Office of the Victorian Information Commissioner

Phone: 1300 00 6842
Email: enquiries@ovic.vic.gov.au
PO Box 24274
Melbourne Victoria 3001

Notice of Decision and Reasons for Decision

Applicant:	*'GI3'*
Agency:	Department of Treasury and Finance
Decision date:	28 February 2026
Exemptions and provision considered:	Sections 28(1)(ba), 28 (1)(d), 30(1), 32(1), 34(1)(b), 34(4)(a)(ii), 25
Citation:	*'GI3' and Department of Treasury and Finance (Freedom of Information)* [2026] VICmr 18 (28 February 2026)

FREEDOM OF INFORMATION – Victorian Business Growth Fund – Rent to buy – Actions to Shape Victoria's urban form – publicly available information – government engaged in trade or commerce

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.

Please refer to page 14 for information about review rights through the Victorian Civil and Administrative Tribunal (**VCAT**).

The Applicant has **60 days** from the date they receive this decision to apply to VCAT.

My reasons for decision follow.

Sean Morrison
Information Commissioner

28 February 2026

Reasons for Decision

Background to review

1. The Applicant requested:

    The following briefs referred to in FOI 2024-25/09:

    - B23/2842 - Request for a Treasurer's Advance – Gas Substitution Roadmap – Building Electrification
    - B23/2727 - Request to vary trust fund expenditure in 2023-24 and 2024-25
    - B23/2894 - Outcome of [third party] v Victoria
    - B23/2822 - Victorian Business Growth Fund three-year review
    - B23/2352 - Rent-to-buy - preliminary design and next steps
    - B23/3054 - Zero and Low Emission Vehicle (ZLEV) Refund
    - B23/3048 - Infrastructure Victoria advice request – Actions to shape Victoria's urban form
    - B23/3179 - OPV Supply Chain Dashboard launch proposal

    Where a discrete document does not exist, yet the information requested could be generated in the form of a report, I request the production of a document pursuant to s19 of the Act.

    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.

2. The Agency identified 8 documents and:

    (a) refused access in full to two documents

    (b) released 5 documents in part

    (c) released 1 document in full.

3. The Agency decided to exempt certain information under sections 28(1)(ba), 28 (1)(d), 30(1), 32(1), 34(1)(b) and 34(4)(a)(ii).

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.

5. I have examined a copy of the documents subject to review.

6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.

7. I have considered relevant communications and submissions received from the parties.

8. 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.

9. 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.

10. 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) – Cabinet documents

11. Section 28 is intended to ensure the Cabinet process remains confidential.

12. Section 28(7)(a) defines 'Cabinet' as including a committee or sub-committee of Cabinet.

13. For more information about section 28 see the FOI Guidelines.[2]

Section 28(1)(ba) – Document prepared for the purpose of briefing a Minister in relation to issues to be considered by the Cabinet

14. Section 28(1)(ba) exempts from release a document that was prepared for a Minister to brief them about an issue to be considered by the Cabinet.

15. The Agency applied section 28(1)(ba) to certain information in Documents 1, 5 and 7. These documents were prepared for the purpose of briefing a Minister. I must therefore decide whether the information is 'in relation to issues to be considered by the Cabinet'.

16. In relation to Document 1, I am satisfied, based on the contents of that information, that it relates to issues to be considered by Cabinet. This information is therefore exempt under section 28(1)(ba).

17. In relation to Documents 5 and 7, I consider the information demonstrates that at the time of the briefing, the agency officer who prepared the document considered the issue would be considered by Cabinet. This information is therefore also exempt under section 28(1)(ba).

[1] *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577, [591].
[2] https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-28/.

Section 28(1)(d) –Disclosure of any deliberation or decision of the Cabinet

18. Section 28(1)(d) exempts a document which, if disclosed, would involve the disclosure of any deliberation or decision of the Cabinet or a sub-committee of the Cabinet, other than a document by which a decision of the Cabinet was officially published.

