

## Notice of Decision and Reasons for Decision

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Applicant:	'FX2'
Agency:	Department of Jobs, Skills, Industry and Regions
Decision date:	29 January 2025
Exemptions considered:	Sections 14(1)(a), 28(1)(b), 28(1)(c), 30(1), 34(1)(b)
Citation:	'FX2' and Department of Jobs, Skills, Industry and Regions (Freedom of Information) [2025] VICmr 38 (29 January 2025)

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FREEDOM OF INFORMATION – Commonwealth Games – Cabinet submissions – documents attached to Cabinet submissions – cost plans – cost estimates – preliminary documents – draft documents

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.

I am satisfied that some of the documents are exempt from release under section 28(1)(b). I am not satisfied that other documents are exempt under sections 28(1)(c), 30(1) or 34(1)(b). Accordingly, I have decided to release certain documents to the Applicant in full.

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

Please refer to page 11 for information about review rights through the Victorian Civil and Administrative Tribunal (**VCAT**).

My reasons for decision follow.

Penny Eastman  
**Public Access Deputy Commissioner**

29 January 2025

## Reasons for Decision

### Background to review

1. The Applicant's request is for:

All infrastructure project initiation plans and business cases for infrastructure projects that were to be completed as part of the 2026 Commonwealth Games. This request also asks for a Commonwealth Games business case in the event that individual infrastructure project business cases do not exist.

2. The Agency identified 12 documents falling within the terms of the Applicant's request and refused access to these documents in full under section 28(1)(b). The Agency's decision letter sets out the reasons for its decision.

### Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. I have examined a copy of the documents subject to review.
5. My review includes an additional document (Document 3) which was not included in the Schedule of Documents in the Agency's decision letter.
6. The Applicant advised that they accept that Documents 1 and 2 are Cabinet documents. Accordingly, my review is limited to Documents 3 to 13 only.
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
8. I have considered all communications and submissions received from the parties, including the Agency's response to OVIC staff providing an initial view about the application of section 28(1)(b) to Documents 5 to 11 following consultation with me. In this response, the Agency altered the exemptions claimed to Documents 5 to 11 and I have considered this further in my decision below from paragraph 28.
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.

## Review of provisions and exemptions

### *Section 14(1)(a) – Information not subject to access under the FOI act*

11. The purpose of section 14(1) is to ensure government information, which is available via another means of public access, is not subject to access under the FOI Act.
12. Section 14(1)(a) applies to documents made publicly available free of charge, as well as for a fee or other charge. This means that a person cannot request access under the FOI Act, to documents made freely available, for example, on an agency's website.
13. Document 3 is titled *Regional Victoria – Commonwealth Games 2026 Business Case*.
14. This document is publicly available on the Victorian Government's website.<sup>1</sup>
15. Accordingly, section 14(1)(a) applies and the document cannot be accessed under the FOI Act.

### *Section 28 - Cabinet documents*

#### *Section 28(1)(b) – Document prepared for purpose of submission for consideration by the Cabinet*

16. Section 28(1)(b) exempts from release a document that was prepared by a Minister, or on behalf of a Minister, or by an agency, for the purpose of submitting it to Cabinet for Cabinet's consideration.
17. The document must have been created for the sole, substantial or dominant purpose of submission to the Cabinet for its consideration.<sup>2</sup>
18. The document does not need to have been, in fact, considered by, or submitted to, the Cabinet.<sup>3</sup> The purpose of the document's creation is the key consideration. However, where there is no evidence of the purpose of the document's creation, the actual use of the document can assist to determine the purpose of its creation.<sup>4</sup>
19. The documents must be prepared for consideration by the Cabinet, not merely for the purpose of placing them before the Cabinet.<sup>5</sup>

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

20. Section 28(1)(c) provides a document is an exempt document if it is a copy or a draft of, or contains extracts from, a document referred to in sections 28(1)(a), 28(1)(b) or 28(1)(ba).

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<sup>1</sup> See <https://www.vic.gov.au/commonwealth-games-2026>.

<sup>2</sup> *Ryan v Department of Infrastructure* [2004] VCAT 2346, [34]; *Herald & Weekly Times v Victorian Curriculum & Assessment Authority* [2004] VCAT 924, [72].

<sup>3</sup> *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [20]; *Ryan v Department of Infrastructure* [2004] VCAT 2346, [34].

<sup>4</sup> *Ryan v Department of Infrastructure* [2004] VCAT 2346, [34]; *Department of Treasury and Finance v Dalla-Riva* [2007] VSCA 11, [15]; *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [19].

<sup>5</sup> *Ryan v Department of Infrastructure* [2004] VCAT 2346 [36]; *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [22].

