

19 May 2026

'GJ9'

Copy provided to the Victorian WorkCover Authority

By email only

Dear 'GJ9',

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

Agency:	Victorian WorkCover Authority
Agency decision:	Refuse access in part under sections 31(1)(d) and 33(1)
OIVC decision:	Release more information
Sections considered:	Sections 25, 31(1)(d), 33(1) of the <i>Freedom of Information Act 1982</i> (Vic)
Citation:	'GJ9' and Victorian WorkCover Authority (<i>Freedom of Information</i>) [2026] VICmr 33 (19 May 2026)

FREEDOM OF INFORMATION – policies and procedures – Field Guide – instructions – internal procedure guides – manuals – *Occupational Health and Safety Act 2004* (Vic) – OHS – WorkSafe Inspectors – workplace investigations

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

I have conducted a review of the decision made by the Agency and made a fresh decision on 19 May 2026 under section 49P of the FOI Act.

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



If you disagree with my decision, you have 60 days from today to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a further review. Details about applying to VCAT are at the end of this letter.

Background

Your request was for:

Policy documents within the following named sections of the Field Guide:

1. Accompany an inspector on a visit
2. Acts and regulations
3. Allegations-of-potentially-harmful-behaviour
4. Attending a workplace
5. Call-Arrangements---Investigations
6. Case conference
7. Commonwealth Workplaces
8. Compliance and Enforcement Policy
9. Consultation
10. Discrimination - Section-76
11. Disputed PIN
12. Documents & Questions
13. Duty Holder
14. Enforceable undertakings
15. EPS Act - Determining Jurisdiction
16. Establishing a contravention
17. Field-operations-training-calendar
18. Field-support---Operational-or-legal-advice
19. Hand Written Documentation
20. HSR Seeking assistance
21. HSR Training - section 67
22. HSR-access-to-information-section-69
23. Improvement-notices
24. Incident notification and site preservation

25. Infringement-offences
26. Inspector Conduct Complaints
27. Inspector Goodnotes and Notebooks
28. Inspector powers - EPS Act
29. Investigations Manual
30. Issue resolution
31. Issuing inspection reports and notices
32. Legal entity (partnerships or an unincorporated body or association) - Infringement offences
33. Legal Entity
34. Letter of warning
35. Matters preventing standard issue of inspection reports and notices
36. Name and address - Section 119
37. Non-Disturbance Notices
38. Notice Follow-Up
39. Observed Prohibitions
40. Offline-Issuing inspection reports and notices
41. Other-psychosocial-hazards
42. PIN non-compliance
43. Preparation for entry to workplaces
44. Preparing an inspector statement
45. Prohibition notices - EPS Act
46. Prohibition notices - OHS act
47. Psychosocial-notifications
48. Psychosocial-notifications---Interview-required-(Psychosocial-inspector-only)
49. Psychosocial-operating-model
50. Referring matters for investigation

51. Responding to Notifications (Incidents and Service Requests)
52. Responding-to-an-Incident-Incident-Response-Program
53. Seeking to cancel or vary a notice
54. Virtual Enquiries

On [date], the Agency made a decision on your request. It located 63 documents in response to your request, but only 51 documents were determined to fall within the words of your request.¹ Its decision on each document is set out in the Schedule of Documents in **Annexure 1**.

On [date], you sought a review of the Agency's decision.

Reasons for decision

Section 31(1)(d) of the FOI Act

A document or information is exempt under section 31(1)(d) if two conditions are satisfied:

- disclosure of the information would, or would be reasonably likely to disclose methods or procedures for preventing, detecting, investigating, or dealing with breaches of the law and
- release of the information would or would be reasonably likely to prejudice the effectiveness of those methods or procedures.

The methods or procedures identified must not be widespread and well-known.²

The prejudice must be real, and not fanciful or remote.³

The Agency's decision letter states:

I have consulted with the relevant WorkSafe business unit responsible for the Field Guide, who have advised that release of these documents under FOI would be reasonably likely to undermine inspectors' performance of their statutory functions when they attend a workplace, by disclosing confidential methods and procedures for preventing, detecting, investigating or dealing with breaches or evasions of the *Occupational Health and Safety Act* (2004) (OHS Act) which are not in the public domain. This would be likely to prejudice WorkSafe's ability to enquire into OHS matters and interfere with WorkSafe's enforcement of the OHS Act and related Acts.

Do the documents disclose methods or procedures for preventing, detecting, investigating, or dealing

¹ The Agency advised OVIC during this review that while 63 documents were located and were referred to in its decision letter, only 51 fell within the words of your request. While your request asked for 54 sections of the Field Guide, the Agency determined that 3 of the sections were not policy documents: 'Acts and regulation', 'Field-operations-training-calendar', 'investigation manual'.

² *XYZ v Victoria Police* [2010] VCAT 255, [177].

³ *Akers v Victoria Police* [2022] VCAT 979, [26] quoting *Binnie v Department of Agriculture and Rural Affairs* [1989] VR 836; *Tucker v Commissioner of State Revenue* [2019] VCAT 2018, [113(b)].

with breaches of the law?