19. 'Deliberation' means the actual debate that took place, not just the subject matter of the debate (what the debate was about). In other words, how the subject matter was treated (how arguments were weighed up and evaluated) by the Cabinet with a view to making a decision, not just the subject matter itself.[3]

20. A document may reveal deliberations of Cabinet if the document, on its face:[4]

    (a) discloses that the Cabinet required information of a particular type for the purpose of enabling the Cabinet to determine whether a course of action was practicable or feasible

    (b) advances an argument for a particular point of view.

21. The Agency exempted certain information under section 28(1)(d) in Documents 1 and 5. I am satisfied, based on its content, that it discloses a decision or deliberation of Cabinet. I am also satisfied a small amount of additional information in Document 5, point 12, discloses a decision or deliberation of Cabinet. The information in Documents 1 and 5 is therefore exempt under section 28(1)(d).

Section 30(1) – Internal working documents

22. Section 30(1) exempts documents that contain opinion, advice or recommendation, or consultation or deliberation, where disclosure would be contrary to the public interest. A document is not exempt simply because it is an internal working document.[5]

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

    (a) the document or information is matter in the nature of

        (i) opinion, advice or recommendation prepared by an agency officer or a Minister or

        (ii) consultation or deliberation that has taken place between agency officers or Ministers

    (b) the matter was created during the deliberative process of an agency, Minister, or the government's functions

    (c) disclosure of the matter would be contrary to the public interest.

24. For more information about section 30 see the FOI Guidelines.[6]

[3] *Department of Infrastructure v Asher* [2007] VSCA 272, [6] and [58].
[4] *Department of Infrastructure v Asher* [2007] VSCA 272, [8].
[5] *Graze v Commissioner of State Revenue* [2013] VCAT 869, 25.
[6] https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-30/.

25. The Agency applied section 30(1) to Documents 4 and 8. I am satisfied both these documents, being briefings, contain information in the nature of advice and recommendations, and that they were prepared for the deliberative processes of the agency.

26. In deciding whether disclosure of the information would be contrary to the public interest, I have given weight to the following relevant factors:[7]

(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 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.

<u>Document 4</u>

27. I have decided it would not be contrary to the public interest to disclose the information in the document for the following reasons:

[7] See https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-30/#disclosure-would-be-contrary-to-the-public-interest.

(a) The document contains publicly available information, including the parties involved and the businesses named. Much of this information was made public via press release.[8]

(b) Additional publicly available information relates to the business listed at the top of page 4, including some of the more sensitive information in relation to it.

(c) The document contains the broad outlines of the program rather than detailed financial information.

(d) I do not consider disclosure will have an adverse effect on the Agency, including that it will not affect its commercial relationships or its ability to attract business to Victoria.

(e) The public interest weighs in favour of disclosure to provide for scrutiny of public investment in the private sector.

28. I am therefore satisfied the document is not exempt under section 30(1).

<u>Document 8</u>

29. I have decided it would not be contrary to the public interest to disclose the information in the document for the following reasons:

(a) It is clear from the nature of the document that it contains 'example' or outdated data. Disclosure would therefore not lead to a misleading impression.

(b) The data is in the aggregate. I do not consider any specific information relating to a third party is identifiable form the data.

(c) Similar data is published by the Australian Bureau of Statistics and Infrastructure Australia.

(d) I do not consider the feedback provided in the document to be sensitive, such that its disclosure would have any effect on the Agency.

30. The information in the document is therefore not exempt under section 30(1).

Section 32(1) – Documents affecting legal proceedings

31. Section 32(1) exempts documents subject to legal professional privilege or client legal privilege. The principles of legal professional privilege are found in common law (case law). Client legal privilege is codified in sections 118 and 119 of the *Evidence Act 2008* (Vic).

32. To apply section 32(1), it is generally not necessary to distinguish between legal professional privilege and client legal privilege.

