

Notice of Decision under section 49P of the *Freedom of Information Act 1982* (Vic)

Agency:	Safer Care Victoria
Applicant:	'GE9'
Agency ref:	F25/8003
Agency decision:	Release documents in part under sections 25 and 30(1) of the <i>Freedom of Information Act 1982</i> (Vic)
OVIC ref:	C/26/00039
OVIC review decision:	Release additional information
Information requested:	Victorian Maternity Taskforce agendas and minutes
Citation:	'GE9' and Safer Care Victoria (Freedom of Information) [2025] VICmr 106 (22 October 2025)

FREEDOM OF INFORMATION – Victorian Maternity Taskforce – agenda and meeting minutes

Thank you for your request for review of a decision made by Safer Care Victoria (the **Agency**) in relation to your request under the *Freedom of Information Act 1982* (Vic) (the **FOI Act**).

I confirm I have conducted a review of the decision made by the Agency and made a fresh decision under section 49P of the FOI Act.

This letter sets out my decision and the reasons for it.

Background

On [date], you sought access to:

the minutes and agendas of meetings of the Victorian Maternity Taskforce for [date range] (noting that the taskforce was established in [date] according to publicly available information) ...

Please note that personal information of non-executive staff, such as names and addresses, is not required. Accordingly, documents can be edited to redact such information.

On [date], the Agency made a decision on your request. The Agency located 8 documents and released all documents in part, redacting either irrelevant personal affairs information or information that it considered was exempt from release under section 30(1) of the FOI Act.

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On [date], your representative applied for a review on your behalf and advised you sought review of the information redacted under section 30(1) of the FOI Act. Accordingly, my review concerns the following documents:

- Document 6 – Victorian Maternity Taskforce meeting minutes dated [date]
- Document 8 – Victorian Maternity Taskforce meeting minutes dated [date].

Reasons for decision

To be exempt under section 30(1) of the FOI Act, three requirements must be satisfied:

1. 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
2. the matter was created during the deliberative process of an agency, Minister, or the government's functions
3. disclosure of the matter would be contrary to the public interest.

The first two requirements are satisfied because the documents record consultation and deliberation of members of the Victorian Maternity Taskforce and were created during the deliberative process of the Agency.

In relation to the third requirement, the Agency decided that certain information in these documents would be contrary to the public interest to disclose.

The Agency provided the following reasoning in its decision letter:

This section has been applied to parts of minutes that contain preliminary advice and recommendations, intended for deliberative processes only.

It is essential that the Taskforce can engage in open and frank discussion in real time on matters that are relevant to its aim of strengthening maternity services in Victoria. To disclose such deliberative processes may result in individual members being less willing to participate in such processes in future, which is against the public interest as it may impede or delay the government's efforts to address workforce challenges and improve service delivery in maternity care.

During the review, OVIC provided the Agency with an initial view that section 30(1) of the FOI Act would not be upheld. The Agency submitted the following additional information in support of its decision to exempt the information under section 30(1) of the FOI Act:

The Maternity Taskforce aims to enhance maternity care by addressing workforce challenges and improving service delivery. Taskforce members are maternity experts who have been working to develop recommendations to make Victoria's maternity system safer and more connected.

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The final recommendations from the taskforce are included in a report that is currently with [a Minister] for consideration. The release of the recommendations to the public will be at the discretion of the Minister.

The material excluded under section 30(1) consists of possible recommendations proposed by members of the Maternity Taskforce as they conducted their work.

Any release of information in the taskforce meeting minutes that was excluded under section 30(1) would be against the public interest for the below reasons.

- The final recommendations from the taskforce are still being considered by the Minister.
- The recommendations may represent some early thoughts and ideas from the taskforce members, which were later refined and finalised into the recommendations that are currently with the Minister for consideration.
- Release of any recommendation that are not included in the final recommendations may cause confusion and ill-informed debate.
- There is a risk of reputational damage to the members of the taskforce, whose names appear in the documents and online. If the draft, unrefined recommendations are made public and interpreted or presented as the finalised recommendations this may mis-represent the intent of the taskforce members.

In deciding if disclosing the information would be contrary to the public interest, I have considered the following:

- The right of every person to gain access to documents under the FOI Act.
- The information is not inherently sensitive in nature and maternity care / service is a topic of general public interest.
- It is unlikely that disclosing the documents will stop members of the Taskforce, as dedicated health care professionals, fully and uninhibitedly participating in future meetings or discussions that aim to strengthen maternity services in Victoria.
- It is unlikely that disclosing the documents will result in the Agency censoring its meeting minutes, such that the minutes would no longer accurately record what was discussed by the Taskforce.
- Disclosing the documents would not mislead readers. It is evident that the documents do not set out the Taskforce's final recommendations that were submitted to the Minister and only set out what was initially discussed or deliberated on at a particular meeting. It is well understood by the public that that any final recommendations to the Minister would have gone through further deliberation and refinement and would not necessarily reflect what are in Documents 6 and 8.
- The Taskforce's recommendations are separate and independent from the Minister's final decision on any recommendations. There is no obligation on the Minister to agree and accept

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the Taskforce's recommendations.

- There does not appear to be any controversy or impropriety in relation to the Taskforce's deliberations as detailed in the minutes that would risk any reputational damage to members or misrepresent the Taskforce's intent.

On careful consideration of all information before me, I am not satisfied that disclosure of the information in Documents 6 and 8 to you in this case would be contrary to the public interest. As such, section 30(1) of the FOI Act does not apply and the information refused by the Agency is to be released.

When does this decision take effect - Agency review rights

If the Agency is not satisfied with my decision, it can apply to the Victorian Civil and Administrative Tribunal (VCAT) for it to be reviewed. Any such, application to VCAT must be made within 14 days from the date the Agency is given this decision.

If the Agency does not apply to VCAT, it is required to release the documents to you in accordance with my decision after 14 days.

Yours sincerely

Penny Eastman

Public Access Deputy Commissioner