

Notice of Decision and Reasons for Decision

Applicant:	'FX3'
Agency:	Victorian Infrastructure Delivery Authority
Decision date:	3 June 2025
Exemptions and provision considered:	Sections 28(1)(b), 30(1), 33(1), 25
Citation:	'FX3' and Victorian Infrastructure Delivery Authority (Freedom of Information) [2025] VICmr 39 (3 June 2025)

FREEDOM OF INFORMATION – level crossing removal project – project not prioritised – tentative project – speculative project

All references to legislation in this document are to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision. While I am satisfied certain information in the documents is exempt under sections 28(1)(b) and 30(1), I am satisfied that further information in the documents can be released.

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

Please refer to the end of this 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

3 June 2025

Reasons for Decision

Background to review

1. The Applicant's request sought access to:

Part A - A copy of all assessments, presentations, memos, feasibility studies, cost-benefit analyses, briefs, and scoping reports for potential level crossing removals at Tooronga Road (Malvern), Glenferrie Road (Kooyong), and High Street (Glen Iris). Part A seeks final documents only.

Part B – A copy of all formal correspondence, emails, provided to the Secretary, Minister or the Ministers office, relating to potential level crossing removals at Tooronga Road (Malvern), Glenferrie Road (Kooyong), and High Street (Glen Iris), from [date range].

As per Part A of our request, we are asking for a range of specific, individual documents, which pertain to potential level crossing removals at any of the following locations - Tooronga Road (Malvern), Glenferrie Road (Kooyong), and High Street (Glen Iris). The specific, individual documents include all of the following (in final form):

- Assessments
- Presentations
- Memos
- Feasibility studies
- Cost-benefit analyses
- Briefs
- Scoping reports

As per Part B of our request, we are asking for a copy of all formal correspondence, emails – pertaining to potential level crossing removals at any of the following locations: Tooronga Road (Malvern), Glenferrie Road (Kooyong), and High Street (Glen Iris) – and which have been sent to any of the following individuals:

- The Minister for Transport Infrastructure
- The Secretary of the Department of Transport ([date range])
- The Secretary of the Department of Transport and Planning ([date range])

The time period for Part B is [date range].

2. Third party personal details, including staff below executive level, were not sought by the Applicant.
3. The Agency identified 24 documents falling within the terms of the Applicant's request and granted access to six documents in part and refused access to 18 documents in full. The Agency relied on sections 28(1)(b), 30(1) and 34(1)(b) to refuse access to information in the documents. 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 to information in the documents.
5. The Applicant advised they sought review of the Agency's decision to refuse access to Documents 1-4, 6-14 and 23 in full, and its decision to exempt information under sections 30(1) in Documents 17, 21 and 24. Accordingly, my review only concerns those specific documents.
6. I note there was an error in the Agency's decision letter in its schedule of documents in Annexure 2, which stated Document 16 was released in part with only irrelevant information deleted. The Agency has exempted information under section 30(1) in that document. Given the Applicant has sought review of all other documents where section 30(1) has been applied, I have decided to also review Document 16 given the Agency's omission.
7. During the review, the Agency located one further document that was inadvertently not included in its decision. The Agency provided a copy of the document to OVIC and claimed it as exempt under sections 28(1), without specifying a subsection. The marked-up copy provided to OVIC also included exempted information under sections 30(1) and 33(1). The Agency notified the Applicant of the additional document and its decision to refuse access. The document is Document 25 in the Schedule of Documents in **Annexure 1** of my decision.
8. I have examined a copy of the documents subject to review.
9. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
10. I have considered relevant communications and submissions received from the parties.
11. 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.
12. 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.
13. 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.

