

Notice of Decision and Reasons for Decision

Applicant:	'FL9'
Agency:	Major Transport Infrastructure Authority
Decision date:	27 December 2023
Sections considered:	Sections 28(1)(b), 28(1)(c), 30(1), 34(1)(b)
Citation:	'FL9' and Major Transport Infrastructure Authority (Freedom of Information) [2023] VICmr 112 (27 December 2023)

FREEDOM OF INFORMATION – Level Crossing Removal Project – LXR – Major Transport Infrastructure Authority – site report – initial feasibility assessment – Cabinet submissions

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 information in the documents is exempt from release under sections 28(1)(b) and 30(1), I have decided to release further information in the documents where I am unable to be satisfied on the information before me that it is exempt from release.

Where I am not satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted in accordance with section 25, access is refused in full. Where I consider it is practicable to provide the Applicant with an edited copy, 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.

Please refer to the end of this decision for information about further review rights through the Victorian Civil and Administrative Tribunal (**VCAT**).

Joanne Kummrow
Acting Information Commissioner

Reasons for Decision

Background to review

1. The Applicant made a request to the Department of Transport and Planning, which was transferred to the Major Transport Infrastructure Authority (the **Agency**), seeking access to the following documents:

any draft or approved documents relating to elevated rail as a solution for level crossing removal for [location].
2. The Agency located three documents falling within the terms of the Applicant's request and refused access in full under section 28(1)(b).
3. The Agency's decision letter sets out the reasons for its decision.

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. I have examined a copy of the 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. 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.
9. 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.
10. 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)(b) – A document prepared for the purpose of submission for consideration by the Cabinet

11. Section 28(1)(b) provides a document is exempt if it 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.
12. Section 28(3) provides the exemption in section 28(1) does not apply to a document to the extent it contains purely statistical, technical or scientific material unless the disclosure of the document would involve the disclosure of any deliberation or decision of the Cabinet.
13. Section 28(7)(a) defines ‘Cabinet’ as including a committee or sub-committee of Cabinet.
14. In relation to Cabinet documents and the exemptions available under section 28(1):

It has been said that 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.²

15. A document will be exempt 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.³
16. In the absence of direct evidence, the sole or substantial purpose of a document may be determined by examining the use of the document, including whether it was submitted to the Cabinet.⁴ However, it is not necessary for a document to be submitted to Cabinet for the exemption to apply.⁵
17. The exemption will only apply where the document itself was prepared for the purpose of *that document* being submitted for consideration by the Cabinet.⁶
18. In *Ryan v Department of Infrastructure*, former VCAT President, Justice Morris held:⁷

It is important to observe that section 28(1)(b) of the Act does not extend to a document merely because the document has been prepared for the purpose of submission to the Cabinet. Rather the purpose of the preparation of the document must be for submission for consideration by the Cabinet. Hence documents will not fall within the exemption in section 28(1)(b) of the Act just because they were prepared with the intention of physically placing them before the Cabinet. Rather it is necessary to ask whether, at the time a document was

² *Ryan v Department of Infrastructure* [2004] VCAT 2346 at [33] (per former VCAT President, Justice Morris) quoting *Birnbauer v Department of Industry Technology and Resources* [1986] 1 VAR 279.

³ *Secretary to the Department of Treasury and Finance v Dalla-Riva* [2007] VSCA 11 at [13].

⁴ *Ibid* at [15].

⁵ *Ryan v Department of Infrastructure* (2004) 22 VAR 226; [2004] VCAT 2346 at [34]; *Asher v Department of Premier & Cabinet* [2008] VCAT 450 at [22]; *Department of Infrastructure v Asher* (2007) 19 VR 17; [2007] VSCA 272 at [38]; *Davis v Major Transport Infrastructure Authority* [2022] VCAT 894 at [36].

⁶ *Dalla Riva v Department of Treasury & Finance* [2005] VCAT 2083 at [42] (an appeal to the Court of Appeal was allowed: *Department of Treasury and Finance v Dalla-Riva* (2007) 26 VAR 96; [2007] VSCA 11); ; *Asher v Department of Infrastructure* (2006) 25 VAR 143; [2006] VCAT 1375 at [35]–[37]; *Department of Infrastructure v Asher* [2007] VSCA 272, see at [36]-[37] and [55].

⁷ [2004] VCAT 2346 at [36].

prepared, the only purpose, or one of the substantial purposes, for the preparation of the document was for the purpose of submission for *consideration by* the Cabinet.

