

Notice of Decision and Reasons for Decision

Applicant:	'FZ5'
Agency:	Melton City Council
Decision date:	29 May 2025
Exemptions and provision considered:	Sections 30(1), 33(1), 35(1)(a), 35(1)(b), 36(2)(b), 25
Citation	'FZ5' and Melton City Council (Freedom of Information) [2025] VICmr 59 (29 May 2025)

FREEDOM OF INFORMATION – workplace investigation – complaints – investigation report – confidential communications – consultant – internal working documents – Workcover claims of third parties

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 and more information is to be released.

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

A marked-up copy of the documents showing exempt or irrelevant information in accordance with my decision has been provided to the Agency.

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

29 May 2025

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency for access to certain documents. Following consultation with the Agency, the Applicant clarified the initial request and sought access to:
 1. [A report prepared by a third party]
 2. [A report prepared by another third party]
 3. [Exit interviews]
 4. [A Workcover report and related documents]
 5. [Complaints and documents relating to the complaints]
 6. [Incident reports]
 7. [Human Resources/personnel documents relating to the Applicant].
2. The Applicant, in their clarified request, also confirmed they:
 - (a) seek access to draft documents, but they seek only the last draft if there is no final version of the document;
 - (b) do not seek access to duplicate documents;
 - (c) seek access to commercial information relating to third parties; and
 - (d) seek access to the personal affairs information of third parties in relation to Items 1, 2, 4 and 4a of the request, but do not seek access to personal affairs information of third parties in relation to the balance of the request items.
3. During the course of the review, the Agency advised that the incorrect number of pages, '789', was noted in its decision letter to the Applicant. The correct number of pages is 769.
4. The Agency identified 769 pages falling within the terms of the Applicant's request and refused access to some pages in full and some pages in part, exempting certain information under sections 30(1), 33(1), 35(1)(a), 35(1)(b) and 36(2)(b). The Agency also determined that certain information is outside the terms of the Applicant's request and deleted this information as irrelevant information under section 25.
5. The Agency's decision letter sets out the reasons for its decision.

Review application

6. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
7. I have examined a copy of the documents subject to review.

8. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
9. During the review, OVIC submitted that the information on the following pages, which the Agency previously determined is irrelevant information, is within the scope of Item 7 of the Applicant's clarified request:
 - (a) pages 168 to 171;
 - (b) page 214;
 - (c) page 224;
 - (d) page 237; and
 - (e) pages 642 to 668.
10. The Agency agreed with OVIC staff's view that those pages fall within the scope of point 7 of the request and provided OVIC with marked up documents for the above listed pages, reflecting the information the Agency considers exempt from release under section 33(1).
11. The Agency also submitted that redactions were omitted incorrectly in relation to certain information on pages 566 to 589. The Agency provided OVIC with marked up pages reflecting the information the Agency considers exempt from release under section 33(1).
12. I have considered relevant communications and submissions received from the parties.
13. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
14. I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.
15. 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 30(1) – Internal working documents

16. To be exempt under section 30(1), three conditions must be satisfied:

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

- (a) the document or information is matter in the nature of:
 - (a) opinion, advice or recommendation prepared by an agency officer or a Minister; or
 - (b) 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.
17. The exemption does not apply to purely factual material in a document.²

Deliberative information

18. The term 'officer of an Agency' is defined in section 5(1). It includes a member of the agency, a member of the agency's staff, and any person employed by or for the agency, regardless of whether they are subject to the *Public Administration Act 2004* (Vic) or not.
19. I am satisfied the consultants who prepared the reports relevant to Items 1 and 2 of the Applicant's clarified request are an 'officer' of the Agency for the purposes of section 30(1).
20. Further, I am satisfied most of the information determined exempt under section 30(1) throughout the documents contain the opinion, advice or recommendations of Agency officers.
21. However, I also consider the Agency has exempted a small amount of factual information in the documents that is not exempt under section 30(1) due to the operation of section 30(3).

Deliberative process

22. Where I am satisfied the information is not purely factual, I am also satisfied the information was created during the deliberative processes of the Agency, being in relation to the management of staff and workplace disputes.

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

23. In deciding whether the information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:³
- (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;

² Section 30(3).

³ See OVIC FOI Guidelines – Section 30(1) at <https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-30/>.