Review of exemptions

Section 28(1)(b) – Documents prepared for the purpose of submitting to Cabinet for consideration

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

14. 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.
15. The document must have been created for the sole, substantial or dominant purpose of submission to the Cabinet for its consideration.²
16. If there is more than one purpose of a document's creation, it can be useful to ask whether the document would have been created but for the purpose of submission for consideration by the Cabinet.³ If the document would have been created in any event, this may indicate the purpose of the document's creation was not for submission for consideration by the Cabinet.⁴
17. The document does not need to have been, in fact, considered by, or submitted to, the Cabinet.⁵ 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.⁶
18. The documents must be prepared for consideration by the Cabinet, not merely for the purpose of placing them before the Cabinet.⁷
19. While not subject to review, I consider the Glenferrie Road Level Crossing Removal Business Case (Document 19) and Options Appraisal reports (Document 5 and 15) were reasonably likely to have been prepared for consideration by Cabinet.
20. Several documents subject to review explicitly refer to them having been prepared for the purpose of informing the Business Case, a funding submission, or they are referred to within the Business Case, for example, as supplementary reports in an appendix to the Business Case.
21. Where information within the documents subject to review have direct or substantial references to the Business Case, I accept those other documents were reasonably likely to have been prepared for the sole, substantial or dominant purpose of being submitted to Cabinet for its consideration as part of the Cabinet's consideration of the Business Case. In my view, the exemption is not satisfied merely where documents are referred to or attached to the Business Case.
22. There are several documents which I do not consider were intended or likely to ever be considered by Cabinet. While it may have been good or necessary for Cabinet to note these documents and the associated processes were generally occurring, I am not satisfied Cabinet was intended to consider their content at the time they were created.

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

³ *Department of Treasury and Finance v Dalla-Riva* [2007] VSCA 11, [13].

⁴ *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [80], [82].

⁵ *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [20]; *Wilson v Department of Premier & Cabinet* [2001] VCAT 663, [16]; *Asher v Department of Infrastructure* [2006] VCAT 1375, [9], [20]; *Ryan v Department of Infrastructure* [2004] VCAT 2346, [34].

⁶ *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].

⁷ *Ryan v Department of Infrastructure* [2004] VCAT 2346, [34]-[36]; *Davis v Major Transport Infrastructure Authority* [2020] VCAT 965, [22].

23. Accordingly, while am I satisfied certain documents are exempt under section 28(1)(b), I am satisfied several documents subject to review are not.
24. See the Schedule of Documents in **Annexure 1** for my decision on each document.

Section 30(1) – internal working documents

25. To be exempt under section 30(1), three conditions must be satisfied:
 - (a) the document or information is matter in the nature of:
 - opinion, advice or recommendation prepared by an agency officer or a Minister; or
 - 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.
26. I am satisfied document contains opinion, advice and / or recommendations, prepared in the course of Government’s deliberative processes on progressing a potential level crossing removal.
27. 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.⁸ The trend towards modern, transparent and accountable government, has resulted in courts and tribunals limiting these factors.
28. Public interest factors are not a fixed, determinative set of criteria.⁹ Rather, they are a list of matters that may be relevant. Each request balances these factors based on the unique circumstances of the matter.
29. Public interest factors that are given weight in the context of a modern, transparent and accountable government include:
 - (a) the right of every person to gain access to documents under the FOI Act;
 - (b) the sensitivity of the issues involved and the broader context of how the documents were created;
 - (c) the stage of a decision or policy development at the time the communications were made;
 - (d) whether disclosure of the documents would be likely to inhibit communications between agency officers that are essential for the agency to make an informed and well-considered decision or for those officers to properly participate in a process of the

⁸ 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].