19. The documents subject to review are:
 - (a) an individual site report for [specified locations] (Document 1);
 - (b) an initial feasibility assessment for [specified locations] (Document 2); and
 - (c) a Cabinet submission (Document 3) and attachments to the submission (Documents 4 to 6).
20. I have considered the Agency's confidential submissions with respect to the purpose for which each document was created.
21. The Agency submits that Document 3 is a submission that was prepared for and considered by a Cabinet committee.
22. Having considered the Agency's submission concerning the purpose of Document 3 and the content of the document, I am satisfied that it was created for the sole, or the substantial purpose of submission to the Cabinet for its consideration, including that it was ultimately submitted and considered by a Cabinet committee. As such, I am satisfied Document 3 and its attachments (Documents 4 to 6) are exempt from release under section 28(1)(b).
23. The Agency submits that Documents 1 and 2 were not submitted to the Cabinet or a committee of the Cabinet for consideration. However, information from these documents was provided to a Cabinet committee in summary form within a submission to a Cabinet committee.
24. On 8 August 2022, VCAT Vice President Judge Marks decided that on the facts of that matter an 'Options Appraisal' document for three different level crossing removal locations were exempt from release under section 28(1)(b) (**Davis v MTIA decision**).⁸ His Honour accepted sworn evidence provided to the Tribunal by senior Agency officers that the documents were prepared as part of a process involving the documents having the potential to be submitted for consideration to the Cabinet.
25. Following consideration of the Agency's first confidential submission prepared by the Agency's internal lawyers, OVIC staff advised the Agency that there was insufficient information to be satisfied that Documents 1 and 2 are exempt from release under section 28(1)(b). OVIC staff referred to the Davis v MTIA decision, as discussed above, and asked the Agency to confirm whether Document 2 falls within the same category of documents considered by VCAT in that matter and, if so, suggested an Agency subject matter expert provide written advice to OVIC in writing.
26. Following a further confidential submission prepared by the Agency's internal lawyers, a formal preliminary view was provided to the Agency that there was insufficient evidence for a Commissioner to be satisfied objectively that Documents 1 and 2 are exempt from release under section 28(1)(b). As such, the Agency was given a further opportunity to provide a statement from a senior Agency officer with relevant oversight or responsibility for the processes the subject of

⁸ *Davis v Major Transport Infrastructure Authority (Review and Regulation)* [2022] VCAT 894 at [15]-[41].

Documents 1 and 2, and who could attest to whether these documents were prepared for the purpose of submission for consideration by the Cabinet.

27. The Agency declined OVIC's request for a statement from a relevant senior Agency officer who could speak directly to the purpose for which the documents were created and had direct knowledge of the documents. In its submission, the Agency also seeks to ensure the confidentiality of its submissions. The Agency relies on section 63E to do so. I do not agree with the Agency that section 63E applies in the way in which it suggests. Section 63E concerns the content of a document the subject of review, not an agency's submissions made to OVIC or its reasons for refusing access to a document – subject to not providing any information that would disclose exempt information. I also refer to the requirement under section 27 and under established administrative law principles for a decision maker to provide sufficient reasons as part of properly discharging my formal decision making duties under the FOI Act.
28. In summary, the Agency seeks to rely on submissions it has provided to OVIC in this matter and has 'decided not to provide attested statements in addition to those submissions'. Further:

LXRP has found that the preparation of witness statements for reviews at the Victorian Civil and Administrative Tribunal results in the incurring of considerable cost for the provision of legal advice and the investment of significant time from both the senior executives making the statement and other parties who provide assistance in the making of those statements. In LXRP's experience, this is not something that can be done quickly, and is likely to further delay the informal resolution of the matter by at least two months.

LXRP is satisfied that the detailed and considered submissions provided for this matter provide appropriate and timely assistance to OVIC to seek an informal resolution of the matter.
29. My fresh decision is made under section 49P and constitutes a formal decision given OVIC staff were not able to informally resolve this matter between the Applicant and the Agency. Further, it is based on the information before me at the time of making my decision.
30. As stated above, I have reviewed the relevant documents. I have also considered the Agency's submissions and the Davis v MTIA decision referenced above. I am not satisfied that the documents before me are the same as those the subject of the Davis v MTIA decision.
31. On the information before me, I am also unable to be satisfied that the sole, or substantial purpose, for which Documents 1 and 2 were prepared was for submission for consideration by the Cabinet. Rather, I consider the documents were created to assist in the preparation of another document for submission for consideration by a Cabinet committee and that Documents 1 and 2 were not intended or prepared for the purpose of being considered by the Cabinet at the time they were prepared.
32. Therefore, I am not satisfied Documents 1 and 2 have the necessary connection or nexus with the Cabinet process in order to fall within the exemption under section 28(1)(b). However, I am satisfied Document 3 and its attachments, being Documents 4 to 6, are exempt from release under section 28(1)(b).
33. My decision on section 28(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