Yes, parts of the documents disclose this type of information.

The Field Notes provides guidance to its employees about performing their functions under the OHS Act and related laws. The exempted information sets out steps to be taken by officers when carrying out their duties under the OHS Act and related legislation. It sets out what can or should be done by its officers in specific circumstances when exercising their powers and functions. It also discloses various policy statements, advice, links to resources and examples.

The overall purpose is to guide Agency officers to undertake their role in accordance with the relevant laws and the Agency's policies.

However, a significant amount of information is well-known information or is administrative in nature.

Would disclosing the information prejudice, or be likely to prejudice, the effectiveness of those methods or procedures?

As the documents set out the actions to be followed by Agency officers in performing their duties, I must consider whether disclosing the information would, or would be likely to, prejudice the effectiveness of how Agency officers undertake their duties.

Disclosure of documents under the FOI Act is unrestricted and unconditional, meaning that the Applicant can broadly disclose the documents if they wish. As such, I must consider the impact of disclosing the documents to the world at large.

In doing so, I have considered whether disclosing the exempted parts of the Field Guide will allow people to find ways to thwart an inspection, evade obligations under the OHS Act or related laws, conceal breaches of the law, and/or endanger the safety of Agency officers and other persons at a workplace.

I am not satisfied that disclosing the documents will result in these outcomes. At most, I consider disclosing the documents would allow duty holders to identify whether Agency officers are complying with their obligations or the requirements under the OHS Act and related legislation or internal policies when carrying out their duties. I do not consider that disclosure will, or is likely, to result in any prejudice to the effectiveness of how the Agency conducts its duties, using those methods and procedures.

Accordingly, I consider the information is not exempt under section 31(1)(d) because disclosing it would not prejudice, or be likely to prejudice, the effectiveness of the methods and procedures used by the Agency.

Section 33(1) of the FOI Act

Information is exempt under section 33(1) if two conditions are satisfied:

- the document or information relates to the 'personal affairs' of a natural person

- disclosure of that personal affairs information is unreasonable in all the circumstances.

Do the documents contain personal affairs information?

Yes, some of the documents contain pictures, names and position titles of Agency officers.

Would it be unreasonable to disclose the personal affairs information in the circumstances?

It would be unreasonable to disclose names and pictures of Agency officers, but it would not be unreasonable to disclose position titles.

In deciding this, I balanced the following considerations:

- releasing the personal affairs information is not going to assist you with your stated purpose for seeking the documents
- it concerns people in their professional capacity
- the information is not directly relevant to the policies and procedures
- there is no public interest in releasing it to you
- I don't have any information about the views of third parties to ascertain if they consent or object to the information being disclosed to you
- its disclosure would not be likely to endanger the life or physical safety of any person, which I am required to consider under the FOI Act.

While these factors weigh against disclosing the personal affairs information, I am not satisfied that disclosing position titles would be unreasonable. I consider the information predominantly concerns that position itself, rather than the person that holds the position.

Therefore, I am satisfied that some of the information in the documents is exempt from release under section 33(1).

Section 25 – editing documents to remove exempt and/or irrelevant information

Irrelevant information is information that falls outside of the terms of your request.

The Agency has removed 'Related links' sections from all of the documents on the basis that information is irrelevant. I disagree with the Agency as I consider it forms part of each section of the Field Guide.

The Agency also removed version history information. I also consider this information forms part of each section of the Field Guide.

However, I agree with the Agency that the internal document location in the footer of some of the documents or where a folder location is recorded in the body of the document is irrelevant

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information. I consider that information is only included by reason of having accessed the document to process your request.

I am satisfied it is practicable for the Agency to provide you with edited copies of the documents with exempt and/or irrelevant information deleted because the edited documents will retain meaning.

What this means

I have decided to release more information to you.

My decision is set out in the Schedule of Documents in **Annexure A**.

My decision can be reviewed by VCAT

If you are not satisfied with my decision, you can make a review application to VCAT within 60 days from the date you are given notice of my decision.

The Agency has 14 days to make an application to VCAT if it is not satisfied with 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.

I have decided it is not practicable to notify third parties of their review rights. This is because I have only decided to release position titles rather than information that would likely identify individuals.

When will documents be released to you?

While I have determined that it is not practicable to personally notify third parties, under the FOI Act, they remain entitled to seek review of my decision if they become aware of it. Therefore, my decision does not take effect until a 60-day review period expires for third parties.