⁹ *Landes v Vic Roads* [2009] VCAT 2403, [46].

agency's functions (such as an audit or investigation, regulatory or law enforcement function);

- (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, but only where 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 decision by an agency or Minister;
 - (g) the likelihood that disclosure would inhibit the independence of officers, including their ability to conduct proper research and make detailed submissions;
 - (h) the public interest in the community being better informed about an agency's deliberative, consultative and decision-making processes;
 - (i) the public interest in government transparency and accountability by enabling scrutiny or criticism of decisions and the decision-making process and building the community's trust in government and its decision making processes;
 - (j) whether there is controversy or impropriety around the decision or the decision-making process.
30. In deciding on disclosure of the documents, I have considered the context and stage in which the documents were created and the current status of the project, along with previous decisions by VCAT regarding major infrastructure projects.
31. The documents subject to review relate to Tooronga Road (Malvern) and Glenferrie Road (Kooyong). The following is a brief summary of public statements about those level crossings.
32. In December 2017, the Victorian Auditor General's report into Managing the Level Crossing Removal Program noted that the Glenferrie Road, Kooyong level crossing was listed as high priority by VicRoads and the Australian Level Crossing Assessment Model list.¹⁰
33. On 14 July 2020, a joint media release with the Hon. Alan Tudge MP and Dr Katie Allen MP announced that \$8 million of federal funding would be provided to the Victorian Government for a business case for the Glenferrie Road level crossing removal. Funding was also announced regarding the Tooronga Road level crossing removal and Madden Grove.¹¹
34. The media release also referred to the VicRoads study listing the Glenferrie Road level crossing as one of the 20 high priority level crossings to be removed.¹²

¹⁰ <https://www.audit.vic.gov.au/sites/default/files/2017-12/20171213-Level-Crossings.pdf>, page 34.

¹¹ See <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/congestion-busting-glenferrie-road-level-crossing>.

¹² See <https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/congestion-busting-glenferrie-road-level-crossing>.

35. The Government has planned 110 level crossings to be removed by 2030,¹³ and the Glenferrie Road and Tooronga Road level crossings are not included.
36. There is therefore publicly available information that the government had intended to remove the level crossings which are the subject of this review, but that decision changed.
37. The following is some recent VCAT decisions in relation to FOI requests for level crossing removal project documents.
38. In *Major Transport Infrastructure Authority v Davis* (Review and Regulation) [2024] VCAT 180, Senior Member Dea decided that disclosure of preliminary documents relating to a level crossing removal and associated works would be contrary to the public interest, having considered the level crossing removal had been decided and built. While the application for documents was made before the level crossing removal project in issue had been completed, by the time the matter was heard at VCAT, the two level crossings had been removed and replaced by a new station.¹⁴ VCAT found that noise contour plots and acoustic design advice for a level crossing removal project were exempt from release under section 30(1) for several reasons, including:
 - (a) That the documents in question were not included in the Options Analysis for the project and were not the basis of the project decision-making that was completed and announced.¹⁵
 - (b) The acoustic and related assessments were undertaken on an evolving basis and, even though the assumptions within certain documents were consistent with aspects of the final decision-making as to design of the project, there was no evidence that the content of those documents influenced the decision-making or that their content was material to the decision-making at that stage of the process.¹⁶
 - (c) The public interest in understanding the process used to assess acoustic impacts could be understood from the evidence provided to VCAT and from other released documents. The public interest in allowing agency officers to obtain preliminary opinions and advice to assist in deliberations and formulating final decisions, in circumstances where the documents did not progress through the decision-making stages, outweighed the public interest in release for the general purpose of transparency.¹⁷
 - (d) Concerns about the noise impacts on individuals and the community around the project could be ascertained on the basis of what was in fact decided and built and if the intention is to ensure that future level crossing removal decisions have greater input and transparency to avoid adverse impacts, that can be done by reference to the actual circumstances rather than comparing an early assessment which ended up being discarded when the decisions were made.¹⁸

¹³ See <https://bigbuild.vic.gov.au/projects/level-crossing-removal-project>.

¹⁴ *Major Transport Infrastructure Authority v Davis* (Review and Regulation) [2024] VCAT 180, [6].

¹⁵ *Ibid*, [91].

¹⁶ *Ibid*, [92].

¹⁷ *Ibid*, [93].

¹⁸ *Ibid*, [94].