21. As stated above, the Agency submitted during the review that Documents 5 to 11 are drafts of documents that were prepared for the purpose of submission to Cabinet.
22. A draft is a preliminary version of a document. A document will not be considered a draft simply because it was created before the relevant submissions or because there is information common to both sets of documents. It should be the actual document, preferably marked as 'draft' and not documents of 'different kinds prepared by different agencies'.<sup>6</sup>
23. A draft does not extend to source documents created for other purposes before the submission or briefing, and where they contain information subsequently reproduced in a submission or brief.<sup>7</sup>

*Assessment of section 28(1)(b) to Documents 4, 12 and 13*

24. Documents 4, 12 and 13 are attached to Document 2.
25. Document 2 is a submission to the [document title] – [month year] *Funding Back Report* with several attachments.
26. There is also information in Document 2 that indicates these attachments were intended to be submitted to Cabinet.
27. Accordingly, I am satisfied Documents 4, 12 and 13 are exempt from release under section 28(1)(b).

*Assessment of section 28(1)(b) to Documents 5 to 11*

28. The Agency initially claimed that Document 5 was exempt under section 28(1)(b), and then later submitted it is exempt under section 28(1)(c) on the basis that it is a draft version of a document attached to Document 2, specifically an appendix to attachment 6 (Appendix 6.10 G1).
29. Document 5 is recorded as 'delivery case estimate No. 02' and the version of the document that appears in attachment 6 of Document 2 is 'delivery case estimate No. 07'.
30. The Agency also submitted that both versions were prepared by a consultant for the purpose of submitting No. 07 (appendix 6.10 G1) to Cabinet, specifically to support a cost estimate report/expenditure report in attachment 5 to Document 2 (page 67 of Document 2).
31. Similarly, the Agency claimed that Documents 9, 10 and 11 were exempt under section 28(1)(b), and later claimed they are exempt under section 28(1)(c) on the basis that they are also draft versions of appendixes in attachment 6 of Document 2, specifically, appendixes 6.11 G2, 6.14 G5 and 6.12 G3.
32. The Agency also claimed that Documents 6, 7 and 8 are earlier versions of Documents 9, 10 and 11, such that section 28(1)(c) would apply.

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<sup>6</sup> *Asher v Department of Infrastructure* (2006) 25 VAR 143; [2006] VCAT 1375, [43].

<sup>7</sup> *Department of Infrastructure v Asher* [2007] VSCA 272, [44].

33. During the review, OVIC provided the Agency with OVIC's preliminary view that Document 5 does not appear to be a draft of the later document, but instead is a draft of a standalone document prepared earlier in time, albeit one that looks very similar and contains the same type of information as that attached to Document 2. Therefore, the Agency was asked to provide a statutory declaration from a senior departmental officer with actual knowledge of the purpose for which the documents were prepared.
34. The Agency advised OVIC that it was unable to facilitate the request for a statutory declaration and made the following further submissions:
  - (a) Documents 5 to 11 are draft versions of attachments to Document 2. While they have different version numbers and figures, this is only because they were being developed over a period of time, with the latest version containing the most up to date information.
  - (b) The estimates were commissioned for the sole purpose of the Office of the Commonwealth Games (OCG) Delivery Case for the proposed Village sites, which was known would be considered by the Cabinet. Development Victoria was acting on OCG's behalf and engaged a third-party consultant for this purpose.
  - (c) Documents 5 to 11 should not be considered preliminary or preparatory in nature. They were, in fact, drafts of documents that were prepared for submission to Cabinet. The intention at all times was that the Cabinet would consider the estimates, and this is what occurred.
  - (d) Given the above, the more appropriate exemption for these documents is section 28(1)(c) rather than section 28(1)(b).

If the OVIC Commissioners are of the view that section 28(1)(c) is not made out, the Agency submits that Documents 5 to 11 are exempt in full under 30(1).
35. I have carefully considered the Agency's response. I am not satisfied there is sufficient evidence before me to support that these documents were prepared for the sole, substantial or dominant purpose of submission to the Cabinet for its consideration and note that the Agency now seeks to rely on section 28(1)(c) and in its alternative section 30(1) instead.
36. Accordingly, I am satisfied that Document 5 to 11 are not exempt from release under section 28(1)(b). I have further considered section 28(1)(c) below.