- (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 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; and
 - (j) whether there is controversy or impropriety around the decision or the decision-making process.
24. I note the Agency's decision letter setting out the reasons it considers disclosure would be contrary to the public interest.
25. I note the following in relation to the exempted information:
- (a) the information is sensitive, as it relates to difficult circumstances and interpersonal relationships in the workplace;
 - (b) some of the information appears in emails, which usually, by their nature, include an Agency officer's early considerations of a matter;
 - (c) while Agency officers are required to provide professional advice, I consider the disclosure of such sensitive information may inhibit future communications;
 - (d) managers and human resources officers are required to handle sensitive information and must be able to provide their frank advice in a timely manner; and
 - (e) such information is deliberated on by Agency officers in the interests of workplace safety for all employees.
26. In weighing the above factors, I have carefully considered where the public interest lies in this matter. I have determined the public interest weighs against disclosure. In my view, disclosure of most of the information would have a detrimental impact on the Agency's ability to manage

its staff and provide for workplace safety. Certain information is therefore exempt under section 30(1).

27. However, I have determined disclosure of certain information would not be contrary to the public interest in the following circumstances:
- (a) where it is less sensitive or general in nature;
 - (b) where it relates to the Applicant only, that is, it is severable from the personal affairs of others;
 - (c) where it relates to the advice and opinion of the consultants employed by the Agency, that is, it does not reflect the opinions of other Agency officers, and I do not consider they could be identified from that information; and
 - (d) given the above, I do not consider disclosure will have any impact on the Agency, including in receiving and investigating workplace disputes.

28. As such, certain information is therefore not exempt under section 30(1).

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

29. 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.
30. In determining whether disclosure of the personal affairs information would be unreasonable in the circumstances, I have considered the following factors:⁴
- (a) the nature of the personal affairs information;
 - (b) the circumstances in which the information was obtained;
 - (c) the extent to which the information is available to the public;
 - (d) the Applicant’s interest in the information;
 - (e) whether any public or important interest would be promoted by release of the information;
 - (f) whether the individuals to whom the information relates object, or would be likely to object, to the release of the information; and

⁴ See <https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-33/#would-disclosure-be-unreasonable>.

- (g) whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person.⁵
31. The Applicant seeks personal affairs information in relation to documents falling within Items 1, 2, 4 and 4a of the request. I have located the following in the documents in relation to these items:
- (a) for item 1, the '[third party] report', is Document 10;
 - (b) for item 2, the '[third party] report', is Document 25;
 - (c) for item 4, the 'Workcover report', I could not locate any documents; and
 - (d) for item 4a, Workcover documents related to two named parties for a particular timeframe, are Documents 30, 32 and 33.
32. The above documents contain the personal affairs information of individuals other than the Applicant, this includes their names, information about themselves, their opinions on the workplace and other staff members, as well as other information that could identify them.
33. I note the personal circumstances of the Applicant and their relationship to the above documents.
34. I note the Agency consulted with several individuals named in the documents, a majority of whom objected to the release of their information.
35. Taking into consideration the above factors, I have decided it would be unreasonable to release most of the personal affairs information in the documents for the following reasons:
- (a) the information is personal and sensitive, as it relates to the third parties' relationships with their colleagues in the context of workplace culture and complaints made about the conduct of staff members;
 - (b) I consider the individuals concerned would object to disclosure, as they provided the information to the Agency with the expectation that it would remain confidential;
 - (c) disclosure would therefore have a negative impact on the Agency as staff could conclude that the Agency is not able to protect the privacy of its staff;
 - (d) in relation to the reports of workplace investigations, if such information were to be disclosed, I consider staff would be less likely to provide similar sensitive information about their views of their workplace and their colleagues in the future;
 - (e) the effect of this would be that the Agency would likely receive less frank advice in relation to similar matters and in turn disclosure would have a negative impact on its ability to provide a safe workplace;

⁵ Section 33(2A).

