

Notice of Decision and Reasons for Decision

Applicant:	'FU9'
Agency:	Department of Energy, Environment and Climate Action
Decision date:	30 January 2025
Exemptions considered:	Sections 28(1)(d), 30(1), 33(1), 34(1)(b) and 34(4)(a)(ii)
Citation:	'FU9' and Department of Energy, Environment and Climate Action (Freedom of Information) [2025] VICmr 18 (30 January 2025)

FREEDOM OF INFORMATION – Ministerial briefing – renewable energy initiatives – second Victorian Renewable Energy Target auction (**VRET2**)

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 a document (Document 4) requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision. I am satisfied certain information in Document 4 is exempt from release under sections 28(1)(d), 30(1), 33(1) and 34(1)(b) and that information is not exempt from release under section 34(4)(a)(ii).

I have decided to release Document 4 to the Applicant in part as it is practicable to edit the document to delete exempt and irrelevant information.

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

My reasons for decision follow.

Penny Eastman
Public Access Deputy Commissioner

30 January 2025

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to the following documents:

A copy of the following briefs, excluding attachments:

- MBR049167 - VRET2 Letter to [named entity] and NSPs [Network Service Providers] and Program Delivery Update
- MBR049475 - Determining Victoria's 2035 Interim Emissions Reduction Target
- MBR049088 - Letter to Treasurer re Director Indemnity at the Water Corporations
- MBR049408 - Regular Meeting - Great Ocean Road Coast and Parks Auth - [named Minister]
- MBR048911 - 2023 Duck Hunting Season Recommendations
- MBR049318 - Enabling Aboriginal Self-Determination on Country

A copy of the following brief, with attachments:

- MBR049163 - State Electricity Commission - Expert Advisory Panel Establishment and Appointments

2. The Applicant did not seek access to personal affairs information concerning non-executive staff.
3. The Agency identified seven documents falling within the terms of the Applicant's request and granted access in full to one document and refused access in part to five documents and one document in full. The Agency replied on the exemptions under sections 30(1), 33(1) and 34(4)(a)(ii) of the FOI Act. 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. The Applicant limited the scope of the review to Document 4 only, which the Agency exempted in full under sections 30(1), 33(1) and 34(4)(a)(ii).
6. I have examined a copy of Document 4, which is a brief to [a Minister] containing a program delivery update on the second Victorian Renewable Energy Target auction (**VRET2**) dated [month, year].
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
8. I have considered relevant communications and submissions received from the parties.

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.

Victorian Renewable Energy Target Auction Program (VRET2)

12. Victoria has renewable energy targets legislated under the *Renewable Energy (Jobs and Investment) Act 2017* (Vic). According to the State Government's website, the Victorian Renewable Energy Target auctions VRET1 and VRET2 help Victoria meet its renewable energy targets by providing long-term contracts that create investment certainty to build new energy generation projects.²
13. The Agency's decision letter discloses the title of Document 4 as 'MBR049167 - VRET2 Letter to [named entity] and NSPs and Program Delivery Update'.
14. As of January 2025, the Government states on its website that VRET2 has six successfully funded projects.³

Preliminary view

15. During the review, the Agency was provided with my preliminary view that sections 30(1) and 34(4)(a)(ii) do not apply to Document 4 in full and that certain content may be exempt instead under section 28(1)(d).
16. In response, the Agency provided OVIC with a new marked-up copy of the document indicating that further information could be released. It remained of the view that certain information is exempt under section 30(1) and 34(4)(a)(ii), and added exemptions under sections 28(1)(d) and 34(1)(b) over certain information.

Review of exemptions

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

² State Government of Victoria, Victorian renewable energy and storage targets, (Web Page, 31 October 2024), <https://www.energy.vic.gov.au/renewable-energy/victorian-renewable-energy-and-storage-targets>.

³ State Government of Victoria, Victorian Renewable Energy Target auction (VRET2) (Web Page, 21 January 2025) <https://www.energy.vic.gov.au/renewable-energy/victorian-renewable-energy-and-storage-targets/victorian-renewable-energy-target-auction-vret2>.