Yours sincerely

Penny Eastman

Public Access Deputy Commissioner

Annexure A – Schedule of Documents

Document number	Document title	Agency decision	OVIC decision
1.	Accompany an inspector on a visit	Release in part Section 25	Release in full
2.	Allegations of potentially harmful behaviour	Release in part Sections 25, 31(1)(d)	Release in full
3.	Attending a workplace	Release in part Sections 25, 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
4.	Call arrangement – investigations	Refused in full Section 31(1)(d)	Release in part Sections 25, 33(1) The following information is to remain deleted: - The location of the document at the bottom of the page is irrelevant information. - The pictures and names of Agency officers (position titles are to be released).
5.	Case conference	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
6.	Commonwealth Workplaces	Refused in full Section 31(1)(d)	Release in full

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7.	Compliance and Enforcement Policy	Release in part Section 25	Release in part Section 33(1) The following information is to be deleted: The picture and name of an Agency officer (position title is to be released).
8.	Consultation	Released in part Section 25	Release in full
9.	Discrimination	Refused in full Section 31(1)(d)	Release in part Sections 33(1), 25 - The picture and name of an Agency officer (position title is to be released). - The location of the document at the bottom of the page is irrelevant information.
10.	Disputed PIN	Released in part Sections 25, 31(1)(d)	Release in full
11.	Documents and Questions	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to be deleted: The pictures and names of Agency officers (position titles are to be released).
12.	Duty Holder	Released in part Section 25	Release in full
13.	Enforceable Undertakings	Refused in full Section 31(1)(d)	Release in full
14.	EPA Act – Determining Jurisdiction	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted:

			The location of the document at the bottom of the page is irrelevant information.
15.	Establishing a contravention	Released in part Section 25	Release in full
16.	Field support – Operational or Legal Advice	Refused in full Section 31(1)(d)	Release in part Sections 25, 33(1) The following information is to remain deleted: - The names of Agency officers and telephone number on page 2/8 (page 193 of the PDF). - The telephone numbers on page 3/8 (page 194 of the PDF). - The email addresses on page 5/8 (page 196 of the PDF) - The names and pictures of Agency officers on page 7/8 (page 198 of the PDF). - The location of the document at the bottom of the page is irrelevant information.
17.	Handwritten documentation	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to remain deleted: The name and picture of an Agency officer on page 206.
18.	HSR seeking assistance	Released in part Section 25	Release in full
19.	HSR training – section 67	Released in part Section 25	Release in full
20.	HSE access to information – section 69	Released in part Section 25	Release in full
21.	Improvement Notices	Refused in full	Release in full

		Section 31(1)(d)	
22.	Incident Notification and site preservation	Released in part Sections 25, 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
23.	Infringement offences	Refused in full Section 31(1)(d)	Release in full
24.	Inspector Conduct Complaints	Refused in full Section 31(1)(d)	Release in full
25.	Inspector Goodnotes and Notebooks	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
26.	Inspector Powers – EPS Act	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to remain deleted: The name and picture of an Agency officer on page 319 of the PDF.
27.	Issue resolution	Released in part Section 25	Release in full
28.	Issuing inspection reports and notices	Refused in full Section 31(1)(d)	Release in full
29.	Legal entity (partnerships or an unincorporated body or association) – Infringement offences	Refused in full Section 31(1)(d)	Release in full

30.	Legal entity	Released in part Section 25	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
31.	Archived – Letter of warning	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The folder location referenced on page 386 is irrelevant information.
32.	Matters preventing standard issue of inspection reports and notices	Refused in full Section 31(1)(d)	Release in full
33.	Name and address – Section 119	Released in part Sections 25, 31(1)(d)	Release in full
34.	Non-disturbance notices	Refused in full Section 31(1)(d)	Release in full
35.	Notice Follow-up	Refused in full Section 31(1)(d)	Release in full
36.	Observed prohibitions	Refused in full Section 31(1)(d)	Release in full
37.	Offline- Issuing inspection reports and notices	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.

38.	Other psychosocial hazards	Refused in full Section 31(1)(d)	Release in full
39.	PIN non-compliance	Released in part Section 25	Release in part Section 25 The following information is to remain deleted: The location of the document at the bottom of the page is irrelevant information.
40.	Preparation for entry to workplaces	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to remain deleted: The name and picture of an Agency officer on page 488 of the PDF.
41.	Preparing an inspector statement	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to remain deleted: The names and a picture of an Agency officer on page 492 of the PDF.
42.	Prohibition notices – EPS Act	Refused in full Section 31(1)(d)	Release in full
43.	Prohibition notices – OHS Act	Refused in full Section 31(1)(d)	Release in full
44.	Psychosocial notifications	Refused in full Section 31(1)(d)	Release in full
45.	Psychosocial notifications – Interview required (Psychosocial Inspector only)	Refused in full Section 31(1)(d)	Release in full
46.	Psychosocial operating model	Refused in full	Release in full

		Section 31(1)(d)	
47.	Referring matters for investigation	Refused in full Section 31(1)(d)	Release in full
48.	Responding to notification (Incidents and service requests)	Refused in full Section 31(1)(d)	Release in part Section 33(1) The following information is to remain deleted: • The mobile number on page 578. • The name and picture of an Agency officer on page 585.
49.	Responding to an Incident – Incident Response Program	Refused in full Section 31(1)(d)	Release in part Section 25 The following information is to remain deleted: • The location of the document at the bottom of the page is irrelevant information. • The names and pictures of Agency officers on page 599.
50.	Seeking to cancel or vary a notice	Refused in full Section 31(1)(d)	Release in full
51.	Virtual Enquiries	Refused in full Section 31(1)(d)	Release in full