*Assessment of section 28(1)(c) to Documents 5 to 11*

37. Document 5 is recorded as 'delivery case estimate No. 02' and concerns pricing as of [month, year]. The version of the document that appears in attachment 6 of Document 2 (appendix 6.10 G1) is 'No. 07' and concerns [month, year] prices. Although Document 5 is watermarked with "draft", it does not appear that Document 5 is in fact a draft of the later document. Instead, in line with the preliminary view provided to the Agency, I consider this is a draft of a standalone document prepared earlier in time, albeit one that looks very similar and contains the same type of information to that attached to Document 2 (appendix 6.10 G1).
38. A similar situation occurs with Documents 9 to 11, however, they are not watermarked with "draft". These documents are recorded as 'delivery case estimate No. 05' and concern [month, year] prices. The documents that appear in attachment 6 of Document 2 are 'No. 07' and concern [month, year] prices (appendix 6.11 G2, 6.14 G5 and 6.12 G3).

39. The Agency also submitted that Documents 6, 7 and 8 were earlier versions of Documents 9, 10 and 11. These are recorded as 'delivery case estimate No. 01' and concern pricing as of [month, year]. Documents 6 and 7 are also watermarked with "draft".
40. As stated above regarding section 28(1)(b), there is insufficient evidence before me to be satisfied that Documents 5 to 11 are exempt from release under section 28(1)(b).
41. Accordingly, I am not satisfied that Documents 5 to 11 are drafts of documents exempt under section 28(1)(b) and therefore they are not exempt under section 28(1)(c).

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

42. As noted above, the Agency seeks to rely on section 30(1) if section 28(1)(c) does not apply to Documents 5 to 11.
43. 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.
44. Section 30(3) provides purely factual information is not exempt under section 30(1).

***First requirement – opinion, advice, recommendation, or consultation or deliberation***

45. The term 'officer' is defined in section 5(1) and includes independent contractors and consultants engaged by an agency to carry out work or provide services.
46. Documents 5 to 11 are cost plans that were prepared by an external consultant for Development Victoria. I am satisfied that these documents comprise of cost estimates, whereby assumptions were made in their preparation, and concern fixed priced market rates at the time in which the documents were created. Such information is matter in the nature of advice.
47. Therefore, this requirement is met.

***Second requirement – deliberative process related to the functions of an agency, Minister or government***

48. The Agency submits that the documents were commissioned for the sole purpose of the OCG Delivery Case for the proposed Village sites, which was known would be considered by the Cabinet. It also states that Development Victoria was acting on OCG's behalf and engaged a third-party consultancy to prepare the documents.

49. I am satisfied the documents were made during, or for the purpose of, the deliberative processes involved in the functions of the government, specifically, the delivery of the Commonwealth Games.

50. Therefore, this requirement is met.

*Third requirement – would disclosure of the document be contrary to the public interest?*

51. 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.<sup>8</sup>

52. Public interest factors are not a fixed, determinative set of criteria.<sup>9</sup> Rather, they are a list of matters that may be relevant. Each request balances these factors based on the unique circumstances of the matter.

53. The Agency relies on *Herington v Department of Transport Planning & Local Infrastructure* [2014] VCAT 1026 at [52], where VCAT observed that ‘a reasonably proximate relationship of a document to the Cabinet process may support the s 30 exemption applying to the document’.

54. While I agree with VCAT’s view regarding that a proximate relationship of a document to the Cabinet process may support the exemption under section 30(1) applying to a document, I am not satisfied disclosure of these particular documents would be contrary to the public interest given the stronger public interest in disclosure. This is because there is significant public interest in the cancellation of the Commonwealth Games, including the reasons for the cancellation, the costs involved, and the compensation paid by the State of Victoria for the cancellation.

55. On 18 July 2023, the Premier published a media release titled *Commonwealth Games Costs Too High At Over \$6 Billion* and announced its decision to not proceed with hosting the Commonwealth Games in 2026.<sup>10</sup>

56. On 20 March 2024, the Victorian Auditor-General’s Office tabled an Independent Assurance Report to Parliament into the *Withdrawal from 2026 Commonwealth Games March 2024*. That report states:

In July 2023 the government decided that the Games no longer represented value for money and withdrew. It said the cost of hosting had increased to more than \$6 billion.

There is significant public interest in understanding the amount of public money spent on the Games, the reasons for the increased cost and the quality of advice the public service gave to the government.<sup>11</sup>

<sup>8</sup> 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].

<sup>9</sup> *Landes v Vic Roads* [2009] VCAT 2403, [46].

<sup>10</sup> Premier of Victoria, *Commonwealth Games Costs Too High At Over \$6 Billion*, Media Release, 18 July 2023, available at <https://www.premier.vic.gov.au/commonwealth-games-costs-too-high-over-6-billion>.