- (f) in relation to Workcover documents relating to individuals other than the Applicant, I consider there is a strong community expectation that such documents are disclosed only where necessary and remain between the individual concerned and their employer;
 - (g) having considered the above likely effect of disclosure, I consider the public interest weighs against disclosure of the personal affairs sought by the Applicant; and
 - (h) while there is nothing before me to suggest that the Applicant would further disseminate the information in the documents, I must consider that I cannot place any restrictions on further disclosure once it is released under the FOI Act and the impact that further disclosure may have on the privacy of third parties.
36. I acknowledge that some of the personal affairs information is intertwined with that of the Applicant. Where I cannot exempt information without rendering the sentence or passage meaningless, I have decided to exempt the whole passage on the basis it would be unreasonable to disclose the personal affairs of the other parties involved.
37. I also acknowledge that some of the documents contain personal affairs that would be known to the Applicant. However, primarily for the reasons set out in paragraph 34 (h) above, I have decided it would be unreasonable to release it.
38. Accordingly, most of the personal affairs information in the identified documents is therefore exempt under section 33(1).
39. However, in certain circumstances, where the information does not relate to a single individual, or where it is less sensitive, and where it mostly relates to the Applicant, I have determined that it would not be unreasonable to release it and it is not exempt under section 33(1).

Section 35(1)(a) – Information communicated in confidence to an agency that would be exempt if generated by an agency

40. A document is exempt under section 35(1)(a) if two conditions are satisfied:
- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
 - (b) the information would be exempt matter if it were generated by an agency or Minister.
41. The Agency considered certain information in the documents was exempt under section 35(1)(a). As I consider the information was prepared by Agency officers it is more appropriate to consider the application of section 30(1) to that information.
42. For some of the information claimed exempt under section 35(1)(a), I have determined different exemptions apply and it remains exempt.
43. For the remainder, I have determined that, while the information may have been provided in confidence, it is not exempt under section 30(1) for the reasons set out above in paragraph 27.

Section 35(1)(b) – Information obtained in confidence

44. A document is exempt under section 35(1)(b) if two conditions are satisfied:

- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
- (b) disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

Was the information obtained in confidence?

- 45. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.⁶
- 46. In very limited circumstances, section 35 may apply to particularly sensitive and confidential information communicated to an agency by its own officers.⁷ For example, in the context of internal complaints and investigations, or where misconduct or corruption is reported. In these situations, the officer's position is analogous to that of an outside source.⁸
- 47. I note the Agency consulted with a number of individuals named in the documents, a majority of which objected to the release of their information on the basis it was provided confidentially.
- 48. I am satisfied the information exempted by the Agency was provided by its own officers, and because it appears in the context of internal complaints or investigation, and the individuals themselves advise the information was provided in confidence, I am satisfied the information was provided to the Agency in confidence.

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

- 49. The term 'impair' is not defined in the FOI Act. However, case law suggests:
 - (a) the degree of impairment must go beyond a trifling or minimal impairment;⁹
 - (b) there must be an actual impairment to the ability of the agency to obtain similar information in the future;¹⁰
 - (c) it is not enough that individuals would be less candid than they otherwise might be¹¹ or would feel resentment at having their confidence betrayed;¹²
 - (d) the necessary level of impairment will be made out if a significant minority of persons in the relevant group would be firmly resistant to providing similar information in the future;¹³

⁶ *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

⁷ *Sportsbet v Department of Justice* [2010] VCAT 8, [77]-[78], referring to *Birnbauer v Inner & Eastern Health Care Network* (1999) 16 VAR 9, 17.

⁸ *Sportsbet v Department of Justice* [2010] VCAT 8, [77].

⁹ *Ryder v Booth* [1985] VR 869, 880.

¹⁰ *Birnbauer & Davies v Inner & Eastern Health Care Network* [1999] VCAT 1363, [68] referring to *Ryder v Booth* [1985] VR 869.

¹¹ *Birnbauer & Davies v Inner & Eastern Health Care Network* [1999] VCAT 1363, [68]; approved in *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549, [69].

¹² *Sifredi v Medical Practitioners Board* [1999] VCAT 87 (affirmed on appeal *Medical Practitioners Board of Victoria v Sifredi* [2000] VSC 33).

