's request and granted access to 27 documents in full and 23 documents in part under sections 30(1) and 25. The Agency's decision letter sets out the reasons for its decision.

## **Review application**

5. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
6. During the review, the Applicant raised concerns about the adequacy of the Agency's document searches in relation to their FOI request.
7. In accordance with section 61B(3), the Applicant's complaint was dealt with under the review.
8. OVIC staff made further enquiries with the Agency to address the Applicant's concerns regarding searches conducted. The outcome of those enquiries was communicated to the Applicant.
9. Based on the Agency's response, I am satisfied the Agency undertook a thorough and diligent search for the requested documents. Accordingly, I consider the Applicant's concerns have been fully pursued and there is no need to make further enquiries or take further action under the FOI Act in relation to those particular concerns.
10. I have examined a copy of the documents subject to review.
11. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
12. I have considered all communications and submissions received from the parties.
13. 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.
14. 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.

## **Review of exemptions**

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

15. 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.

16. The exemption does not apply to purely factual material in a document.<sup>1</sup>
17. I must also be satisfied releasing this information is not contrary to the public interest. This requires a 'process of the weighing against each other conflicting merits and demerits'.<sup>2</sup>

*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?*

18. 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.
19. 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>3</sup>
20. 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.
21. Having reviewed the documents, I am satisfied they contain information in the nature of opinion, advice or recommendation prepared by Agency officers in relation to local planning and heritage status, as well as opinion and deliberation in response to processing an FOI request for these planning documents.

*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?*

22. The term 'deliberative process' is interpreted broadly and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.<sup>4</sup>
23. In *Re Waterford and Department of Treasury (No.2)*,<sup>5</sup> the former Victorian Administrative Appeals Tribunal held:

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

24. I am satisfied the documents were made in the course of, and for the purpose of, the Agency's deliberative processes relating to the consideration of planning scheme amendments and its FOI obligations.

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

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<sup>1</sup> Section 30(3).

<sup>2</sup> *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Halls* [1999] VSCA 117 at [30].

<sup>3</sup> *Mildenhall v Department of Education* (1998) 14 VAR 87.

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

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

25. 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.

26. In its decision letter, the Agency states that disclosure of the documents would be contrary to the public interest on the basis that:

Some documents, including emails and draft documents, would disclose matter in the nature of opinion, advice or recommendation prepared by officers in the course of, or for the purpose of, the deliberative processes involved in Council's functions. A number of documents were created prior to the decision on each request being made. These documents are preparatory in nature and to release these documents would be misleading and confusing. I am of the view that a decision maker should be judged on their final decision rather than on discrete parts of preparatory documents that formed part of the deliberative process in making their decision.

27. 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>6</sup>

- (a) the right of every person to gain access to documents under the FOI Act;
- (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
- (c) the stage of a decision or status of policy development or a process being undertaken at the time the communications were made;
- (d) whether disclosure of the documents would be likely to inhibit communications between Agency officers, essential for the agency to make an informed and well-considered decision or participate fully and properly in a process in accordance with the Agency's functions and other statutory obligations;
- (e) whether disclosure of the documents would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the Agency would not otherwise be able to explain upon disclosure of the documents;
- (f) the impact of disclosing documents in draft form, including disclosure not clearly or accurately representing a final position or decision reached by the Agency at the conclusion of a decision or process; and
- (g) the public interest in the community being better informed about the way in which the Agency carries out its functions, including its deliberative, consultative and decision-making processes and whether the underlying issues require greater public scrutiny.

28. Having reviewed the documents and considered the Agency's submissions, I have determined that disclosure of the documents would not be contrary to the public interest for the following reasons:

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

- (a) I consider there is a public interest in persons, who may be affected by the planning amendment or a Ministerial Amendment, being better informed about the options considered by the government, regardless of whether those options were ultimately adopted. Accordingly, I am of the view that disclosure of the documents in this instance will promote transparency and accountability in government decision making with respect to this planning amendment and FOI processes.
  - (b) I note the Council and the Minister were exercising their functions under the *Planning and Environment Act 1987* (Vic) in relation to the authorisation of planning scheme amendments. Where a Minister is exercising a legislative function, I am of the view they should be able to explain the merits of their decision and be accountable for the exercise of the powers and functions of their office. I consider disclosure of these documents will assist in providing context in relation to the Minister's decision.
  - (c) I note it has generally been accepted by the Victorian Civil and Administrative Tribunal (VCAT) that it may be contrary to the public interest to prematurely release the preliminary views and recommendations provided as part of a deliberative function of an agency. However, I do not find this argument persuasive in the circumstances of this matter.
  - (d) I am of the view members of the public are capable of understanding that documents may contain information that was subject to change. I consider the Agency, in releasing the documents, will be able to provide any further explanatory information to assist the public in understanding the information in the documents given the current status of the project or further information that has become available since the documents were created.
  - (e) The majority of the documents contain plans, draft documents and internal discussions between Agency officers regarding the lodging of a Ministerial Amendment under section 29A of the *Building Act 1993* (Vic) in relation to a building permit for demolition and a subsequent amendment request prepared by Council. Whilst I acknowledge the documents may be considered sensitive due to the effect of the planning scheme amendment on the local community and businesses, I note there is significant publicly available information in relation to the process for this amendment. [citation removed]
  - (f) I also note the views of VCAT in *Graze v Commissioner for State Revenue*,<sup>7</sup> which observed the possibility of public scrutiny in some circumstances provides for better administrative decision making. I consider disclosure of certain information in the documents would support a broader public interest in transparency and accountability in relation to the Agency's obligations under local government legislation and would build trust in the Agency's ability to meet its obligations to carry out its statutory responsibilities.
29. Accordingly, with respect to Documents 4a, 6, 7, 16, 20, 26, 29, 36 and 37, I am not satisfied disclosure would be contrary to the public interest and the documents are therefore not exempt under section 30(1).
30. With respect to Documents 38 and 39, I consider the information deleted by the Agency contains the opinions and recommendations of Agency officers in responding to an FOI