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

34. As noted above, I am satisfied that Document 3 and its attachments (Documents 4 to 6) are exempt from release under section 28(1)(b).
35. Given I am not satisfied that Documents 1 and 2 are exempt from release under section 28(1)(b), I have considered whether any information in those documents is exempt from release under section 28(1)(c).
36. Section 28(1)(c) provides a document is an exempt document if it is a document that is a copy or a draft of, or contains extracts from, a document referred to in paragraph (a), (b) or (ba).
37. The question of whether a document contains extracts should be determined by reference to all the evidence.⁹
38. A document cannot contain extracts from a Cabinet document if it was created before the Cabinet document was prepared.¹⁰
39. I am satisfied Document 2 contains extracts from Document 5 (Attachment B to Document 3) and Document 5 was created prior to Document 2.
40. As such, I am satisfied the extracts in Document 2 are exempt from release under section 28(1)(c).
41. My decision on section 28(1)(c) is set out in the Schedule of Documents in **Annexure 1**.

Section 30(1) – Internal working documents

42. 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.
43. The exemption does not apply to purely factual material in a document.¹¹
44. As I am not satisfied section 28(1)(b) applies to Documents 1 and 2, I have considered the application of section 30(1).

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?

⁹ *Honeywood v Department of Human Services* (2006) 25 VAR 286; [2006] VCAT 2048 at [19].

¹⁰ *Smith v Department of Sustainability and Environment* (2006) 25 VAR 65; [2006] VCAT 1228 at [28]; *Asher v Department of Infrastructure* (2006) 25 VAR 143; [2006] VCAT 1375 at [42].

¹¹ Section 30(3).

45. 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.
46. 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.¹²
47. Considered broadly, I am satisfied Documents 1 and 2 contain information that is in the nature of advice and recommendations relating to a level crossing removal project.

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?

48. 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.¹³
49. In *Re Waterford and Department of Treasury (No.2)*,¹⁴ 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.

50. I am satisfied the documents were made in the course of the Agency’s deliberative processes in relation to assessment and planning for a level crossing removal.

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

51. In determining if disclosure 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 promote the disclosure of information. In doing so, I have given weight to the following relevant factors:¹⁵
 - (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;

¹² *Mildenhall v Department of Education* (1998) 14 VAR 87.

¹³ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at [208].

¹⁴ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

¹⁵ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (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.
52. I am satisfied disclosure of certain information in Documents 1 and 2 would be contrary to the public interest due to the sensitivity of the information.
53. With respect to the remaining information, I am satisfied its disclosure would not be contrary to the public interest for the following reasons:
- (a) There is a public interest in members of the public being able to assess information about how the government makes decisions about publicly funded projects that affect the local community. Providing access to as much information as possible in these circumstances demonstrates how certain decisions are made, what the considerations were, and helps build transparency and trust with respect to government decision making processes.
 - (b) The Victorian Government announced its level crossing removal projects in May 2015 with certain crossing removed by 2016.¹⁶ While some the projects were or are the subject of public concern (for example around the nature of their construction above or below ground, their impact on public amenity and residential and commercial property owners), such projects are now commonplace activity around metropolitan Melbourne. As such, I consider any early public sensitivity associated with these projects has largely subsided.
 - (c) I acknowledge the Applicant's interest in the documents as they are a local resident and are a representative of a local community interest group with respect to level crossing removals in their community. I do not consider an interested a member of the public seeking and obtaining access to such information would be unreasonable or contrary to the public interest, but rather serves the public interest in government transparency and accountability.
54. Accordingly, I am satisfied that certain information in the documents only is exempt from release under section 30(1).
55. My decision on section 30(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 34(1)(b) – Business, commercial or financial information of an undertaking

¹⁶ See Victoria's Big Build website at <https://bigbuild.vic.gov.au/projects/level-crossing-removal-project/about/project-overview>.

56. Section 34(1)(b) provides a document is an exempt document if its disclosure under the FOI Act would disclose information acquired by an agency (or a Minister) from a business, commercial or financial undertaking and:
- (a) the information relates to other matters of a business, commercial or financial nature; and
 - (b) the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.
57. As I have decided to release information in Document 2 to which the Agency refused access under section 28(1)(b), I have considered the application of section 34(1)(b).

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

58. In *Thwaites v Department of Human Services*,¹⁷ VCAT observed the phrase ‘information acquired’ in section 34(1) signifies the need for some positive handing over of information in some precise form.
59. Appendix 3 of Document 2 contains information that the Agency acquired from a business undertaking.

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

60. VCAT also recognises that the words ‘business, commercial or financial nature’ have their ordinary meaning.¹⁸
61. Having considered the subject matter of the documents in Appendix B, which are ecological risks assessments for a level crossing removal project, I am not satisfied the information relates to matters of business, commercial or financial nature.
62. As such, I will not consider the remaining limb of the exemption under section 34(1)(b) as I am not satisfied the requirements for section 34(1)(b) are met and the information is not exempt from release under section 34(1)(b).
63. My decision on section 34(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

64. 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.
65. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’¹⁹ and the effectiveness of the deletions.