<sup>11</sup> Victorian Auditor-General’s Office, *Withdrawal from 2026 Commonwealth Games*, Independent Assurance report to Parliament, March 2024, available at [https://www.audit.vic.gov.au/sites/default/files/2024-03/20240320\\_Withdrawal-from-2026-Commonwealth-Games.pdf](https://www.audit.vic.gov.au/sites/default/files/2024-03/20240320_Withdrawal-from-2026-Commonwealth-Games.pdf), page 1.

57. VAGO concluded that:

The government relied on DJSIR's business case when it decided to host the Games and determined the budget. The business case raised the risks associated with hosting the Games. But it underestimated the costs and overstated the benefits. DJSIR, DPC and DTF knew this but did not advise government to delay a decision on hosting until a fit-for-purpose business case could be provided.

...

The cost estimate for the Games that the government publicly released in August 2023 of \$6.9 billion was overstated and not transparent. It added significant amounts for industrial relations and cost escalation risks. But it did not disclose that the budget already included \$1 billion in contingency allowances to cover these and other cost risks.<sup>12</sup>

58. Considering the above publicly available information, I am satisfied that the costs relating to the Commonwealth Games are still relevant to the public and were critical to the Government's decision to cancel the Commonwealth Games.
59. Further, even if there is no information before me to be satisfied the documents were considered by, or intended to be considered by Cabinet, I nevertheless consider that the documents subject to review form part of the Government's overall decision-making processes with respect to the Commonwealth Games.
60. While the documents are preliminary and estimates only, I consider that there is a greater interest in transparency and accountability in the circumstances of this matter.
61. As such, I am satisfied that disclosure of the documents would not be contrary to the public interest due to the strong public interest in disclosure and they are not exempt under section 30(1).

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

62. I have considered the application of section 34(1)(b) to Documents 5 to 11 because they were prepared by a third party consultancy and refer to information that was obtained by other third parties.
63. 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).

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<sup>12</sup> Ibid.



*Requirement 1 – was the information acquired from a business, commercial or financial undertaking?*

64. The phrase ‘information acquired’ involves some positive handing over of information to an agency in a precise form.<sup>13</sup>
65. The actual document itself does not itself need to be acquired from an undertaking.<sup>14</sup> It may also disclose relevant information acquired from the undertaking.<sup>15</sup>
66. I am satisfied the information was acquired from business undertakings.

*Requirement 2 – Does the information relate to matters of a business, commercial or financial nature?*

67. The phrase ‘business, commercial or financial undertaking’ generally refers to an entity, such as a company or organisation, that is engaged in business, trade, or commerce for a financial profit or gain.<sup>16</sup>
68. I am satisfied the information relates to matters of a business and commercial nature.

*Requirement 3 – Would disclosure of the information be likely to expose the undertaking unreasonably to disadvantage?*

69. In considering whether disclosure will expose an undertaking unreasonably to disadvantage, an agency or Minister should, along with any other relevant consideration, have regard to the 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 matter 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.
70. Other relevant considerations include whether disclosure would:
  - (a) give a competitor of the undertaking a competitive financial advantage;
  - (b) enable that competitor to engage in destructive competition with the undertaking; or

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<sup>13</sup> *Thwaites v Department of Human Services* (1999) 15 VAR 1, 14.

<sup>14</sup> *Gill v Department of Industry, Technology and Resources* (1985) 1 VAR 97, 106.

<sup>15</sup> *Gill v Department of Industry, Technology and Resources* (1985) 1 VAR 97, 106; *Holbrook v Department of Natural Resources* (1997) 13 VAR 1, 8.

<sup>16</sup> See *Commissioner of State Revenue v Tucker* [2021] VCAT 238, [156], citing *Marple v Department of Agriculture* (1995) 9 VAR 29.

- (c) lead to unwarranted conclusions about the undertaking's financial affairs and position that result in commercial and market consequences.<sup>17</sup>
71. I am not satisfied that disclosure of Documents 5 to 11 would be likely to expose the undertakings unreasonably to disadvantage for the following reasons:
- (a) they do not disclose any methodology or intellectual property of the author;
  - (b) disclosure would not provide competitors of any of the undertakings with a competitive financial advantage or lead to unwarranted conclusions about any of the undertakings' financial affairs; and
  - (c) disclosure would not result in commercial and market consequences for those undertakings, because of the high-level nature of the cost estimates.
72. Accordingly, I am not satisfied that Documents 5 to 11 are exempt from release under section 34(1)(b).

### ***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'<sup>18</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>19</sup>
75. I have considered the effect of deleting exempt information from the documents. In my view, it is not practicable for the Agency to delete the exempt information from the documents as I am satisfied they are exempt under section 28(1)(b) and it would render them meaningless.

