



Our Ref: EDRM051-1925127821-1559

Mr Andrew Williams

By email to foi+request-9641-009f9ce1@righttoknow.org.au

12 December 2022

Dear Mr Williams

Freedom of Information request

I refer to your request for access to documents of the Victorian Electoral Commission (VEC) made under the *Freedom of Information Act 1982* (Vic) (FOI Act) and received on 1 December 2022.

You have requested access to:

All emails, briefing notes, diary notes (electronic or written) and reports including but not limited to the following'

- 1. Departmental emails and diary notes (electronic and written) relating to the establishment of the Drive Through Site in Melton and all other sites that were examined and/or considered*
- 2. Departmental reports and diary notes (electronic and written) relating to the establishment of the previously mentioned site and all other sites that were examined and/or considered*
- 3. All reports, diary notes (electronic and written), briefing notices, communication and public releases relating to the previously mentioned site and all other sites that were examined and/or considered*
- 4. All emails and diary notes (electronic and written) from and to the VEC from Government departments, Candidates, Candidate representatives and political parties for the previously mentioned site and all other sites that were examined and/or considered.*

Your request is not currently valid under s 17 of the FOI Act because:

- You have not paid the application fee of \$30.60.
- Your request requires further clarification.

Paying the application fee

You need to pay an application fee of \$30.60 for your FOI request to be valid.

To proceed with your request, please pay the prescribed fee by bank transfer. The bank details for the deposit of the fee are as follows:

VEC Operating Bank Account
BSB: **033-222**

Account number: **103348**
Reference: **FOI WILLIAMS**

If payment of the fee would cause hardship to you, please explain the reasons in writing and provide any evidence to support your claim within 21 days of the date of this letter. We will then make a decision about whether your hardship claim is accepted or not and inform you of the outcome along with any applicable review rights.

Clarifying your request

Your request needs to provide enough information about the documents to enable us to identify them. If a request is ambiguous or unclear, it does not comply with s 17(2) of the FOI Act and will not be processed.

It is my view that your request does not provide sufficient information for me to identify the documents you seek. Further clarification is needed before I can progress your request.

Contextual information regarding your request

Before I seek clarification on some of the aspects of your request, please take note of the following considerations:

- The VEC is an independent statutory body established under the *Electoral Act 2002* (Vic) and is not a Department of the Victorian Government. The VEC cannot release the documents of Victorian Government Departments or other agencies which are not in its actual or constructive possession.
- It was the VEC's decision to establish a drive-through voting centre in Melton West.
- All media releases are publicly available on the VEC website – [Media centre | Victorian Electoral Commission \(vec.vic.gov.au\)](https://www.vec.vic.gov.au).

Aspects of your request that require clarification

To ensure that there is no confusion in interpreting the terms of your request, could you please clarify what you mean for the following points:

The introductory sentence

- a) When you refer to “*all emails, briefing notes, diary notes... and reports*” in your introductory sentence, the intended subject matter of the documents that you are seeking is not clear. Could you please clarify what you are seeking emails, briefing notes, diary notes and reports about?
- b) When you say “*including but not limited to the following*”, this indicates that items 1-4 are illustrative and not exhaustive terms of your request. Could you please clarify if you intend to only seek access to documents relating to the terms in items 1-4?
- c) When you refer to “*briefing notes*”, it is not clear who the authors of these notes or their recipients would be. Could you please clarify to whom and by whom you are seeking briefing notes for?

Terms used throughout the request

- d) When you refer to “*diary notes*”, it is not clear whose diary notes you are seeking or what the scope of a diary note includes. Diary notes could be interpreted to encapsulate such

things as notes made in online calendars, appointment/meeting invitations, or even meeting minutes. Could you please clarify whose diary notes you are seeking and what you believe would constitute a diary note for the purposes of your request?

- e) When you refer to “*reports*”, it is not clear who the authors of these reports, or their recipients, would be. Could you please clarify whether you are seeking reports to particular entities authored by the VEC?
- f) When you refer to the “*Drive Through Site in Melton*” and the “*previously mentioned site*”, could you please confirm that you mean the VEC’s drive-through voting centre in Melton West which operated on 24, 25 and 26 November 2022?
- g) When you refer to “*all other sites that were examined and/or considered*”, could you please confirm whether you mean any other sites that were considered as drive-through voting centres by the VEC?