33. Both legal professional privilege and client legal privilege protect confidential communications and documents between a lawyer and a client:

---

[8] For example https://www.dtf.vic.gov.au/victorian-business-growth-fund and https://www.premier.vic.gov.au/supporting-businesses-support-healthy-workplace

(a) made or prepared for the dominant purpose of obtaining or providing legal advice (**advice privilege**)

(b) prepared for the dominant purpose of use in current or anticipated litigation (**litigation privilege**).[9]

34. The purpose of legal privilege is to promote the public interest in the proper administration of justice. It does this by protecting confidential communications between a lawyer and their client, to allow them to speak freely.[10]

35. For more information about section 32(1) see the FOI Guidelines.[11]

36. A document or information attracts advice privilege, and is exempt under section 32(1), if it would disclose:

(a) a confidential communication between a client (or their agent) and their lawyer that was made for the dominant purpose of obtaining or providing legal advice

(b) a confidential communication between two or more lawyers acting for their client that was made for the dominant purpose of obtaining or providing legal advice or

(c) the contents of a confidential document (whether delivered or not) prepared by a client, their lawyer, or another person (such as an expert) for the dominant purpose of obtaining or providing legal advice.

37. A document will not be exempt under section 32(1) if legal privilege has been lost or waived.

38. Privilege can be either expressly waived, or is deemed to have been waived where the client acts inconsistently with the confidentiality of legal privilege (for example, by disclosing the substance of the advice).[12]

39. I am satisfied the information identified by the Agency discloses confidential communications between the Agency and its legal representatives. Further I am satisfied the Agency has not waived privilege.

40. The information identified by the Agency is therefore exempt under section 32(1).

Section 34 – Documents relating to trade secrets etc.

41. Section 34 contains several exemptions, which protect:

(a) trade secrets of a business, commercial or financial undertaking

(b) other business, commercial or financial information of an undertaking, where disclosure

[9] See *Esso Australia Resources Ltd v Federal Commissioner of Taxation* [1999] HCA 67 and *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* [2002] HCA 49.
[10] *Grant v Downs* [1976] HCA 63, [19].
[11] https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-32/.
[12] *Mann v Carnell* (1999) 201 CLR 1. Sections 121 to 126 in the *Evidence Act 2008* (Vic) deal with different circumstances in which client legal privilege may be lost.

would likely expose the undertaking to an unreasonable disadvantage

(c) trade secrets of an agency

(d) other business, commercial or financial information of agencies engaged in trade or commerce

(e) the results of scientific or technical research undertaken by an agency

(f) examination papers, examiner's reports and similar documents, where the document's use is not yet completed.

42. For more information about section 34 see the FOI Guidelines.[13]

Section 34(1)(b) – Business, commercial or financial information of an undertaking

43. A document or information is exempt under section 34(1)(b) if three conditions are satisfied:

(a) the document or information was acquired from a business, commercial, or financial undertaking

(b) the information relates to matters of a business, commercial or financial nature

(c) disclosure of the information is likely to expose the undertaking unreasonably to disadvantage (based on matters listed in section 34(2) and any other relevant considerations).

Was the information acquired from a business, commercial or financial undertaking?

44. The Agency exempted information under section 34(1)(b) from Document 4. I have also considered whether section 34(1)(b) applies to Document 5, page 5, point 30.

45. I am satisfied Document 4 contains a small amount of information acquired from business undertakings. I am also satisfied the nominated part of Document 5 contains such information.

Does the information relate to matters or a business, commercial or financial nature?

46. I am satisfied the information is of a business nature.

Consultation

47. In deciding whether disclosure would expose an undertaking unreasonably to disadvantage, an agency or Minister, if reasonably practicable, must consult with the business undertaking from which it acquired information.

48. The Agency did not advise OVIC that it consulted with any business undertakings.

[13] https://ovic.vic.gov.au/freedom-of-information/foi-guidelines/section-34/.

Would disclosure of the information be likely to expose the undertaking unreasonably to disadvantage?

49. In considering whether disclosure will expose an undertaking to unreasonable disadvantage, I may have regard to the factors set out in section 34(2), along with any other relevant consideration. These are:

    (a) Whether the information is generally available to competitors of the undertaking

    (b) whether the information would be exempt matter if it were generated by an agency or a Minister

    (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking

    (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls.