¹³ *Ibid*

- (e) it is the agency that must be impaired from receiving information, not simply a reluctance on the part of a supplier to provide information;¹⁴
 - (f) the existence of a statutory duty to provide information does not necessarily exclude the possibility that disclosure would be reasonably likely to impair an agency's ability to obtain similar information in the future, particularly where disclosure might impact the quality and quantity of any future information provided.¹⁵ In comparison, an agency will not be impaired from obtaining a specific type of information in future, if there is legislation which compels a person to provide this type of information to the agency.¹⁶
50. I am satisfied disclosure of the information would impair the Agency from obtaining similar information in the future because:
- (a) I am satisfied there would be an actual and significant impairment to the Agency receiving important information about the workplace, should it be disclosed in this instance;
 - (b) I consider this would have a significant impact on the individuals concerned and on the ability of the Agency to carry out similar investigations of complaints in the future; and
 - (c) the Agency relies on the provision of similar information to provide a safe workplace.
51. I am therefore satisfied certain information is exempt under section 35(1)(b).
52. However, I am not satisfied all information to which the Agency claimed section 35(1)(b) is exempt. For example, where the information is general in nature, does not disclose the source of the information, or is the generalised opinion or recommendation of the consultants employed by the Agency.

Section 36(2) – Disclosure contrary to public interest

53. Under section 36(2)(b), a document is an exempt document if—
- in the case of a document of a council, its disclosure under this Act would be contrary to the public interest by reason that it would disclose instructions issued to, or provided for the use of guidance of, officers of a council on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of the council.
54. The Agency claimed certain information exempt under section 36(2)(b). For some of that information, I have decided a different exemption applies.
55. Where I have determined another exemption does not apply, I have also decided section 36(2)(b) does not apply. That is, I am not satisfied that the documents contain procedures

¹⁴ *Kosky v Department of Human Services* [1998] VCAT 290, [22].

¹⁵ See *Thwaites v Department of Health and Community Services* (1995) 8 VAR 361, 370; *Woodford v Ombudsman* [2001] VCAT 721, [99]-[101].

¹⁶ See *Thwaites v Department of Health and Community Services* (1995) 8 VAR 361, 370; *Woodford v Ombudsman* [2001] VCAT 721, [99]-[101].

regarding personnel management, rather, they contain more specific information about the complaints and investigations specific to the request.

Section 25 – Deletion of exempt or irrelevant information

56. 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.
57. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’¹⁷ 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 25.¹⁸
58. I have considered the information the Agency deleted from the documents as irrelevant. In some cases, I agree it falls outside the scope of the Applicant’s request. However, I find certain information deleted in the documents by the Agency as irrelevant falls within the scope of the request. These documents have therefore been assessed under the FOI Act and are listed in Annexure A.
59. I have considered the effect of deleting irrelevant and exempt information from the documents. In my view, it is practicable for the Agency to delete irrelevant and exempt information from certain documents because it would not require substantial time and effort, and the edited documents would retain meaning. However, I have decided certain documents cannot be edited.

Conclusion

60. On the information before me, I am satisfied certain information in the documents is exempt from release under sections 30(1), 33(1) and 35(1)(b). However, I am not satisfied all the information exempted by the Agency is exempt under those provisions, or sections 35(1)(a) or 36(2)(b).
61. Where it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access is granted in part. Where it is not, access is refused in full.
62. A marked-up copy of the documents indicating exempt or irrelevant information in accordance with my decision has been provided to the Agency.

Timeframe to seek a review of my decision

63. If either party to this review is not satisfied with my decision, they are entitled to apply to the VCAT for it to be reviewed.¹⁹

¹⁷ *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].

¹⁸ *Honeywood v Department of Human Services* [2006] VCAT 2048, [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267, [140], [155].

¹⁹ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

64. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁰
65. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²¹
66. 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.
67. 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.²²

Third party review rights

68. As I have determined to release documents that contain information the Agency claimed was provided to it in confidence by external third parties and exempt under section 35(1)(b), if practicable, I am required to notify those external parties of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.²³
69. Where I have determined that section 33(1) does not apply, I have decided that notification is not practicable. This is because I do not consider the information is sensitive or able to identify an individual.
70. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights and confirm they will be notified of my decision on the date of decision.

When this decision takes effect

71. 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.

²⁰ Section 52(5).

²¹ Section 52(9).

²² Sections 50(3F) and 50(3FA).

²³ Sections 49P(5), 52(3).

Annexure 1 – Schedule of Documents

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	1-9	[Date range]	Catch up notes	9	Released in part Sections 30(1), 33(1), 25	Release in part Sections 30(1), 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	Section 30(1): I agree most of the information as identified by the Agency is exempt under section 30(1). However, where I have identified factual or less sensitive information, it is not exempt under section 30(1). The reasons for my decision are described above in the Notice of Decision. Sections 33(1) and 25: As the Applicant is only seeking personal affairs information that appears in certain items in their request as detailed in paragraph 31 of the above Notice of Decision, I have not further considered the Agency's application of section 33(1) to names or other identifying information in the remaining documents.