- (e) Where the content of a document was not relied on for decision-making and was overtaken by later advice, it would not assist in a comparison with the outcomes of the project, and comparisons between the final decision-making and the completed project could be made on the basis of the actual outcomes.¹⁹

39. In *Victorian Infrastructure Delivery Authority v Johnson* (Review and Regulation) (Corrected) [2025] VCAT 345, Deputy President Proctor considered whether documents relating to the Parkdale level crossing removal project should be released. Section 30(1) had been applied to information falling within two categories: freight information and information about speculative projects. In relation to speculative projects, a witness provided the following evidence:

Other project information contained in the documents relate to projects which are not the Parkdale Project. Several, at the point in time that the documents were prepared, were still to be funded, and were included in the analysis speculatively, on the basis of the understanding of the drafters as to what may affect the future outlook on the Frankston corridor. The drafters often have limited information in relation to projects which are yet to be approved and announced by government: the understanding is often informed by limited conversations with the relevant team within the Department of Transport and Planning, which is tasked with conducting studies and proposing potential network upgrades. These studies are confidential, and the LXP drafters are only provided with limited information. The analysis as a result is not on the basis of settled government decisions. To release this information would mislead readers, and lead to confusion and unnecessary debate regarding projects which may have been considered but did not and have not eventuated.²⁰

40. Deputy President Proctor accepted that disclosure of speculative information would be contrary to the public interest to disclose, having considered previous VCAT decisions concerning it not being appropriate to release information about options considered and not pursued, or not pursued as yet.²¹
41. *Major Transport Infrastructure Authority v Davis* (Review and Regulation) [2022] VCAT 123 is also relevant to this matter. Document 23 in this matter is Document 6 in that VCAT decision. Senior Member Billings decided disclosure of the document would be contrary to the public interest because it would be likely to lead to confusion and ill-informed debate because of the incomplete, unchecked, unverified nature of the document and that disclosure would not advance the debate or facilitate the government being held accountable.²² I agree with Senior Member Billings' views regarding the document and I accept Document 23 is exempt under section 30(1) in full.
42. Certain documents exempted by the Agency also contain modelling. VCAT has considered the matter of highly technical modelling reports prepared for the preliminary planning of major government projects in *Peter Ryan MP v Melbourne Water* (General) [2009] VCAT 2079. VCAT found that the release of predictive modelling reports would be contrary to the public interest to disclose, including because the documents were very preliminary modelling done at a very early stage, and were of highly technical nature and could be misinterpreted.²³

¹⁹ Ibid, [98].

²⁰ *Victorian Infrastructure Delivery Authority v Johnson* (Review and Regulation) (Corrected) [2025] VCAT 345, [108].

²¹ Ibid, [132].

²² *Major Transport Infrastructure Authority v Davis* (Review and Regulation) [2022] VCAT 123, [70]-[90].

²³ *Peter Ryan MP v Melbourne Water* (General) [2009] VCAT 2079, [35].

43. In this matter, the level crossing removals have neither been decided nor built. They are preliminary planning documents for projects that were previously intended to be progressed several years ago. There is little publicly available information about the projects, and it is unclear the extent to which the plans for the level crossing removals have progressed. It is unclear if the level crossings will be on the Victorian Government's agenda for future removal, noting they are not currently announced as part of the 110 level crossing removal projects confirmed for Victoria.²⁴ In my view, they concern speculative projects, as the projects have not been confirmed.
44. While there is likely public interest as to the reasons why the projects have not been confirmed, the documents do not provide answers to the public about why the sites have not been prioritised for removal.
45. Having considered the above VCAT decisions, and for the reasons set out above, I consider several of the documents would be contrary to the public interest to disclose and are therefore exempt from release under section 30(1).
46. However, I have decided the following information is not exempt under section 30(1):
- (a) Information on page 9 of Document 17 does not meet the first limb of the exemption. While item 4.8.4 on page 16 is opinion, I am not satisfied disclosure would cause ill-informed debate, nor is it sensitive, nor does it concern a speculative project. Rather, it is an opinion regarding the existing station precinct. For similar reasons, certain information is not exempt under section 30(1) in Document 21.
 - (b) The information exempted by the Agency in paragraph 3 of Document 24 is factual and therefore section 30(3) applies. The opinion in the following paragraph of that document conveys common sensical information that would not be contrary to the public interest to disclose.
 - (c) It would not be contrary to the public interest to disclose the briefing in Document 25, because it does not reveal substantial details about the speculative projects. However, it would be contrary to the public interest to disclose the two attachments, with exception to pages 45 to 47, for the reasons provided above.
47. My decision on each document is set out in the Schedule of Documents in **Annexure 1**.