Section 28(1)(d) – Documents that disclose any deliberation or decision of Cabinet

17. Section 28(1)(d) exempts a document that would disclose any deliberation or decision of the Cabinet. It does not include a document by which a decision of the Cabinet was officially published.
18. Where the decision or recommendation of the Cabinet has been made public already, releasing information is unlikely to ‘disclose’ the Cabinet decision or deliberation.⁴
19. Decision means any conclusions as to a course of action the Cabinet adopts, whether they are conclusions as to final strategy on a matter or conclusions about how a matter should proceed.⁵
20. ‘Deliberation’ means the actual debate that took place, not just the subject matter of the debate (what the debate was about). In other words, how the subject matter was treated (how arguments were weighed up and evaluated) by the Cabinet with a view to making a decision, not just the subject matter itself.⁶
21. A document may reveal deliberations of Cabinet if the document, on its face:⁷
 - (a) discloses that the Cabinet required information of a particular type for the purpose of enabling the Cabinet to determine whether a course of action was practicable or feasible; or
 - (b) advances an argument for a particular point of view.
22. In contrast, a document that just reveals that certain information, such as a statistic or description of an event, was placed before Cabinet does not reveal a deliberation or decision of the Cabinet.⁸
23. During the review, the Agency provided extracts from a Cabinet submission in support of its view that certain information is exempt from release under section 28(1)(d).
24. I am satisfied that certain information in Document 4 details information that is included in a submission to the Cabinet, and thereby, the document subject to review reveals information that was considered by the Cabinet.
25. However, I have decided to release additional information in the document that the Agency claimed exempt under section 28(1)(d) following my preliminary view, where I am satisfied the extracts from the Cabinet submission do not coincide with information in Document 4.
26. Accordingly, I am satisfied that certain information only in Document 4 is exempt from release under section 28(1)(d).

⁴ *Honeywood v Department of Innovation, Industry and Regional Development* [2004] VCAT 1657, [26].

⁵ *Dalla-Riva v Department of Treasury and Finance* [2005] VCAT 2083, [30] citing *Toomer and Department of Agriculture, Fishers and Forestry and Ors* [2003] AATA 1301 [88].

⁶ *Department of Infrastructure v Asher* [2007] VSCA 272, [6] and [58].

⁷ *Ibid*, [8].

⁸ *Ibid*.

Section 30(1) – Internal working documents

27. To be exempt under section 30(1), three conditions must be satisfied:
- (a) the document or information is matter in the nature of:
 - (i) opinion, advice or recommendation prepared by an agency officer or a Minister; or
 - (ii) consultation or deliberation that has taken place between agency officers or Ministers; and
 - (b) the matter was created during the deliberative process of an agency, Minister, or the government's functions; and
 - (c) disclosure of the matter would be contrary to the public interest.
28. The exemption does not apply to purely factual material in a document.⁹
29. The Agency states in its decision letter that Document 4 'contains opinion and advice to the Minister, including discussion of strategies in relation to ongoing negotiations'. The Agency claims release would be contrary to the public interest 'as it could be misinterpreted as representing a final position and would also be likely to disadvantage [the Agency] in these ongoing negotiations and similar situations in the future'.

First condition – opinion, advice or recommendation, or consultation or deliberation

30. While I am satisfied Document 4 contains advice to the Minister prepared by Agency officers, it also contains a significant amount of factual information about the status of VRET2 projects, which is not exempt under section 30(1) due to section 30(3).

Second condition – deliberative process

31. Deliberative process' is widely interpreted to include most processes undertaken by an agency or Minister in relation to their functions.¹⁰
32. Under the *Renewable Energy (Jobs and Investment) Act 2017* (Vic), the Minister for Energy and Resources is responsible for reporting to the Parliament each financial year on the progress towards meeting renewable energy targets and the performance of schemes to achieve energy storage targets under that act, amongst other reporting requirements.¹¹
33. I am satisfied the document was prepared for the purpose of the Minister's deliberation in relation to Victoria's renewable energy initiatives and relating to their responsibility to report on progress regarding meeting renewable energy targets.

Third condition – contrary to the public interest to disclose

⁹ Section 30(3).

¹⁰ *Re Waterford and Department of Treasury (No.2)* (1981) 1 AAR 1 referred to in *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201, 208.

¹¹ *Renewable Energy (Jobs and Investment) Act 2017* (Vic) section 8.

34. There are many factors that may be relevant to determining whether it would be contrary to the public interest to disclose a document or information.¹²
35. In deciding if release would be 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. This requires a 'process of the weighing against each other conflicting merits and demerits'.¹³
36. As stated above, a significant amount of information in the document is factual and therefore not exempt under section 30(1).
37. In summary, the Agency considers disclosure of certain information will impact the Government's commercial position with respect future commercial contracting arrangements, which would be contrary to the public interest. This is more closely aligned with the exemption under section 34(4)(a)(ii), which I have considered below.
38. On careful review of Document 4, I am only satisfied that paragraphs 16 to 19 would be contrary to the public interest to disclose, as these paragraphs concern speculative risks to the project. I consider disclosure could realise those risks and thereby impact the completion of VRET2 projects, most of which are still ongoing.
39. Accordingly, I am satisfied that certain information in Document 4 is exempt under section 30(1).