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
							<p>Accordingly, all names or other identifying information exempted by the Agency under section 33(1) throughout the remaining documents are irrelevant to the request and are to be deleted in accordance with section 25.</p> <p>In relation to the covering page (page 1) it is out of scope.</p> <p>In addition, I consider it is practicable to delete exempt and irrelevant information from the documents.</p>
2.	10-18	[Date]	Applicant performance assessment report	9	Release in full	Not subject to review	

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
3.	19-20	[Date range]	Catch up notes	2	Released in part Sections 30(1), 33(1), 25	Release in part Sections 30(1), 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	Section 30(1): See comments for Document 1. Sections 33(1) and 25: See comments for Document 1.
4.	21-22	[Date]	Email	2	Released in part Sections 30(1), 33(1), 35(1)(b), 25	Release in part Sections 35(1)(b), 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	Section 30(1): See marked up document for variance in section 30(1) decision. However, information remains exempt under section 33(1). Section 35(1)(b): I have determined section 35(1)(b) applies to the information identified by the Agency for the reasons described above in my Notice of Decision. Sections 33(1) and 25: See comments for Document 1.

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
5.	23	[Date]	Catch up notes	1	Released in part Sections 30(1), 33(1), 35(1)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 Same decision as Agency in relation to information to be released.	Sections 30(1) and 35(1)(b): See comments for Document 4. Sections 33(1) and 25: See comments for Document 1.
6.	24-26	[Date range]	Email	3	Released in part Sections 30(1), 33(1), 25	Release in part Sections 30(1), 25 Same decision as Agency in relation to information to be released.	Section 30(1): I agree the information as identified by the Agency is exempt under section 30(1). Sections 33(1) and 25: See comments for Document 1.
7.	27-29	[Date]	Exit interview of [name]	3	Refused in full Sections 33(1), 35(1)(b), 25	Refuse in full Sections 35(1)(b), 25 Same decision as Agency.	Section 33(1): See comments for Document 1. Section 35(1)(b): See comments for Document 4. Section 25: I do not consider it is possible to provide an edited copy of this document with exempt and irrelevant information removed as the document would not retain any meaning.

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
8.	30-31	[Date]	Catch up notes	2	Released in part Sections 30(1), 33(1), 35(1)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	All sections: See comments for Documents 1 and 4.
9.	32-127	Various	Emails and attachments	96	Released in part Sections 30(1), 33(1), 35(1)(b), 36(2)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 Same decision as Agency in relation to information to be released.	Section 36(2)(b): I have decided section 36(2)(b) does not apply to the document for the reasons described above in the Notice of Decision. Section 30(1): See comment for Document 6. All other sections: See comments for Documents 1 and 4. Note: This document contains substantial irrelevant information that

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
							falls outside the scope of the request.
10.	128-142	[Date]	[Report]	15	Released in part Sections 30(1), 33(1), 35(1)(b), 25	<p>Release in part Sections 30(1), 33(1), 35(1)(b), 25</p> <p>The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.</p>	<p><u>Responsive to Item 1 of the Applicant's request</u></p> <p>Sections 30(1) and 35(1)(b): I consider there is certain information that is not exempt under these sections for the reasons described above in my Notice of Decision.</p> <p>Section 33(1): The applicant is seeking the personal affairs information in this document. I have determined certain information remains exempt for the reasons described above in the Notice of Decision. However, where the information does not relate to an individual, or I consider an individual cannot be identified from</p>

Document No.	PDF page nos.	Date of document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
							that information, it is not personal affairs information. Further information is therefore to be released. Section 25: I consider it practicable to delete exempt information from the document.
11.	143-144	[Date]	Catch up email	2	Released in part Sections 33(1), 25	Release in part Section 25 Same decision as Agency in relation to information to be released.	Section 25: See comments for Document 1.
12.	145-146	[Date]	Exit survey	2	Refused in full Sections 30(1), 33(1) and 35(1)(b)	Refuse in full Sections 30(1), 35(1)(b), 25 Same decision as Agency.	All sections: See comments for Document 7.
13.	147-167	Various	Emails	21	Released in part Sections 30(1), 33(1), 35(1)(b), 36(2)(b), 25	Release in part Sections 30(1), 35(1)(b), 25	All sections: See comments for Documents 1 and 4. Note: This document contains substantial irrelevant information that