Section 33(1) – Document affecting personal privacy

48. I have considered the application of section 33(1) in Document 25 only.
49. A document or 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.

²⁴ See <https://bigbuild.vic.gov.au/projects/level-crossing-removal-project/projects>.

50. My decision is set out in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

51. 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.

52. Deciding whether it is ‘practicable’ to delete exempt or irrelevant information requires an agency or Minister to consider:

- (a) the effort involved in making the deletions from a resources point of view;²⁵ and
- (b) the effectiveness of those deletions – that is, whether the edited document still has meaning.²⁶

53. Irrelevant information is information which is clearly outside the scope, or beyond the terms of the applicant’s request. Third party personal details, including staff below executive level, was not sought by the Applicant and is therefore irrelevant information.

54. I have considered the effect of deleting irrelevant and exempt information from the documents. In my view, it is not practicable for the Agency to delete the irrelevant and exempt information from most of the documents, because they would not retain meaning.

Conclusion

55. While I am satisfied certain information in the documents is exempt under sections 28(1)(b) and 30(1), I am satisfied that further information in the documents can be released.

56. The Schedule of Documents in **Annexure 1** set out my decision, including whether documents are to be released in part or refused in full.

Timeframe to seek a review of my decision

57. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²⁷

58. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁸

59. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁹

60. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au.

²⁵ *Mickelborough v Victoria Police* [2009] VCAT 2786, [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967, [82].

²⁶ *Honeywood v Department of Human Services* [2006] VCAT 2048, [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267, [140], [155]; *Re Hutchinson and Department of Human Services* (1997) 12 VAR 422.

²⁷ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²⁸ Section 52(5).

²⁹ Section 52(9).

Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.

61. 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.³⁰

Third party review rights

62. As I have decided to release personal affairs information in Document 25, I am required to notify the affected third party if practicable.
63. I have decided that notification is not practicable because it would be an unnecessary intrusion. In my view, the third party would unlikely be concerned about the release of their signature and would unlikely appeal my decision.

When this decision takes effect

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

³⁰ Sections 50(3F) and 50(3FA).

Annexure 1 – Schedule of Documents

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
1.	[Date]	LXRP GW Economic Appraisal_Final Report_[date]_issued	53	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 28(1)(b)	Section 28(1)(b): I am satisfied the document was prepared to inform the Business Case and the Business Case references information in this document in detail. Accordingly, I am satisfied it was prepared for the sole, substantial or dominant purpose for submission to Cabinet for its consideration. Section 25: I am satisfied it is not practicable to edit this document to delete exempt information.
2.	[Date]	LXRP-[reference number]	70	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): While this document may have been prepared to inform the Business Case, I am satisfied the Business Case does not have direct or substantial references to this document. Therefore, I am not satisfied this document was prepared for the sole, substantial or dominant purpose of being submitted to Cabinet for its consideration. Section 30(1): I am satisfied it would be contrary to the public interest to disclose this document for the reasons provided in my decision, above. Section 25: See comments for Document 1.
3.	[Date]	LXRP-[reference number]	70	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 28(1)(b)	Section 28(1)(b): This document is similar to Document 2. However, unlike Document 2, the Business Case has some direct or substantial references to the modelling in this document. Therefore, I am satisfied this document

