

**Supplementary
Submission
No 1c**

INQUIRY INTO COMMUNITY CONSULTATION PRACTICES

Name: Ms Dale Webster

Date Received: 8 July 2025



Department of Jobs, Skills, Industry and Regions

GPO Box 4509
Melbourne,
Victoria 3001 Australia
Telephone: +61 3 9651 9999

Ref: 12590

Ms Dale Webster
[REDACTED]

Dear Ms Webster

FREEDOM OF INFORMATION - NOTICE OF DECISION – REF: 12590

I refer to your request under the Freedom of Information Act 1982 (FOI Act) made valid on 9 May 2025 by the Department of Jobs, Skills, Industry and Regions (DJSIR), seeking access to documents relating to two funding rounds awarded to the City of Greater Bendigo regarding the Bendigo Showgrounds Master Plan:

(...) I am seeking the following documents from both funding rounds:

- *The City of Greater Bendigo grant applications*
- *Executed grant agreements and acquittal reports*
- *Any written or electronic correspondence related to these grant awards*
- *Briefs (final copies with attachments)*
- *Payment records.*

I am also seeking:

- *Funding agreements for works to be undertaken under the 2025 Sport and Recreation Victoria Bendigo showgrounds redevelopment/upgrade project*
- *All submissions received during the 2025 Sport and Recreation Victoria Bendigo showgrounds redevelopment/upgrade project community engagement round from March 6 to April 3, 2025.*
- *The consultation report for this project as required under clause 52.3 of the planning scheme.*

Right of access

The FOI Act provides the public with the right of access to documents held by state government agencies and official documents of Ministers. However, in order to protect essential public interests, for example, the privacy of individuals and certain business affairs, this right of access does not apply to documents that are identified as exempt under the FOI Act.

The FOI Act also allows agencies and Ministers to partially release documents if practicable to do so and if the applicant would wish to access such documents.

Document search

Regional Development Victoria and Sport and Experience Economy undertook a search of relevant document repositories and located 15 documents.

Section 25 - Irrelevant Information

As confirmed by email on 9 May 2025, the personal information of non-executive Departmental staff is not required. Further, the contact information of non-executive staff and executive staff as well as duplicate documents are not required. In accordance with section 25 of the FOI Act, any irrelevant has been removed and marked as such.

Decision

The documents were assessed in accordance with the FOI Act. Please find attached a document schedule (**Attachment A**) to this letter.

Access is granted in full to 1 document and partially granted to 14 documents.

Where access has been refused, the decision was made on the following grounds:

Section 34(1)(b) - Documents relating to third party business information

Under section 34(1)(b) of the FOI Act, a document is exempt if it discloses information acquired by an agency from a third-party organisation of a business, commercial or financial nature, the release of which would be likely to expose the undertaking unreasonably to disadvantage.

To determine whether this exemption applies, the agency must provide the third-party entity with the opportunity to provide a submission establishing how the disclosure would expose it to disadvantage. The agency received information from City of Greater Bendigo detailing its concerns on the release. On the basis of the concerns communicated submission, the exemption has been applied to 11 documents in part.

Section 34(4)(a)(ii) Documents relating to trade secrets etc of the agency

Section 34(4)(a)(ii) of the FOI Act exempts information belonging to an agency engaged in trade or commerce of a business, commercial or financial nature, that would likely expose DJSIR to unreasonable disadvantage if disclosed. DJSIR is engaged in activities relating to trade or commerce stemming from its functions in generating investment opportunities.

This exemption has been applied to funding assessment criteria. The release of this information would likely impact DJSIR's ability to assess funding applications in future if applicants are made aware of details of specific application requirements. This exemption has been applied to 2 documents in part.

Section 33(1) – Documents affecting personal privacy

Section 33(1) of the FOI Act exempts from disclosure an individual's personal information, if the disclosure would be unreasonable in consideration of all relevant circumstances. Personal information includes information such as a person's name, contact details or location, or information from which these can be determined.

Before the agency may consider this exemption, it must seek the views of the affected individuals if practicable to do so. This exemption has been applied to identifying information pertaining to individuals who provided their views to Engage Victoria on the Bendigo Showgrounds upgrades. This exemption has been applied in part to Document 15.