Section 33(1) – Documents affecting personal privacy of third parties

40. Information is exempt under section 33(1) if two conditions are satisfied:
 - (a) the document or information relates to the 'personal affairs' of a natural person (living or deceased); and
 - (b) disclosure of that personal affairs information is unreasonable in all the circumstances.

First condition – personal affairs information

41. The Applicant does not seek personal affairs information of non-executive staff. The remaining personal affairs information is:
 - (a) names, position titles, signatures and telephone numbers, signatures and telephone numbers of executive Agency officers; and
 - (b) names and position titles of external executives from various business undertakings (**external third parties**).

¹² For example, see *Coulson v Department of Premier and Cabinet* [2018] VCAT 229, [25]; *Hulls v Victorian Casino and Gaming Authority* (1998) 12 VAR 483, 488; *Secretary to Department of Justice v Osland* (2007) 26 VAR 425, [77].

¹³ *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

42. The Agency does not claim the names, position titles and signatures of executive Agency officers as exempt. As such, only their telephone numbers are claimed exempt under section 33(1).

Second condition – unreasonable disclosure

43. Information in a document is only exempt under section 33(1) if the disclosure of personal affairs information would be ‘unreasonable’ in the circumstances.¹⁴
44. I must carefully weigh the facts and matters that ‘relevantly, logically, and probatively’ bear upon whether disclosure of the personal affairs information is unreasonable in the circumstances, which will vary with each case.¹⁵
45. It is also mandatory to consider if disclosure would, or would be reasonably likely to, endanger the life or physical safety of any person.¹⁶ In this case, I am not satisfied that disclosure would not result in risk to any person.
46. I am satisfied that it would be unreasonable to disclose the personal affairs information of external third parties, as it does not add meaning when the name of the undertaking itself is disclosed.
47. I am also satisfied it would be unreasonable to disclose the direct telephone numbers of executive Agency officers in circumstances where their names and position titles are disclosed in the document.
48. Therefore, certain information in Document 4 is exempt from disclosure under section 33(1).

Section 34(1)(b) – business, commercial or financial information of a third party undertaking

49. A document or information is exempt under section 34(1)(b) if three conditions are satisfied:
- (a) the document or information was acquired from a business, commercial, or financial undertaking; and
 - (b) the information relates to matters of a business, commercial or financial nature; and
 - (c) disclosure of the information is likely to expose the undertaking unreasonably to disadvantage (based on matters listed in section 34(2) and any other relevant considerations).

First condition – information acquired from a business, commercial or financial undertaking.

50. The phrase ‘information acquired’ involves some positive handing over of information to an agency in a precise form.¹⁷

¹⁴ *AB v Department of Human Services* [2001] VCAT 2020, [38]; *Victoria Police v Marke* [2008] VSCA 218, [22].

¹⁵ *Victoria Police v Marke* [2008] VSCA 218, [98].

¹⁶ Section 33(2A).

¹⁷ *Thwaites v Department of Human Services* (1999) 15 VAR 1, 14.

51. The actual document itself does not need to be acquired from an undertaking.¹⁸ It may also disclose relevant information acquired from the undertaking.¹⁹
52. Document 4 was not acquired from an undertaking, however, as it reports on the progress of VRET2 projects. While most of the information would not reveal any information that was actually acquired from the undertakings, there is a small amount of information that I am satisfied was acquired from various undertakings involved.

Second condition – information that relates to matters of a business, commercial or financial nature

53. The second condition requires the acquired information to have a business, commercial, or financial nature. ‘Business’, ‘commercial’ and ‘financial’ should each be given their ordinary meaning.²⁰
54. Document 4 concerns contract management activities relating to VRET2 projects, and therefore, I am satisfied the document relates to matters of a business and commercial nature.