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
						was prepared substantial purpose of being submitted to Cabinet for its consideration. Section 25: See comments for Document 1.
4.	[Date]	PS[date]-PAM-REP-001 RevC	19	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): I am not satisfied, on the information before me, that the purpose this document was created was for the sole, substantial or dominant purpose of consideration by Cabinet. Rather, it is a peer review of other documents that were created to inform the Business Case. This document was also finalised after the date of the Business Case. Section 30(1): The document has information that is closely related to Documents 2 and 3. I am satisfied it would be contrary to the public interest to disclose for the reasons provided in my decision above. Section 25: See comments for Document 1.
5.	[Date]	[Date] Glenferrie Rd LX - Options Appraisal Report v2.0	46	Refused in full Section 28(1)(b)	Not subject to review	
6.	[Date]	SEPA - Glenferrie - Preferred Option Development (POD) Report - Submission V2 – [date] - Appendices within report	462	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): I am not satisfied, on the information before me, that the purpose this document was created was for the sole, substantial or dominant purpose of consideration by Cabinet.

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
						Section 30(1): I am satisfied it would be contrary to the public interest to disclose this document for the reasons provided in my decision, above. Section 25: See comments for Document 1.
7.	[Date]	GLEN - Appendix 1 (Urban Design Report)	67	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): See comments for Document 2. Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
8.	[Date]	GLEN - Appendix 2 (Program)	60	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): See comments for Document 6. Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
9.	No date listed	GLEN - Appendix 7 (Risk and Opportunity Register)	1	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): While the Business Case refers to information within this document in general terms, I do not consider it to contain substantial references. I am not persuaded this document was prepared for the sole, substantial or dominant purpose of being submitted to Cabinet for its consideration. Rather, it was prepared during the earlier development stages of the project. Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
10.	[Date]	LXRP-Glenferrie Rd POD Cost Plan Report	27	Refused in full	Refuse in full Section 28(1)(b)	Section 28(1)(b): I am satisfied this document was prepared to inform the Business Case, and the Business

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
		with Power upgrade [date] - for SEPA signature		Sections 28(1)(b), 30(1)		Case refers to information in this document. As such, I am satisfied it was prepared for a substantial or dominant purpose of being submitted to Cabinet for its consideration. Section 25: See comments for Document 1.
11.	[Date]	LXRP-[reference number]	18	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 28(1)(b)	Section 28(1)(b): See comments for Document 10. Section 25: See comments for Document 1.
12.	[Date]	[date]_IE Report_GlenferrieRd	11	Refused in full Sections 28(1)(b), 30(1), 34(1)(b)	Refuse in full Section 30(1)	Section 28(1)(b): See comments for Document 9. Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
13.	[Date]	IDO rapid assessment - Kooyong Station Final	8	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 30(1)	Section 28(1)(b): See comments for Document 6. Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
14.	[Date]	Glenferrie Road LXRP VCC Plan (Final)	14	Refused in full Sections 28(1)(b), 30(1)	Refuse in full Section 28(1)(b)	Section 28(1)(b): I am satisfied this document was prepared to inform the Business Case, and the Business Case refers substantially to information in this document. As such, I am satisfied it was prepared for a substantial or dominant purpose of being submitted to Cabinet for its consideration. Section 25: See comments for Document 1.

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
15.	[Date]	Tooronga Rd LX - Options Appraisal Report 1	45	Refused in full Section 28(1)(b)	Not subject to review	
16.	[Date]	Glenferrie Rd LXR-Glen Waverley Line NPR Approved Issue [date]	35	Released in part Sections 30(1), 25	Release in part Sections 30(1), 25 No further information is to be released.	Section 30(1): See comments for Document 2. Section 25: The Agency has provided the Applicant with an edited copy of this document with exempt and irrelevant information deleted.
17.	[Date]	Kooyong Station-Glen Waverley Line NPR Approved Issue [date]	23	Released in part Sections 30(1), 25	Release in part Sections 30(1), 25 The following information is to be released: <ul style="list-style-type: none"> • The information exempted by the Agency on page 9; and • Item 4.8.4 on page 16, with exception to the personal 	Section 30(1): I am satisfied disclosure of information in this document would be contrary to the public interest for the reasons set out in my decision, above. However, information on page 9 does not meet the first limb of the exemption. While item 4.8.4 on page 16 is opinion, I am not satisfied disclosure would cause ill-informed debate, nor is it sensitive, nor does it concern a speculative project. Rather, it is an opinion regarding the existing station precinct. Section 25: The document contains irrelevant personal affairs information. It is practicable to edit this document to delete exempt and irrelevant information.