Items 1 and 2

- h) When you refer to “*Departmental [documents]*” in items 1 and 2, it is not clear whether you refer to documents of the VEC or of Victorian Government Departments. Could you please clarify what you mean by “*Departmental*”?
- i) Given that item 1 already refers to “*diary notes*”, it is not clear whether you intend for the reference to “*diary notes*” in item 2 to mean something different or if you intend for item 2 to be requesting “*reports*” only. Could you please clarify whether you are requesting distinct documents in item 2 and, if so, what?

Item 3

- j) Given that items 1 and 2 already request “*diary notes*” and “*reports*” respectively, it is not clear whether you intend for the references to “*diary notes*” and “*reports*” in item 3 to mean something different. Could you please clarify whether you are requesting distinct documents in item 3 and, if so, what?
- k) When you refer to “*briefing notices*” in item 3, it is not clear whether you intend for this type of document to be distinct from “*briefing notes*” or if this is a mistake. Could you please confirm what you mean by “*briefing notices*”?
- l) When you refer to “*all... communication*” in item 3, it is not clear what type of documents you are seeking and who the authors of these documents, or their recipients, you could be referring to. Could you please confirm what you mean by “*communication*”?
- m) When you refer to “*all... public releases*” in item 3, it is not clear whether this relates only to formal media releases published by the VEC. Could you please confirm what you mean by “*public releases*”? As I mentioned in the contextual information above, all media releases are available on the VEC website.

Item 4

- n) When you refer to “*all emails and diary notes from and to the VEC from Government departments, Candidates, Candidate representatives and political parties*” in item 4, it is not clear whether you intend to request all relevant emails and diary notes sent between (either to or from) the VEC and the entities listed. Could you please confirm what you mean by “*from and to the VEC from [the listed entities]*”?
- o) When you say “*for the previously mentioned site and all other sites...*” in item 4, it is not clear whether you intend this to mean “relating to the previously mentioned site and all other sites...” in line with the wording you use in items 1-3. Could you please confirm what you mean by “*for the previously mentioned site...*”?
- p) When you refer to “*Government departments*” in item 4, it is not clear whether this is limited to Departments of the Victorian Government or if it includes Departments of the

Commonwealth and Departments of other State Governments. Could you please confirm what you mean by “*Government departments*”?

- q) When you refer to “*diary notes*” in item 4, it is not clear what type of document you might be intending as diary notes are not documents that are typically sent to or from the VEC. Could you please confirm what you mean by “*diary notes*” in item 4?

Excluding documents or information you don’t need

Could you also indicate whether you require:

- r) Access to the documents in full or in part?
- o Please note that if you are requesting access to documents in full, you will not receive access to any part of the document if it contains material that is exempt or would reasonably be regarded as irrelevant under the FOI Act. Partial access may allow you to access documents with any exempt or irrelevant material redacted.
- s) Access to draft documents?
- t) Access to duplicate documents?
- u) Commercial information relating to third parties?
- v) Any information relating to the personal affairs of any person which, under s 33(9) of the FOI Act includes:
- information that identifies any person or their address or location; or
 - information from which a person’s identity, address or location can reasonably be determined?

Next steps

I invite you to consult with the VEC to amend or clarify your request so that it is in a form that complies with s 17 of the FOI Act and provides the information necessary to enable me to identify the documents sought. Alternatively, you can make an amended written request addressing the matters above.

Until your request is made in the way required by s 17 of the FOI Act, it cannot be processed and the 30-day time period within which a decision must be made on your request will not commence.

If you do not contact us to consult on your request, or send an amended request, and also don’t pay the application fee, within 21 days of the date of this letter, I may close your request without processing it.

I look forward to hearing from you in relation to the above matters. If you have any questions relating to this letter, please contact Nicholas Clohesy, Information Release Advisor by email at foi@vec.vic.gov.au.

Yours sincerely

Anika Clynick

Anika Clynick

Freedom of Information Officer