Third limb – likely to expose the undertaking unreasonably to disadvantage

55. In considering whether disclosure will expose an undertaking to unreasonable disadvantage, an agency or Minister should, along with any other relevant consideration, have regard to the following factors set out in section 34(2):
- (a) whether the information is generally available to competitors of the undertaking;
 - (b) whether the information would be exempt if it were generated by an agency or a Minister;
 - (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking; and
 - (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls.
56. I am not satisfied that Document 4 includes information that would expose any of the undertakings unreasonably to disadvantage. Particularly, it does not reveal information that, if disclosed, would:
- (a) give a competitor of the undertakings a competitive financial advantage;
 - (b) enable competitors to engage in destructive competition with the undertakings; or

¹⁸ *Gill v Department of Industry, Technology and Resources* (1985) 1 VAR 97, 106.

¹⁹ *Ibid*; *Holbrook v Department of Natural Resources* (1997) 13 VAR 1, 8.

²⁰ *Gibson v Latrobe CC* [2008] VCAT 1340, [25].

- (c) lead to unwarranted conclusions about the undertakings' financial affairs and position that result in commercial and market consequences.²¹

57. However, as Document 4 includes some sensitive information with respect to a potential risk in paragraphs 16 to 19, I am satisfied that such information would be likely to expose the relevant undertaking unreasonably to disadvantage.

58. Thereby, I am satisfied that certain information in Document 4 is exempt under section 34(1)(b).

Section 34(4)(a)(ii) – Information that would expose the Agency unreasonably to disadvantage

59. Section 34(4)(a)(ii) provides a document is an exempt document if it contains 'in the case of an agency engaged in trade or commerce, information of a business, commercial or financial nature that would if disclosed under this Act be likely to expose the agency unreasonably to disadvantage'.

60. A document or information is exempt under section 34(4)(a)(ii) if:

- (a) the agency is engaged in trade or commerce; and
- (b) the document contains information of a business, commercial or financial nature; and
- (c) disclosure of the information would be likely to expose the agency unreasonably to disadvantage.

First condition – agency engaged in trade and commerce

61. Whether an agency is engaged in trade or commerce depends on the specific facts and circumstances. It requires clear evidence that the agency is doing more than delivering government services or functions.

62. The words trade or commerce are expressions of fact and terms of common knowledge.²²

63. Trade or commerce activities must 'of their nature, bear a trading or commercial character'.²³

64. I accept that the Agency is engaged in trade and commerce with respect to funding projects under the VRET2 auction and related contractual agreements.

Second condition – information of a business, commercial or financial nature?

65. The phrase 'information of a business, commercial or financial nature' is not defined in the FOI Act. Therefore, the words 'business, commercial or financial nature' should be given their ordinary meaning.²⁴

²¹ *Dalla-Riva v Department of Treasury and Finance* [2007] VCAT 1301, [33].

²² *Re Ku-Ring-Gai Co-operative Building Society (No 12) Ltd* [1978] FCA 50, per Deane J, Brennan J agreeing, [44].

²³ *Gibson v Latrobe City Council* [2008] VCAT 1340, [35] citing *Concrete Constructions (NSW) Pty Ltd v Nelson* [1990] HCA 17; (1990) 169 CLR 594, 604.

²⁴ *Gibson v Latrobe CC (General)* [2008] VCAT 1340, [25].

66. As stated above with respect to section 34(1)(b), the document contains information of a business and commercial nature.

Third condition – would disclosure be likely to expose the Agency unreasonably to disadvantage?

67. Tribunals and courts describe ‘disadvantage’ in terms of the business, commercial or financial implications of disclosure. In particular, whether disclosure is likely to:
- (a) reduce an agency’s capacity to compete in a competitive market for buying and selling goods or services;²⁵
 - (b) reduce an agency’s capacity to negotiate future commercial contracts;²⁶
 - (c) strengthen the bargaining position of entities the agency negotiates with, at the expense of the agency competing for marketplace share;²⁷ or
 - (d) expose the rates that an agency is prepared to accept for various services – and if so, the likely impact on the agency’s operations.
68. Whether disclosure is likely to expose an Agency *unreasonably* to disadvantage depends on the particular facts and circumstances of the matter, considering the consequences that likely to follow from disclosure of the information.
69. The provision contemplates that disclosure of a document under the FOI Act may expose the agency to a certain measure of disadvantage, and that any such exposure must be unreasonable.
70. The Agency decision letter states that disclosure would likely expose the Agency to disadvantage because the information ‘relates to contracts that are currently on foot and could disadvantage the government during negotiations’.
71. I am not satisfied that the Agency would be exposed unreasonably to disadvantage for the following reasons:
- (a) As certain information in Document 4 may not concern the Agency’s usual practices with respect to contractual agreements, it is unlikely that it could be used by other entities to expose the Agency unreasonably to disadvantage in other commercial dealings. It appears that the Agency’s assessments and commercial strategy was tailored to the circumstances of each of the projects.
 - (b) Certain information in Document 4 concerns a completed VRET2 project. Therefore, disclosure of information concerning the project as of [month, year] is no longer relevant. Disclosure is unlikely to impact negotiations between the State and other undertakings involved in the VRET2 projects as the relevant information is tailored to the particular project.