50. Other relevant considerations include whether disclosure would:

    (a) give a competitor of the undertaking a competitive financial advantage

    (b) enable that competitor to engage in destructive competition with the undertaking

    (c) lead to unwarranted conclusions about the undertaking's financial affairs and position that result in commercial and market consequences.[14]

51. Where the business, commercial or financial information is so small or incidental to an undertaking's operations, its disclosure is unlikely to meet the threshold of unreasonable disadvantage.[15]

<u>Document 4</u>

52. I am not satisfied the information acquired from the businesses named in Document 4 would expose them unreasonably to disadvantage for the following reasons:

    (a) There is information publicly available about their public funding.

    (b) As referred to above, there is also publicly available information about one of the businesses that is more sensitive.

    (c) The information is general in nature. I do not consider it is information from which competitors could obtain a commercial advantage.

    (d) I therefore consider the information could be disclosed without causing substantial

[14] *Dalla Riva v Department of Treasury and Finance* [2007] VCAT 1301, [33].
[15] *Holbrook v Department of Natural Resources* (1997) 13 VAR 1, 8.

harm.

(e) I do not consider it unreasonable to disclose information about a business where they are in receipt of public funding.

(f) I consider the public interest weighs in favour of disclosure in the interests of public scrutiny of public expenditure on private businesses and whether the community is receiving value for money.

53. The information is therefore not exempt under section 34(1)(b).

Document 5

54. I am satisfied that the information identified in Document 5, page 5, point 30 would expose the business to disadvantage for the following reasons:

(a) The information is significantly more detailed than the information that appears in Document 4.

(b) I consider disclosure could place the business at a disadvantage if competing for public funding.

(c) I therefore consider that disclosure could provide other entities with a competitive advantage.

55. The information is therefore exempt under section 34(1)(b).

Section 34(4)(a)(ii) – Information that would expose the Agency unreasonably to disadvantage

56. A document is exempt under section 34(4)(a)(ii) if three conditions are satisfied:

(a) the agency is engaged in trade or commerce

(b) the document contains information of a business, commercial or financial nature

(c) disclosure of the document would be likely to expose the agency unreasonably to disadvantage.

Is the Agency engaged in trade and commerce?

57. Trade or commerce activities must 'of their nature, bear a trading or commercial character'.[16]

58. Whether an agency is engaged in trade or commerce depends on the facts and circumstances of each case.[17] It requires clear evidence that the agency is doing more than delivering government services or functions.

59. The Agency applied section 34(4)(a)(ii) to Documents 4 and 5.

[16] *Gibson v Latrobe City Council* [2008] VCAT 1340; *Concrete Constructions (NSW) Pty Ltd v Nelson* [1990] HCA 17; (1990) 169 CLR 594, 604.
[17] *Stewart v Department of Tourism, Sport and the Commonwealth Games* [2003] VCAT 45, [41].

60. Document 4, as described in the Agency's decision is a brief titled 'Victorian Business Growth Fund three-year review'. The brief provides information about the status of the Victorian Business Growth Fund. The Fund is described as:

> Established by the Victorian Government, Aware Super and CareSuper, the Fund runs for 10 years to help growth-ready small and medium enterprises overcome barriers to accessing capital and finding the right partners.
>
> The Victorian Business Growth Fund backs permanent, high-skilled jobs, encourages workforce diversity, and supports people reskilling, returning to work or starting apprenticeships.
>
> Roc Partners was selected as the independent fund manager to operate the Victorian Business Growth Fund. Roc Partners makes all investment decisions independently under an agreed mandate. The Government is not involved in these decisions.
>
> The Victorian Business Growth Fund is no longer accepting any new enquiries.[18]

61. Given the above description, I am satisfied the Agency is engaged in trade or commerce in relation to the Victorian Business Growth Fund.

62. Document 5, as described in the Agency's decision, is a brief titled 'Rent-to-buy - preliminary design and next steps'. As described in information released to the Applicant, the brief relates to the Victorian Homebuyer Fund, and recommendations for a funding pilot for Aboriginal Victorians. The Fund as it previously existed was described as:

> The Victorian Homebuyer Fund was a shared equity scheme helping Victorians to enter home ownership.
>
> If you had a 5% deposit, the Victorian Government could contribute up to 25% of the purchase price in exchange for an equivalent share in the property.
>
> Aboriginal and Torres Strait Islander participants only required a 3.5% deposit and were eligible for up to a 35% shared equity contribution.
>
> The Victorian Homebuyer Fund is now closed to new participants.[19]

63. I am also satisfied the Agency is engaged in trade or commerce in relation to the Victorian Homebuyers Fund.

Do the documents contain information of a business, commercial or financial nature?