Access charges

Under section 22 of the FOI Act and regulation 6 of the Freedom of Information (Access Charges) Regulations 2014, the following charges apply for the search and production of the documents:

| Access Charges | Quantity | Fee Rate* | Total charges |
|--|----------|----------------|---------------|
| Estimate of Search/extraction time (rounded to the nearest hr) | 2 | \$24.50 per hr | \$49.00 |
| *as at 1 July 2024 | | Total charges | \$49.00 |

Payment can be made electronically to the below account:

| | |
|--------------|--|
| BSB: | 033-222 |
| A/C: | 016041 |
| Account name | Department of Jobs, Skills, Industry and Regions |
| Bank: | Westpac Banking Corporation |
| Branch: | Victorian Government Branch, 10th Floor, 360 Collins Street, Melbourne |
| Payment Ref: | DJSIR FOI Ref: 12590 |

NOTE: Please email the FOI Unit at foi@ecodev.vic.gov.au when payment has been made citing your reference number in the subject line to facilitate prompt release of the documents.

Complaint or review to the Victorian Information Commissioner

If you wish to complain about an aspect of how this request was processed, or seek review of this decision, you may make a submission in writing to the Office of the Victorian Information Commissioner within 60 days of the date of the action you are complaining about, or for reviews, within 28 days from the date of decision. For further information about the process, please visit the Commissioner's website at <http://ovic.vic.gov.au> or telephone 1300 006 842.

Third Party Review Rights

While my decision is to release the documents to you in part, the documents contain a third party's business information and, therefore, are subject to third party review rights.

DJSIR consulted with the City of Greater Bendigo with regards to s34(1)(b) of the FOI Act. As my decision differs from the views of City of Greater Bendigo, I note that section 34(3A) of the FOI Act provides that:

(3A) If the agency or Minister, after consultation, decides to disclose the document, the agency or Minister must notify the undertaking from which the document was acquired of the—

- (a) decision to grant access to the document; and*
- (b) right to make an application for review of the decision provided by section 50(3A).*

Accordingly, the third party will be advised of the decision to disclose the documents and, as such, the documents cannot be provided to you at this time.

In accordance with section 52 of the FOI Act, the third party must make any appeal to the Victorian Civil and Administrative Tribunal (**VCAT**) within 60 days of the date of this letter.

Contact

Please feel free to contact me by email at foi@ecodev.vic.gov.au if you have any questions about this decision.

Yours sincerely

[Redacted signature]

[Redacted name]

Legal and Legislation

08/07/2025

| Doc # | Title/Description | Decision | Exemptions | Page count |
|--------------|--|-----------------|---|-------------------|
| 1 | RIF – Assessment Report | Release in part | s34(4)(a)(ii) – agency business information | 69 |
| 2 | RIF Round 1 – Letters of Offer - Merged | Release in full | N/A | 35 |
| 3 | RIF – COGB – Bendigo Showgrounds Upgrade – Project Completion | Release in part | s34(1)(b) – third party business information | 39 |
| 4 | RIF – COGB Bendigo Showgrounds Upgrade – Transaction Report | Release in part | s34(1)(b) – third party business information | 1 |
| 5 | RIF – Bendigo Showgrounds Upgrade – GEMS Email Search | Release in part | s34(4)(a)(ii) – agency business information | 5 |
| 6 | RIF – Bendigo Showgrounds Upgrade – Payment Records | Release in part | s34(1)(b) – third party business information | 1 |
| 7 | RIF – Bendigo Showgrounds Upgrade Application | Release in part | s34(1)(b) – third party business information | 15 |
| 8 | RIF – Bendigo Upgrade – Grant Agreement | Release in part | s34(1)(b) – third party business information | 35 |
| 9 | SRCP – Bendigo Showgrounds Masterplan – Approval Brief | Release in part | s34(1)(b) – third party business information | 18 |
| 10 | SRCP – Bendigo Showgrounds Upgrade – GEMS Email Report | Release in part | s34(1)(b) – third party business information | 6 |
| 11 | SRCP – Bendigo Showgrounds Upgrade – Payment Records | Release in part | s34(1)(b) – third party business information | 1 |
| 12 | SRCP – Bendigo Showgrounds Master Plan – Completion Report | Release in part | s34(1)(b) – third party business information | 12 |
| 13 | SRCP – Bendigo Showgrounds Masterplan – Funding application | Release in part | s34(1)(b) – third party business information | 9 |
| 14 | SRCP – Bendigo Showgrounds Masterplan – Grant Agreement | Release in part | s34(1)(b) – third party business information | 10 |
| 15 | March 2025 Engagement Summary Bendigo Showgrounds Consultation | Release in part | s33(1) – documents affecting personal privacy | 19 |