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						Same decision as Agency in relation to information to be released.	falls outside the scope of the request. I have also determined that some information marked out of scope is in scope; however, I have decided this information is exempt as indicated in the marked up document.
14.	168-171	[Date]	Email and attachment	4	Out of scope	<p>Release in part</p> <p>Section 25</p> <p>The Agency is to release the document in accordance with the section 33(1) exemptions it applied to the marked up document provided during the review.</p>	<p>This document is in scope of the request.</p> <p>Sections 33(1) and 25: See comments for Document 1.</p>
15.	172	[Date]	Catch up email	1	Released in part Sections 33(1), 25	<p>Release in part</p> <p>Section 25</p> <p>Same decision as Agency in relation to information to be released.</p>	Section 25: See comments for Document 1.

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16.	173 - 206	Various	Emails	34	Released in part Sections 30(1), 33(1), 35(1)(a), 35(1)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 Same decision as Agency in relation to information to be released.	All sections: The effect of my decision is the same as the Agency's for the reasons described above in my Notice of Decision. However, where marked, I have determined certain information is in scope, but exempt under sections 33(1) and 35(1)(b). Note: This document contains substantial irrelevant information that falls outside the scope of the request.
17.	207	[Date]	Catch up notes	1	Released in part Sections 33(1), 25	Release in part Section 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	Section 33(1): Certain information is not personal affairs information and is not exempt. Section 25: See comments for Document 1.

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18.	208-213	[Date]	Email and attachment	7	Refused in full Sections 30(1), 33(1), 35(1)(b)	Refuse in full Sections 30(1), 35(1)(b) Same decision as Agency.	All sections: My decision is the same as the Agency's for the reasons described above in my Notice of Decision.
19.	214	[Date]	Email	1	Out of scope	Release in part Section 25 The Agency is to release the document in accordance with the section 33(1) exemptions it applied to the marked up document provided during the review.	The document is in scope of the request. Sections 33(1) and 25: See comments for Document 1.
20.	215-223	[Date]	Email and attachment	9	Out of scope	Out of scope	
21.	224	[Date]	Email	1	Out of scope	Release in part Section 25 The Agency is to release the document in accordance with the section 33(1) exemptions it	The document is in scope of the request. Sections 33(1) and 25: See comments for Document 1.

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						applied to the marked up document provided during the review.	
22.	225-236	[Date]	Email and attachment	12	Out of scope	Out of scope	
23.	237	[Date]	Email	1	Out of scope	Release in part Section 25 The Agency is to release the document in accordance with the section 33(1) exemptions it applied to the marked up document provided during the review.	The document is in scope of the request. Sections 33(1) and 25: See comments for Document 1.
24.	238 - 592	Various	Emails and attached letters	355	Released in part Sections 30(1), 33(1), 35(1)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 Same decision as Agency, including in the revised marked up documents for pages 566-589 in relation to section 33(1).	<u>Pages 566 – 589</u> During the review, the Agency provided a revised marked up copy of pages 566-589. I am satisfied the information exempted by the Agency under section 33(1) is exempt for the

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							<p>reasons described above in the Notice of Decision.</p> <p><u>Remaining pages</u></p> <p>All sections: The effect of my decision is the same as the Agency's for the reasons described above in my Notice of Decision. However, where marked, I have determined only one exemption applies. There are also parts where I have determined the information is in scope as well as exempt.</p> <p>Note: This document contains substantial irrelevant information that falls outside the scope of the request. The document also contains a substantial number of policies that have either been released to the applicant or are duplicates of documents that have been released.</p>

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25.	593 - 628	[Date]	[Report]	36	Released in part Sections 30(1), 33(1), 35(1)(a), 35(1)(b), 36(2)(b), 25	Release in part Sections 30(1), 35(1)(b), 25 The Agency is to release the document with further information released as marked in blue boxes in the copy of the document provided to the Agency.	<u>Responsive to Item 2 of the Applicant's request</u> Sections 30(1) and 35(1)(b): I consider there is certain additional information that is not exempt under these sections for the reasons described above in my Notice of Decision. Section 33(1): The Applicant is seeking the personal affairs information in this document. I have determined certain information remains exempt for the reasons described above in the Notice of Decision. This includes where allegations made by the Applicant cannot be disclosed without unreasonably releasing the personal affairs of another person