### **Conclusion**

76. I am satisfied that some of the documents are exempt from release under section 28(1)(b). I am not satisfied that the documents are exempt under section 28(1)(c), 30(1) or 34(1)(b). Accordingly, I have decided to release certain documents to the Applicant in full.
77. The Schedule of Documents in **Annexure 1** sets out my decision on each document.

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<sup>17</sup> *Dalla-Riva v Department of Treasury and Finance* [2007] VCAT 1301, [33].

<sup>18</sup> *Mickelborough v Victoria Police (General)* [2009] VCAT 2786, [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967, [82].

<sup>19</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048, [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267, [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.<sup>20</sup>
79. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>21</sup>
80. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>22</sup>
81. 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.
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.<sup>23</sup>

### Third party review rights

83. As I have determined to release documents that contain information of a business, financial, commercial nature relating to business undertakings, if practicable, I am required to notify those business undertakings of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.<sup>24</sup>
84. In this case, I am satisfied it is practicable to notify the relevant business undertaking of its review rights and confirm the relevant undertaking will be notified of my decision on the date of decision.

### When this decision takes effect

85. My decision does not take effect until the third party's 60-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>20</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>21</sup> Section 52(5).

<sup>22</sup> Section 52(9).

<sup>23</sup> Sections 50(3F) and 50(3FA).

<sup>24</sup> 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]	Ministerial briefing and attachment	465	Refused in full Sections 28(1)(b), 28(1)(ba)	Not subject to review	The Applicant advised they do not seek review of this document.
2.	[Date]	[document title]	2036	Refused in full Section 28(1)(b)	Not subject to review	The Applicant advised they do not seek review of this document.
3.	Undated	Regional Victoria – Commonwealth Games Business Case	112	Refused in full Section 28(1)(b)	Refuse in full Section 14	Section 14(1)(a): This document is publicly available via the Victorian Government's website. Section 14(1)(a) provides that a person is not entitled to access a document that contains information that is open to public access where it is published on an Internet site that is owned or maintained by an agency. As such, this document is not subject to access under the FOI Act.
4.	[Date]	Victoria 2026 Villages Delivery Case	1176	Refused in full Section 28(1)(b)	Refuse in full Section 28(1)(b)	Section 28(1)(b): This document is attached to the Cabinet submission in Document 2. As such, I am satisfied that it is exempt from release under section 28(1)(b).  Section 25: I am not satisfied it is practicable to edit this document to delete exempt information.

Document No.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
5.	[Date]	Villages @ Ballarat - Delivery Case Estimate No.02 (Draft)	36	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	I am not satisfied this document is exempt from release under sections 28(1)(b), 28(1)(c) or 30(1) as claimed by the Agency <sup>25</sup> or section 34(1)(b) for the reasons set out in my decision above.
6.	[Date]	Villages @ Bendigo - Delivery Case Estimate No.01 (Draft)	34	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	See comments for Document 5.
7.	[Date]	Villages @ Morwell - Delivery Case Estimate No.01 (Draft)	33	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	See comments for Document 5.
8.	[Date]	Villages @ Waurin Ponds - Genton Option 02 - Delivery Case Estimate 01	42	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	See comments for Document 5.
9.	[Date]	Villages @ Bendigo - Delivery Case Estimate No. 05	35	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	See comments for Document 5.

<sup>25</sup> As noted in the Notice of Decision above, during the review, as an alternate to section 28(1)(b) the Agency also claimed sections 28(1)(c) and 30(1) applied to Documents 5-11.

Document No.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
10.	[Date]	Villages @ Morwell - Delivery Case Estimate No. 05	34	Refused in full Sections 28(1)(b), 28(1)(c), 30(1))	Release in full	See comments for Document 5.
11.	[Date]	Villages @ Waurin Ponds - Genton Option 1 - Delivery Case Estimate No. 05	38	Refused in full Sections 28(1)(b), 28(1)(c), 30(1)	Release in full	See comments for Document 5.
12.	Undated	Community Competition Venues Project Implementation Plans	217	Refused in full Section 28(1)(b)	Refuse in full Section 28(1)(b)	Section 28(1)(b): This is also an attachment to the Cabinet submission in Document 2 (Attachment 7). Therefore, I am satisfied it is exempt from release under section 28(1)(b). Section 25: See comments for Document 4.
13.	[Date]	Victoria 2026 Community Competition Delivery Case	114	Refused in full Section 28(1)(b)	Refuse in full Section 28(1)(b)	Section 28(1)(b): This is also an attachment to the Cabinet submission in Document 2 (Attachment 8). Therefore, I am satisfied it is exempt from release under section 28(1)(b). Section 25: See comments for Document 4.