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<sup>7</sup> [2013] VCAT 869.

request. I accept there is a public interest in ensuring Agency officers responsible for responding to internal requests for opinion regarding the effect of the release of information under FOI, to be able to discuss, deliberate and record relevant issues and information in a thorough and considered manner. This includes being able to record their internal deliberations without concern that information will be released under the FOI Act.

31. I consider disclosure of certain information between Agency officers in Documents 38 and 39 would be reasonably likely to inhibit communications between Agency officers when processing FOI requests. Accordingly, I am satisfied this information is exempt under section 30(1).
32. Document 5 is an analysis document that was attached to a letter of consultation. As the document contains analysis of properties that were not relevant to the original FOI requests and the status of these properties are unable to be confirmed, I consider this information to be unreasonable to disclose and is therefore exempt under section 30(1). The document also contains personal affairs information of third parties, which is to remain deleted under section 25. The remaining information is to be released.
33. The Schedule of Documents in **Annexure 1** outlines my decision for each document.

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

34. 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.
35. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’<sup>8</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>9</sup>
36. I have considered the information the Agency deleted from the documents as irrelevant. I agree it falls outside the scope of the Applicant’s request as the information is that of third parties or is the email chain following on from a relevant email that is in scope. The Schedule of Documents in **Annexure 1** outlines my decision for each document.
37. I have considered the effect of deleting irrelevant and exempt information from the documents refused in full by the Agency. 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.

#### **Conclusion**

38. On the information before me, I am not satisfied the information marked exempt by the Agency in Documents 4a, 6, 7, 16, 20, 26, 29, 36 and 37 is exempt from release under section

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<sup>8</sup> *Mickelburgh 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>9</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

30(1). However, I am satisfied certain information in Documents 5, 38 and 39 is exempt from release under section 30(1).

39. 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.

#### **Review rights**

40. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.<sup>10</sup>
41. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>11</sup>
42. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>12</sup>
43. 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.
44. 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>13</sup>

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

45. 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>10</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>11</sup> Section 52(5).

<sup>12</sup> Section 52(9).

<sup>13</sup> Sections 50(3F) and 50(3FA).



Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	[reference] – Email 01	3	Released in part Section 25	Release in part Section 25 The decision on this document is the same as the Agency's decision.	Section 25: I am satisfied the information deleted by the Agency is irrelevant to the Applicant's request under section 25. I am further satisfied that it remains practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted in accordance with section 25.
2.	[date]	[reference] – Email 02	1	Released in part Section 25	Release in part Section 25 The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
3.	Various	Marked up Documents subject to [reference] Decision	270	Refuse in full Section 30(1)	Not relevant Refuse in full Section 25 The decision on this document differs from the Agency's decision.	Section 25: I am satisfied the documents released as part of the original FOI request are irrelevant to the Applicant's current request and should remain deleted under section 25.
4a.	[date]	Email [reference]	1	Refuse in full Section 30(1)	Release in part Section 25	Section 30(1): I am not satisfied the document is exempt from release under section 30(1) for the reasons

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The decision on this document differs from the Agency's decision.	outlined above in this Notice of Decision.  <b>Section 25:</b> I am satisfied the personal affairs information of third parties is irrelevant to the Applicant's request and should remain deleted under section 25. I am also satisfied that it is practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted in accordance with section 25.
4b.	Various	Combined Original Documents subject to [reference]	77	<b>Refuse in full</b> Section 30(1)	<b>Not relevant</b>  <b>Refuse in full</b> Section 25	<b>Section 25:</b> See comments for Document 3.
5	[date]	[reference] – Consultation Letter and attachment 05	69	<b>Released in part</b> Sections 30(1), 25	<b>Release in part</b> Sections 30(1), 25  The decision on this document differs from the Agency's decision.  The document is to be released to the Applicant, with the personal affairs of third parties to remain deleted under section 25 and the details of other	<b>Section 25:</b> I consider the personal affairs information in the document to be irrelevant to the Applicant's request and is to remain deleted.  I consider the remaining information in the document is relevant to the Applicant's request as this document was considered by the Agency as part of the 028 request.  <b>Section 30(1):</b> I am satisfied the information relating to properties