¹⁷ (1999) 15 VAR 1.

¹⁸ *Gibson v Latrobe CC* [2008] VCAT 1340 at [25].

¹⁹ *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].

Where deletions would render a document meaningless, they are not 'practicable' and release of the document is not required under section 25.²⁰

66. The Applicant also advised that he does not require access to information relating to the personal affairs information of third parties. Accordingly, this information is irrelevant for the purposes of my review.
67. 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 in Documents 1 and 2, because it would not require substantial time and effort, and the edited documents would retain meaning. However, it would not be practicable to do so for Document 3, as it would render the document meaningless.

Conclusion

68. On the information before me, I am satisfied that information in the documents is exempt from release under sections 28(1)(b) and 30(1). However, I have decided to release further information which I have determined is not exempt from release.
69. Where I am not satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted in accordance with section 25, access is refused in full. Where I consider it is practicable to provide the Applicant with an edited copy, access is granted in part.
70. The Schedule of Documents in **Annexure 1** sets out my decision on each document.

Timeframe to seek a review of my decision

71. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²¹
72. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²²
73. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²³
74. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
75. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.²⁴

²⁰ *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].

²¹ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²² Section 52(5).

²³ Section 52(9).

²⁴ Sections 50(3F) and 50(3FA).

Third party review rights

76. As I have determined to release documents that contain information relating to an external undertaking, if practicable, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.²⁵
77. In this case, I am satisfied it is practicable to notify the relevant third party of its review rights and confirm it will be notified of my decision.

When this decision takes effect

78. My decision does not take effect until the third party's 60 day review period expires.
79. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

²⁵ Sections 49P(5), 50(3A) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Planning Study – Individual Site Report	34	<p>Refused in full</p> <p>Section 28(1)(b)</p>	<p>Release in part</p> <p>Sections 30(1), 25</p> <p>The following information is exempt from release under section 30(1):</p> <ul style="list-style-type: none"> (a) the first dot point on page 3; (b) the nineteenth dot point on page 3; (c) the last sentence of the fourth paragraph on page 11; (d) the second sentence on page 12 (the last sentence in the first paragraph of that page) (e) the first dot point on page 12; (f) the first two sentences in the fourth paragraph under part 3.4 on page 13; (g) the first dot point on page 13 under Part 3.5; (h) the sixth dot point on page 24; and 	<p>Section 28(1)(b): I am not satisfied the document is exempt from release under section 28(1)(b) for the reasons provided in the Notice of Decision above.</p> <p>Section 30(1): I am satisfied the document contains information that is exempt from release under section 30(1) for the reasons provided in the Notice of Decision above.</p> <p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant information deleted in accordance with section 25.</p>

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Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					(i) the red textbox on the left hand side of page 30.	
2.	[date]	Initial Feasibility Assessment	31	Refused in full Section 28(1)(b)	Release in part Sections 28(1)(c), 30(1), 25 The following information is exempt from release under section 30(1): (a) in the second row in the second table on page 7: <ul style="list-style-type: none"> • the first sentence in the second column; • the last three words in the third column; • the last three words in the fourth column; (b) the second last dot point on page 7; (c) the aerial perspective drawings on pages 13, 15 and 16; and (d) the aerial perspective drawing on page 24.	Sections 30(1), 28(1)(b), 25: See comments for Document 1. Section 28(1)(c): I am satisfied the document contains information that is exempt from release under section 28(1)(c) for the reasons provided in the Notice of Decision above.

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Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>The following information is exempt under section 28(1)(c):</p> <p>(a) page 10;</p> <p>(b) page 11.</p> <p>Irrelevant personal affairs information is also to remain deleted in accordance with section 25.</p>	
3.	Undated	Submission	16	<p>Refused in full Section 28(1)(b)</p>	<p>Refuse in full Section 28(1)(b)</p>	<p>Section 28(1)(b): I am satisfied the document is exempt from release under section 28(1)(b) for the reasons provided in the Notice of Decision above.</p> <p>Section 25: I am not satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant information deleted in accordance with section 25.</p>
4.	[date]	Attachment A – Attachment to Document 3	35	<p>Refused in full Section 28(1)(b)</p>	<p>Refuse in full Section 28(1)(b)</p>	See comments for Document 3.

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Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
5.	[date]	Attachment B – Attachment to Document 3	29	Refused in full Section 28(1)(b)	Refuse in full Section 28(1)(b)	See comments for Document 3.
6.	[date]	Attachment C – Attachment to Document 3	1	Refused in full Section 28(1)(b)	Refuse in full Section 28(1)(b)	See comments for Document 3.