64. Information in the documents is of a business commercial or financial nature, as they relate to government funding programs.

Would disclosure be likely to expose the Agency unreasonably to disadvantage?

65. Tribunals and courts describe 'disadvantage' in terms of the business, commercial or financial implications of disclosure. In particular, whether disclosure is likely to:

[18] https://www.dtf.vic.gov.au/victorian-business-growth-fund
[19] https://www.sro.vic.gov.au/about-us/our-organisation/closed-taxes-levies-and-grants/victorian-homebuyer-fund

(a) reduce an agency's capacity to compete in a competitive market for buying and selling goods or services[20]

(b) reduce an agency's capacity to negotiate future commercial contracts[21]

(c) strengthen the bargaining position of entities the agency negotiates with, at the expense of the agency competing for marketplace share[22]

(d) expose the rates that an agency is prepared to accept for various services – and if so, the likely impact on the agency's operations.

66. Whether disadvantage would be unreasonable involves the consideration of all circumstances, including factors both in favour of, and against disclosure, such as:[23]

(a) the nature of the information

(b) whether there is any public interest in disclosure or nondisclosure

(c) the circumstances in which the information was obtained or created

(d) whether the information has any current relevance

(e) the identity of the applicant and the likely motives of the applicant.

67. The word 'unreasonably' should be seen in the context of the balancing process between competing factors of the interest in maintaining confidentiality and the interest in public accountability and transparency on the part of the government, its departments and agencies, and entities that provide government services.[24]

<u>Document 4</u>

68. I am not satisfied disclosure would expose the Agency unreasonably to disadvantage for the same reasons described in my analysis of Document 4 in relation to section 30(1). In summary much of the information in the document is publicly available, or is general in nature, such that I am not satisfied disclosure would disadvantage. I also note the Victorian Business Growth Fund is currently closed, and I do not consider any information in the document could be used to exploit the Fund in any way.

<u>Document 5</u>

69. The Agency exempted a small amount of information in the document under section 34(4)(a)(ii), in paragraphs 9 and 10. Noting I have determined point 30 exempt under section 34(1)(b).

---

[20] *Binnie v Department of Industry, Technology & Resources* (1986) 1 VAR 345, 348.
[21] *Binnie v Department of Industry, Technology & Resources* (1986) 1 VAR 345, 348; *Davis v Department of Transport* [2022] VCAT 721, [58].
[22] *Save Albert Park Inc v Australian Grand Prix Corporation* [2008] VCAT 168, [77].
[23] *Fitzherbert v Department of Health and Human Services* [2019] VCAT 201, [61].
[24] *Asher v Department of innovation, Industry and Regional Development* [2005] VCAT 2702, [38].

70. The first paragraph at point 9 is general in nature and is partly disclosed elsewhere in the document that has been released to the Applicant. I am not satisfied, based on its contents and the Agency's submission that the remaining information could be used to disadvantage the government in any future use of the Fund. In my view the information in point 10 will likely be announced or reported in some way in the future. The information identified by the Agency is therefore not exempt under section 34(4)(a)(ii).

Section 25 – Deletion of exempt or irrelevant information

71. 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.

72. 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]

73. Irrelevant information is information which is clearly outside the scope, or beyond the terms of the applicant's request.

74. I have considered the information the Agency deleted from the documents as irrelevant. I agree it falls outside the scope of the Applicant's request as it is personal affairs information excluded by the Applicant from the request.

75. 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 the irrelevant and exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

76. On the information before me, I am satisfied certain information in the documents is exempt from release under sections 28(1)(ba), 28(1)(d), 32(1) and 34(1)(b). However, I am not satisfied sections 30(1) or 34(4)(a)(ii) apply to the documents.

77. As I am satisfied 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.

[25] *Mickelburough 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.

Timeframe to seek a review of my decision

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

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

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

81. 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.