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
					affairs information.	
18.	[Date]	Final Submission Pack - [redacted]	122	Refused in full Section 28(1)(b)	Not subject to review	
19.	[Date]	Final Submission Package - [redacted]	144	Refused in full Section 28(1)(b)	Not subject to review	
20.	[Date]	Tooronga Rd LX - Glen Waverley Line NPR	35	Released in part Section 25	Not subject to review	
21.	[Date]	Tooronga Station - Glen Waverley Line NPR	25	Release in part Sections 30(1), 25	Release in part Sections 30(1), 25 The following information is to be released: <ul style="list-style-type: none"> • Page 10; and • Item 4.10.9, first two columns only. 	Section 30(1): I am satisfied disclosure of information in this document would be contrary to the public interest for the reasons set out in my decision, above. However, information on page 10 does not meet the first limb of the exemption. While item 4.10.9 on page 19 is opinion, I am not satisfied disclosure would cause ill-informed debate, nor is it sensitive, nor does it concern a speculative project. Rather, it is an opinion regarding the existing station precinct. Section 25: See comments for Document 17.
22.	[Date]	Glen Waverley Line Level Crossing	40	Released in part Section 25	Not subject to review	

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
		Removal Second Engagement Report				
23.	[Date]	Report - Planning Study Glenferrie Rd and Tooronga Rd.PDF	95	Refused in full Section 30(1)	Refuse in full Section 30(1)	Section 30(1): See comments for Document 2. Section 25: See comments for Document 1.
24.	[Date]	LXRP Letter - Glenferrie Road Level Crossing Removal Business Case Tooronga Road and Madden Grove	1	Released in part Sections 30(1), 25	Release in part Section 25 The information exempted by the Agency under section 30(1) is to be released.	Section 30(1): I am satisfied information in this document is not exempt under section 30(1) for the reasons set out in my decision, above. Section 25: The Applicant only sought review of the information exempted under section 30(1). The remaining information, being a signature, is not subject to review.
25	[Date]	Briefing	47	Refused in full Section 28(1), 30(1), 33(1)	Release in part Sections 30(1), 25 The briefing (pages 1 to 3) is to be released with irrelevant personal affairs information deleted. Pages 45 to 47 are to be released in full.	Section 28(1): The Agency did not specify the subsection of section 28(1) it relies on to exempt this document. In any case, I am satisfied it is neither exempt under section 28(1)(b) nor (ba). The document is a briefing to a senior Agency officer and not a Minister. As such, it neither briefs a Minister on a matter to be considered by Cabinet, nor is it a document intended to be submitted to Cabinet. Section 30(1): I am satisfied it would not be contrary to the public interest to disclose the briefing (contained on pages 1 to 3). This is because it does not reveal substantial details about the speculative projects.

Document No.	Date	Document description	No. of pages	Agency decision	OVIC decision	Further comments
						<p>However, it would be contrary to the public interest to disclose the two attachments, with exception to three pages (being pages 45 to 47), for the reasons provided in my decision, above.</p> <p>Section 33(1): The Agency has exempted personal affairs information concerning a Minister under section 33(1). I am satisfied it would not be unreasonable to release the signatures on pages 45 to 47 given they concern a Minister and decision-making.</p> <p>Section 25: See comments for Document 17.</p>