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							<p>or where information is so intertwined with others that it cannot constructively be released.</p> <p>However, where the information does not relate to an individual, or I consider an individual cannot be identified from that information, it is not personal affairs information. Further information is therefore to be released.</p> <p>Section 36(1)(b): This section does not apply for the reasons described above in the Notice of Decision.</p> <p>Section 25: I consider it practicable to delete exempt information from the document.</p>

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26.	629 - 632	[Date range]	Exit survey and file notes	4	Out of scope - duplicates	Out of scope - duplicates	
27.	633-641	[Date]	Applicant's performance assessment report	9	Release in full	Not subject to review	
28.	642 - 668	Various	Emails and attachments	27	Out of scope	Release in part Section 25 The Agency is to release the document in accordance with the section 33(1) exemptions it applied to the marked up document provided during the review.	The document is in scope of the request. Sections 33(1) and 25: See comments for Document 1.
29.	669-680	Various	Emails and attachment	12	Refused in full Sections 33(1), 35(1)(b), 25	Refuse in full Sections 35(1)(b), 25 Same decision as Agency.	All sections: See comments for Document 7. Note: The document contains information out of scope and duplicate documents.

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30.	681-686	[Dates]	Emails	6	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1) Same decision as Agency.	<u>This document contains information responsive to Item 4(a) of the Applicant's request</u> Section 33(1): The Applicant specifically requested this information. I have determined it is exempt under section 33(1) for the reasons described above in the Notice of Decision. Section 25: It is not practicable to delete personal affairs information from the document.
31.	687-689	Undated	Weekly payment reimbursement request form	3	Release in full	Not subject to review	
32.	690 - 699	[Date]	Workcover claims information	10	Released in part Section 33(1), 25	Release in part Sections 33(1), 25 Same decision as Agency.	<u>This document contains information responsive to Item 4(a) of the Applicant's request</u>

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							Sections 33(1) and 25: See comments for Document 30.
33.	700 - 715	[Date]	Workcover claims information	16	Released in part Section 33(1), 25	Release in part Sections 33(1), 25 Same decision as Agency.	<u>This document contains information responsive to Item 4(a) of the Applicant's request</u> Sections 33(1) and 25: See comments for Document 30.
34.	716 - 720	[Date]	Emails	5	Refused in full Sections 30(1), 33(1), 35(1)(b)	Refuse in full Sections 30(1), 35(1)(b), 25 Same decision as Agency.	All sections: See comments for Document 7.
35.	721	[Date]	Email	1	Out of scope	Release in part Section 25 The Agency is to release the document in accordance with the marked up document provided to the Agency during the review.	The document is in scope of the request. Sections 33(1) and 25: The reasons for my decision are described in the Notice of Decision above.

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36.	722 - 729	[Date]	Memorandum and show cause letter to Applicant	8	Refused in full Sections 33(1), 36(2)(b)	Release in part Sections 30(1), 25 The Agency is to release the letter to the Applicant that appears in the document.	Section 30(1) and 33(1): See comments for Document 1. However, I have decided the draft letter to the Applicant is not exempt under section 30(1) as it is substantially similar to the final version. Section 36(2)(b): I have decided the letter to the Applicant is not exempt under section 36(2)(b) for the reasons described above in the Notice of Decision.
37.	730 - 732	[Date]	Email and attachment	3	Refused in full Sections 30(1), 33(1), 35(1)(b)	Refuse in full Sections 30(1), 35(1)(b), 25 Same decision as Agency.	All sections: See comments for Documents 7.
38.	733 - 736	[Date]	Email and attachment	4	Released in part Sections 33(1), 25	Release in part Section 25	Section 25: See comment for Document 1.

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						Same decision as Agency in relation to information to be released.	
39.	737 - 738	[Date]	Script and response	2	Refused in full Sections 33(1), 36(2)(b)	Refuse in full Section 30(1) Same decision as Agency.	Section 30(1): While not applied by the Agency, I have determined the document exempt in full under section 30(1) for the reasons described above in my Notice of Decision. Section 25: It is not practicable to delete exempt information from the document.
40.	739 - 769	[Date]	Emails and attachments	31	Released in part Sections 33(1), 25	Release in part Section 25 Same decision as Agency in relation to information to be released.	Section 25: See comments for Document 1.