

6 March 2026

'G11'

Copy provided to the Department of Justice and Community Safety

By email only

Dear 'G11',

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

Agency:	Department of Justice and Community Safety
Exemption considered:	Section 30(1) of the <i>Freedom of Information Act 1982</i> (Vic)
Citation:	'G11' and Department of Justice and Community Safety (<i>Freedom of Information</i>) [2026] VICmr 16 (6 March 2026)

FREEDOM OF INFORMATION – intervention report – Forensic Intervention Services – report by a Forensic Clinician (Psychologist) – management of prisoners – [Forensic Intervention Services Program]

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

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

This letter sets out my decision.



If you are not satisfied with my decision, you have **60 days** from the date you receive this letter to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for its further review.

Please see the end of this letter for information about how to apply to VCAT.

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Background

You made a request to the Agency via your representative for access to an Intervention Report relating to your participation in [a specified program].

On [date], the Agency provided your representative with a decision in response to your request, advising that it granted access to the requested document in part. The Agency refused access to some of the information in the report under sections 30(1), 31(1)(a), and 38 of the FOI Act in conjunction with 104ZZA of the *Corrections Act 1986* (Vic) (**Corrections Act**).

On [date], your representative sought a review of the Agency's decision on your behalf. Your representative advised that a review was only sought in relation to information that was exempted under section 30(1) of the FOI Act, specifically on pages 2, 3 and 7.

Reasons for decision

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

Section 30 of the FOI Act provides that information can't be released where:

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

The document is a report prepared by a Forensic Clinician (Psychologist) for the purpose of assisting with decisions regarding how you are managed during your incarceration. As stated in the document, it summarises your involvement in intervention, your progress within the areas of focus and provides further recommendations.

Your representative sought review of the information that the Agency exempted from release under section 30(1) of the FOI Act in the sections titled 'Participation and Engagement' and 'Overall Sexual Risk Outcome'.

I am satisfied that the information in these sections of the document contain opinions of the Forensic Clinical (Psychologist) (**the clinician**), satisfying the first requirement of the exemption under section 30(1) of the FOI Act.

I am satisfied the document was created during, and for the purpose of the deliberative process of the Agency, specifically, for the purpose of assisting with the Agency's management of you during your

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incarceration. This satisfies the second requirement of the exemption under section 30(1) of the FOI Act.

In deciding whether disclosing the information to you would be contrary to the public interest, I have carefully considered the reasons why you are seeking access to the information, noting that your representative considers the information is fundamental to your imminent parole application. Your representative submitted:

Participation and engagement (pages 2-3). This is a key aspect of any rehabilitative program, directly reflecting an individual's attitude to their recovery. A fundamental component of any parole application is to demonstrate the applicant is taking these active steps, despite the challenges they may be facing in custody.

Overall sexual risk outcome (page 7). The outcome of a risk assessment is directly relevant to the Parole Board's assessment as to further rehabilitative needs and potential recidivism. Without knowing what level of risk our client has been assessed at, he is at a disadvantage in preparing and submitting an application for parole that properly addresses any concerns the Parole Board may have.

I also note that it is important that individuals have access to information that concerns them, particularly where it is relevant to their civil liberties and human rights. However, this must be balanced against factors that are contrary to the public interest.

The exempted information reveals what information the clinician considered was relevant when assessing your participation and engagement in the [program] and your overall level of risk of future offending.

It is important that clinicians can provide full and frank observations, assessments and recommendations in reports of this nature, particularly where the purpose of the report is to inform how prisoners are managed.

When documents are released under the FOI Act, there are no restrictions on the release of the documents, meaning applicants who obtain documents can disseminate any documents released to them if they wish to do so. If that were to occur in this instance, it would reasonably likely impact the integrity of the [program] and the management of prisoners.

For example, disclosing the information to you would provide insight into what information was considered relevant to the clinician's assessment, and how it was interpreted with respect to your level of risk. There is a risk that if this level of insight was provided to the general prison population, prisoners could manipulate their behaviour and their participation in various programs to achieve favourable outcomes, undermining the integrity of the programs, the assessment processes and the management of prisoners more generally.

I consider that there is a greater public interest in ensuring the integrity of such programs and supporting clinicians to provide full and frank reports without concern that it could be obtained by the subject of the report, or other prisoners.

Therefore, while I note the importance of the document to you for your parole application, I am satisfied that disclosing the information to you would be contrary to the public interest. Accordingly, I

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have decided that section 30(1) of the FOI Act applies to the information you are seeking access to.

What this means

My decision is the same the Agency's decision and the information it exempted under section 30(1) of the FOI Act is to remain deleted from the document.

Therefore, no additional information will be released to you.

Your review rights

If you are not satisfied with my decision, you can apply to VCAT for it to be reviewed.

If you wish to seek review of my decision, 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.

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