

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

Agency:	Department of Transport and Planning
Applicant:	'GF8'
Agency decision:	Refuse access in full to 1 document under section 28(1)(c) of the <i>Freedom of Information Act 1982</i> (Vic)
OVIC review decision:	Refuse access in full under section 28(1)(b) of the <i>Freedom of Information Act 1982</i> (Vic)
Decision date	15 January 2026
Information requested:	Slide pack
Citation:	'GF8' and Department of Transport and Planning (Freedom of Information) [2026] VICmr 1 (15 January 2026)

FREEDOM OF INFORMATION – Ministerial documents – slide pack – the purpose for which a document is prepared – submission to Cabinet for Cabinet's consideration

Thank you for your request for review of a decision made by the Department of Transport and Planning (the **Agency**) to refuse you access to information you requested under the *Freedom of Information Act 1982* (Vic) (**FOI Act**).

I have conducted a review of the decision made by the Agency and made a fresh decision under section 49P of the FOI Act. I have decided that the document you seek access to is exempt in full under section 28(1)(b) of the FOI Act.

This letter sets out the reasons for my decision.

Background

On [date], you made a request to the Agency seeking a slide pack created to accompany a briefing on a departmental report entitled North West Strategic Assessment (**NWSA**).

On [date], the Agency made a decision on your request to exempt the document under section '28(1)(b)(c)'. On [date], the Agency made a revised decision on your request, instead refusing access to the document under section 28(1)(c) of the FOI Act.

On [date], you sought review by the Office of the Victorian Information Commissioner (**OVIC**) of the Agency's decision to refuse access to the document.

My decision and reasons for decision

In making my decision, I have considered information provided in your review application, in addition to the Agency's reasons for decision and submissions, and the document itself.

Relevant legislation

The Agency applied section 28(1)(c) to the document. Section 28(1)(c) exempts a document that is a copy or draft of, or contains extracts from, a document referred to in sections 28(1)(a), 28(1)(b) or 28(1)(ba).

In its decision letter, the Agency claimed the document is exempt under section 28(1)(c) because it would 'divulge information that was prepared for the purposes of briefing the Minister prior to attending a Cabinet or a sub-Committee of Cabinet meeting'.

During the review, OVIC staff requested further information from the Agency to demonstrate and support its application of section 28(1)(c). In providing further information to assist with my review, the Agency also raised the application of other exemptions to the document.

On review of the document and the Agency's submissions, I decided to consider whether section 28(1)(b) applies. 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.

Reasons for decision

I am satisfied the document is exempt under section 28(1)(b) for the following reasons:

- The document is marked 'protected//cabinet in confidence'.
- [An Agency officer] has provided a statement that the document was prepared for submission to Cabinet.
- While ultimately not submitted to Cabinet, under the FOI Act I must consider the purpose for which the document was created.
- The document contains the same and similar information to the NWSA.
- The Agency has provided the cabinet submission reference number to which the NWSA was attached.

What this means

My decision is that the document is exempt in full under section 28(1)(b) of the FOI Act and therefore access is refused.

Your review rights

If you are not satisfied with my decision, you can apply to VCAT for further review. If you wish to do this, you must make a review application to VCAT within 60 days from the date you are given notice of my decision.

Information about how to make an application to VCAT is available at www.vcat.vic.gov.au.

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VCAT can also be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.

Yours sincerely

Penny Eastman
Public Access Deputy Commissioner

15 January 2026

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