82. 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

83. As I have determined to release documents that contain information of a business, financial, commercial nature relating to a business undertaking, if practicable, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.[31]

84. In this case, I am satisfied it is practicable to notify the relevant third party/parties of their review rights and confirm they will be notified of my decision as soon as practical.

When this decision takes effect

85. This decision takes effect 60 days after the third parties are notified of their review rights.

86. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

87. If an application is not made to VCAT, the Agency is required to release the documents in accordance with my decision.

[27] The Applicant in section 50(1)(b) and the Agency in section 50(3D).
[28] Section 52(5).
[29] Section 52(9).
[30] Sections 50(3F) and 50(3FA).
[31] Sections 49P(5), 50(3A) and 52(3).

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
1	[Date]	B23/2842 - Request for a Treasurer's Advance – Gas Substitution Roadmap – Building Electrification	2	Released in part Sections 28(1)(d) and 28(1)(ba)	**Release in part** Same decision Sections 28(1)(d), 28(1)(ba), 25 **Section 28(1)(ba):** The information identified by the Agency is exempt under section 28(1)(ba). **Section 28(1)(d):** The information identified by the Agency is exempt under section 28(1)(d). **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.
2	[Date]	B23/2727 – Request to vary trust fund expenditure in 2023-24 and 2024-25	4	Released in full	**Not subject to review**
3	[Date]	B23/2894 – Outcome of [third party] v Victoria	3	Released in part Section 32(1)	**Release in part** Same decision

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
					Section 32(1), 25 **Section 32(1):** I am satisfied the information identified by the Agency is exempt under section 32(1) for the reasons described above. **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.
4	[Date]	B23/2822 – Victorian Business Growth Fund three-year review	4	Refused in full Sections 34(4)(a)(ii) and 34(1)(b) During the review the Agency sought to apply section 30(1) to the document.	**Release in part** Different decision Section 25 **Sections 30(1), 34(4)(a)(ii), 34(1)(b):** I am not satisfied the document is exempt under these sections for the reasons described above.

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
					Section 25: The information deemed irrelevant by the Agency is outside the scope of the request.
5	[Date]	B23/2352 – Rent-to-buy – Preliminary parameters, proposed delivery approach and next steps	6	Released in part Sections 28(1)(ba) 28(1)(d), 32(1) and 34(4)(a)(ii)	**Release in part** Different decision Sections 28(1)(ba), 28(1)(d), 32(1), 34(1)(b), 25 **Section 28(1)(ba):** The information identified by the Agency is exempt under section 28(1)(ba) for the reasons described above. **Section 28(1)(d):** The information identified by the Agency is exempt under section 28(1)(d), as well as the information identified in point 12. **Section 32(1):** The information identified by the Agency is exempt under section 32(1).

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
					Section 34(4)(a)(ii): I am not satisfied the information identified, where this exemption solely applies, by the Agency is exempt under section 34(4)(a)(ii) for the reasons described above. **Section 34(1)(b):** I have decided page 5, point 30 is exempt under section 34(1)(b) for the reasons described above. **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.
6	[Date]	B23/3054 – Zero and Low Emission Vehicle (ZLEV) Refund	3	Released in part Section 32(1)	**Release in part** Same decision Section 32(1), 25 **Section 32(1):** I am satisfied the information identified by the Agency is exempt under section

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
					32(1) for the reasons described above. **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.
7	[Date]	B23/3048 – Infrastructure Victoria advice request – Actions to shape Victoria's urban form	2	Refused in full Section 28(1)(ba)	**Release in part** Different decision Section 25 **Section 28(1)(ba):** The information identified by the Agency is exempt under section 28(1)(ba) for the reasons described above. **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.
8	[Date]	B23/3179 – OPV Supply Chain Dashboard launch proposal	6	Released in part Section 30(1)	**Release in part** Different decision

No.	Date of document	Title or description of document	Number of pages	Agency's decision	OVIC decision
				During the review, the Agency also sought to apply section 35(1)(b) to the document.	Section 25 **Section 30(1):** The information identified by the Agency is not exempt under section 30(1) for the reasons described above. **Section 25:** The information deemed irrelevant by the Agency is outside the scope of the request.