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>properties on the following pages of the pdf to remain deleted under section 30(1):</p> <p>370 - 394;</p> <p>395 – 417; and</p> <p>418 – 419.</p> <p><i>For the avoidance of doubt, all personal affairs information of third parties is to remain deleted under section 25 and information related to other properties is exempt under section 30(1).</i></p>	<p>listed other than the property named in the original requests is unreasonable to release given their unknown status in relation to heritage overlay.</p>
6	[date]	[reference] – Consultation Letter 06	3	Released in part Sections 30(1), 25	<p><b>Release in part</b></p> <p>Section 25</p> <p>The decision on this document differs from the Agency’s decision.</p>	<p><b>Section 30(1):</b> See comments for Document 4a.</p> <p><b>Section 25:</b> See comments for Document 1.</p>
7	[date]	[reference] – Email 07	1	Released in part Sections 30(1), 25	<p><b>Release in part</b></p> <p>Section 25</p> <p>The decision on this document differs from the Agency’s decision.</p>	<p><b>Section 30(1):</b> See comments for Document 4a.</p> <p><b>Section 25:</b> See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
8	[date]	[reference] – File Note 08	3	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
9	[date]	[reference] – File Note 09	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
10	[date]	[reference] – Email 010	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
11	[date]	[reference] – Email 011	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
12	[date]	[reference] – Email 012	1	Released in part Section 25	Release in part Section 25	Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The decision on this document is the same as the Agency's decision.	
13	[date]	[reference] – File Note 013	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
14	[date]	[reference] – Email 014	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
15	[date]	[reference] – Email 015	4	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
16	[date]	[reference] – Email 016	2	Released in part Section 30(1)	Release in part Section 25  The decision on this document differs from the Agency's decision.	Section 30(1): See comments for Document 4a.  Section 25: See comments for Document 4a.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
17	[date]	[reference] – Email 017	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
18	[date]	[reference] – Email 018	6	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
19	[date]	[reference] – File Note 019	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
20	[date]	[reference] – Consultation Letter 020	3	Released in part Section 30(1)	Release in part Section 25  The decision on this document differs from the Agency’s decision.	Section 30(1): See comments for Document 4a.
21	[date]	[reference] – Email 021	5	Released in part Section 25	Release in part Section 25	Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The decision on this document is the same as the Agency's decision.	
22	[date]	[reference] – Email 022	5	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
23	[date]	[reference] – Email 023	5	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
24	[date]	[reference] – Email 024	3	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
25	[date]	[reference] – Email 025	2	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
26	[date]	[reference] – Email 026	3	Released in part Section 30(1)	Release in part The decision on this document differs from the Agency’s decision.	Section 30(1): See comments for Document 4a.
27	[date]	[reference] – Email 027	1	Released in part Section 25	Release in part Section 25 The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
28	[date]	[reference] – Email 028	3	Released in part Section 25	Release in part Section 25 The decision on this document is the same as the Agency’s decision.	Section 25: See comments for Document 1.
29	[date]	[reference] – Consultation Email 029	4	Released in part Section 30(1)	Release in part The decision on this document differs from the Agency’s decision.	Section 30(1): See comments for Document 4a.
30.	[date]	[reference] – Letter 01	2	Released in part Section 25	Release in part Section 25	Section 25: See comments for Document 1.



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					The decision on this document is the same as the Agency's decision.	
31.	[date]	[reference] 33 – File Note 02	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
32.	[date]	[reference] – File Note 03	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
33.	[date]	[reference] – Email 04	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
34.	[date]	[reference] – Email 05	1	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
35.	[date]	[reference] – Email 06	2	Released in part Section 25	Release in part Section 25  The decision on this document is the same as the Agency's decision.	Section 25: See comments for Document 1.
36.	[date]	[reference] – Email 07	4	Released in part Section 30(1)	Release in part Section 25  The decision on this document differs from the Agency's decision.	Section 30(1): See comments for Document 4a.  Section 25: See comments for Document 1.
37.	[date]	[reference] – Email 08	1	Released in part Section 30(1)	Release in part Section 25  The decision on this document differs from the Agency's decision.	Section 30(1): See comments for Document 4a.  Section 25: See comments for Document 1.
38.	[date]	[reference] – Email 09	2	Released in part Section 30(1)	Release in part Sections 30(1), 25  The decision on this document is the same as the Agency's decision.	Section 30(1): I am satisfied release of information exempted by the Agency under section 30(1) would disclose matter in the nature of opinion, advice, recommendation, consultation or deliberation and would be unreasonable for the reasons outlined above. Accordingly, I am satisfied

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						information in the document is exempt under section 30(1). <b>Section 25:</b> See comments for Document 1.
39.	[date]	[reference] – Email 010	2	Released in part Section 30(1)	Release in part Sections 30(1), 25 The decision on this document is the same as the Agency's decision.	<b>Section 30(1):</b> See comments for Document 38. <b>Section 25:</b> See comments for Document 1.
40.	[date]	[reference] – Email 011	2	Released in part Section 25	Release in part Section 25 The decision on this document is the same as the Agency's decision.	<b>Section 25:</b> See comments for Document 1.