²⁵ *Binnie v Department of Industry, Technology & Resources* (1986) 1 VAR 345, 348.

²⁶ *Ibid*; *Davis v Department of Transport* [2022] VCAT 721, [58].

²⁷ *Save Albert Park Inc v Australian Grand Prix Corporation* [2008] VCAT 168, [77].

- (c) I am not satisfied that information concerning the Agency's approach to contract management would be likely to influence the expectations of the undertakings, or potential future undertakings, in future contractual dealings. It is evident on the face of Document 4 that contractual dealings were intended to be on an individual basis.
 - (d) While information in Document 4 reveals how commercial agreements were structured, it is specific to the VRET2 projects. Disclosure is unlikely to impact other commercial agreements, including any potential future VRET projects.
 - (e) For the same reason, I am not satisfied that disclosing the way in which the Agency monitored or assessed progress of the contractual arrangements is likely to impact future dealings with the undertakings with respect to the projects, or any future projects.
72. Therefore, I am not satisfied that information in Document 4 is exempt under section 34(4)(a)(ii).

Section 25 – Deletion of exempt or irrelevant information

73. 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.
74. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²⁸ 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 25.²⁹
75. As noted above, the Applicant does not seek personal affairs information of non-executive staff. This information is therefore irrelevant to their request. I have considered the effect of deleting exempt and irrelevant information from Document 4. In my view, it is practicable for the Agency to delete such information. Document 4 is therefore to be released in part.

Conclusion

76. On the information before me, I am satisfied certain information in Document 4 is exempt from release under sections 28(1)(d), 30(1), 33(1) and 34(1)(b) and that information is not exempt from release under section 34(4)(a)(ii).
77. I have decided to release the document to the Applicant in part as it is practicable to edit the document to delete exempt and irrelevant information. Refer to **Annexure A** for my directions on the specific content I have found exempt and irrelevant.

²⁸ *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].

²⁹ *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division* (Review and Regulation) [2013] VCAT 1267 at [140], [155].

Timeframe to seek a review of my decision

78. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.³⁰
79. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.³¹
80. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.³²
81. 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.
82. 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.³³

Third party review rights

83. As I have decided to release personal affairs information and information concerning business undertakings, I am required to notify them of their right to seek a review of my decision by VCAT of my decision within 60 days from the date they are given notice.³⁴
84. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights.
85. The Agency will be provided with notification letters to distribute to affected Agency officers as soon as practicable.
86. OVIC will notify the relevant business undertakings as soon as practicable.

When this decision takes effect

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

³⁰ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

³¹ Section 52(5).

³² Section 52(9).

³³ Sections 50(3F) and 50(3FA).

³⁴ Sections 49P(5), 50(3), 50(3A) and 52(3).

Annexure A - Document Schedule

Document No.	Date	Description	No. of pages	Agency's decision	OVIC's decision
4.	[Date]	Ministerial Briefing – MBR049167	6	Refused in full Sections 30(1), 34(4)(a)(ii)	<p>Release in part</p> <p>Sections 28(1)(d), 30(1), 33(1), 34(1)(b), 25</p> <p>The following information is to be redacted:</p> <ul style="list-style-type: none"> • personal affairs information on non-executive Agency staff, which irrelevant information; • telephone numbers of executive Agency officers, which are exempt under section 33(1); • names and position titles of external third parties, which are exempt under section 33(1); • point 5 of recommendations, which is exempt under section 28(1)(d); • the first sentence in paragraph 7, which is exempt under section 28(1)(d); • the heading above paragraph 8, which is exempt under section 28(1)(d);

Document No.	Date	Description	No. of pages	Agency's decision	OVIC's decision
					<ul style="list-style-type: none"> the second last sentence in paragraph 7, which are exempt under section 28(1)(d); the first dot point in paragraph 9, which is exempt under section 28(1)(d); paragraph 10, which is exempt under section 28(1)(d); paragraphs 16 to 19, including the heading, which is exempt under sections 30(1) and 34(1)(b); paragraph 23, which is exempt under section 28(1)(d); and paragraph 25, which is exempt under section 28(1)(d).