



Healthy Parks
Healthy People®

Level 10
535 Bourke Street
Melbourne Vic 3000 Australia
Telephone 13 19 63
Facsimile 9629 7276
www.parks.vic.gov.au
A.B.N. 95 337 637 697

27 August 2019

Dear [REDACTED]

Re: Freedom of Information Request (Ref: 2018/2019 No. 31) – Grampians Rock Climbing

I refer to your request for access to documents under the *Freedom of Information Act 1982* ("Act") in the following terms:

1. *"All communications, including file notes of meetings between Parks Victoria and Aboriginal Victoria or Traditional Owners that relate to climbing, rock climbing, bouldering, sport climbing or trad climbing in the Grampians National Park in the period 1 October 2017 to 20 February 2019 (both dates inclusive)".*
2. *All impact studies conducted by or for Parks Victoria in relation to climbing, rock climbing, bouldering, sport climbing or trad climbing in the Grampians National Park*

As advised in our telephone conversation of 29 March 2019, of the three applications you submitted, you selected this application to be processed last.

Decision

Documents comprising one hundred and seventy-two (172) pages have been found to be relevant to your request. In accordance with the Act, I have determined to grant you:

- . partial access to twenty-one (21) pages;
- . full access to two (2) pages;
- . refuse access to one hundred and thirty-one (131) pages;

In addition, a further eighteen (18) pages are relevant but have already been released to you with my decision in relation to your Application #2.

Access has been granted to those documents with irrelevant and exempt material deleted in accordance with section 25 of the Act.

Under the Act, Parks Victoria is required to give you access to identified documents, unless a specific exemption or exception applies to them. In relation to documents to which access has been refused, wholly or in part, those documents are exempt on one or more of the following grounds:

- s 30 – internal working documents
- s 33(9) – personal affairs
- s 34(1) – disadvantage to an undertaking
- s 38 – documents to which secrecy provisions of enactments apply

Exemptions

Details of exemptions under section 30, section 33(9), section 34(1) and section 38 are as follows:

Internal working documents (Section 30(1))

Access has been refused to three documents comprising thirty-two (32) pages, and one video, as they contain material that is exempt from disclosure pursuant to section 30(1) of the Act. They would disclose a matter in the nature of opinion, advice or recommendation prepared by officers of Parks Victoria. That material was communicated in the course of and for the purposes of the decision making functions or activities of Parks Victoria.

Related to this is that disclosure of some of the material would inhibit the independence of officers in undertaking proper research or investigation.

Personal affairs information (Section 33(9))

Some of the documents contain material that is exempt from disclosure pursuant to section 33(1) of the Act. Section 33(1) states that a document is exempt if its disclosure would involve the unreasonable disclosure of information relating to the personal affairs of any person. Under section 33(9) of the Act "information relating to the personal affairs of any person" includes information that identifies any person or discloses their address or location; or from which any person's identity, address or location can reasonably be determined. The documents identify a number of individuals and therefore contain information relating to their personal affairs.

Disadvantage to an Undertaking (Section 34(1)) /

Documents to which secrecy provisions of enactments apply (Section 38)

Documents comprising ninety-seven (97) pages contain material that is exempt from disclosure pursuant to section 34(1)(b). Section 34(1)(b) states that a document is exempt from disclosure where it contains information relating to matters of a business, commercial or financial nature and the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.

In addition, a document is an exempt document if there is in force an enactment applying specifically to information of a kind contained in the document and prohibiting persons referred to in the enactment from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualifications.

The documents reveal information held on or prepared for the Victorian Aboriginal Heritage Register. This is a confidential Register that is subject to access conditions set out in legislation (*Aboriginal Heritage Act 2006*) and Parks Victoria is unable to divulge this material. Please

refer to www.vic.gov.au/aboriginalvictoria for further information about the Register. In summary, the documents are exempt under section 34(1) – disadvantage to an undertaking (including the *Aboriginal Heritage Act 2006* – section 146) and section 38 – documents to which secrecy provisions of enactments apply.

Access Charges

Under section 22 of the Act and the *Freedom of Information (Access Charges) Regulations 2014*, the following access charges are applicable to your Freedom of Information request:

Type of charge	Quantity	Amount
Search fee @ \$22.20 per hour	7 hours	\$155.40
Photocopying @ 20 cents per A4 page	23 pages	\$ 4.60
Total outstanding		\$160.00

In accordance with the Act, upon receipt of \$160.00, the documents will be released to you.

Payment can be made by sending a cheque/money order (payable to Parks Victoria) to FOI Officer, Parks Victoria, Level 10, 535 Bourke Street, Melbourne VIC 3000. Alternatively, you can pay by Visa/Mastercard credit card during normal business hours by calling reception on 8427 2001 or visiting our Bourke Street reception. Please do not email credit card details.

Decision Review

If you are not satisfied with my decision you may seek review from the Victorian Information Commissioner by writing within 28 days of receiving this letter to:

Victorian Information Commissioner
Freedom of Information Reviews
PO Box 24274
Melbourne, Victoria 3001.
Telephone: 1300 006 842
Email: enquiries@ovic.vic.gov.au

Yours sincerely



Rhonda Davis
Freedom of Information Officer