



THOMSON REUTERS

Update Summary

PLEASE CIRCULATE IMMEDIATELY!

UPDATE 204

JUNE 2024

VICTORIAN ADMINISTRATIVE LAW

E Nekvapil

Material Code 42474869

Print Post Approved PP255003/00389

© Thomson Reuters (Professional) Australia Limited 2024

Looseleaf Support Service

You can now access the current list of page numbers at

<http://www.thomsonreuters.com.au/support/product-support.aspx?id=/mediaTree/58599>. If you have any questions or comments, or to order missing pages, please contact Customer Care LTA ANZ on 1300 304 195

Fax: 1300 304 196 Email: Care.ANZ@thomsonreuters.com

Updated commentary has been provided by Alexander Solomon-Bridge

Freedom of Information Act 1982

Updated:

- The VCAT should only follow obiter dicta to the extent to which it is in fact persuaded by it. See *Farah Constructions Pty Ltd v Say-Dee Pty Ltd* (2007) 230 CLR 89, at [FOI.17.80].
- It was not wholly clear that the VCAT's reliance upon s 28 was or would have been considered sufficiently broad to cover the whole of the documents described. See *Chang v Office of the Chief Parliamentary Counsel* [2023] VSC 516, at [FOI.25A.280].
- The former document did not call for deliberation and decision. See *Department of Transport v Davis* [2024] VCAT 79, at [FOI.28.140].
- It was not contrary to the public interest to release a document which proposed action by another government agency and a three-line bullet point of a brief concerning an IBAC operation. See *Department of Transport v Davis* [2024] VCAT 79, at [FOI.30.420].
- The applicant sought to highlight the impact of abuse on the deceased's life and to allow the journalist to report in a balanced and accurate way on the deceased's life. See *Walker v Victoria Police* [2021] VCAT 1232, at [FOI.33.140].