



Our Ref: CS015224b

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Jarred Crowe

By email: [foi+request-11703-8abc841d@righttoknow.org.au](mailto:foi+request-11703-8abc841d@righttoknow.org.au)

Dear Jarred

### Freedom of Information – Notice of Decision

I refer to your request under the *Freedom of Information Act 1982* (Vic) (**FOI Act**) received by the Department of Transport and Planning (Department) on 16 July 2024. You requested access to:

*I am formally requesting access to documents under FOI, in relation to outages and copper cable theft at street lighting sites managed by DTP/VicRoads/Regional Roads Victoria (RRV) between 1 January 2023 and 16 July 2024.*

*I kindly request the following documents;*

- 1. A spreadsheet containing a list of all street lighting sites managed by DTP/VicRoads/RRV,*
- 2. All Documents that contain details of the extent of the street lighting outages, the copper cable theft issue and any impact this has on the safety of Victorian Roads. Including meeting minutes, reports, and correspondence between officials concerning these topics.*
- 3. All Documents that discuss/detail plans or attempts to repair street lighting faults and reduce/combat the copper cable theft issue. Including meeting minutes, and correspondence between officials, utility providers and councils concerning this issue.*
- 4. All Documents that reference street lighting faults and/or copper cable theft at sites C124 Breakwater Bridge and M1 Geelong Ring Road.*
- 5. All correspondence between DTP officials and the Minister for Roads and Road Safety in relation to the copper cable theft issue and street lighting outages.*

*I do not seek access to any private/personally identifiable information and parts of documents that are not relevant to this request. For example, Meeting minutes that contain other topics/items may have these sections redacted.*

*For clarity in this request the term "street lighting" refers to lighting for which the sole purpose is to illuminate a road, footpath or public place to improve visibility and safety, This request is not related to Traffic Signals.*

*Clarification confirmed 17 August 2024:*

*We are proposing that we provide the following information (At this stage the below information is proposed)*

- [1]. A list of all Victorian street lighting sights managed by DTP with a flag that indicates if the site has been affected by cable theft (this list will include sites C124 Breakwater Bridge and M1 Geelong Ring Road)*

[2]. An Internal noting brief to a Tier 2 Network and Operations Committee lead by a Dep Sec., outlining the problem and what actions are being taken (This document would need to be redacted to remove names and other personal information).

[3]. A document that provides the status update of an ongoing cable theft treatment trial within a section of the M80.

## **Right of access**

The FOI Act establishes a general right of access to documents held by state government agencies and ministers. However, in order to protect essential public interests and the private and business affairs of individuals, this right of access does not apply to documents identified under the FOI Act as exempt.

The FOI Act also provides for documents containing exempt matter to be released in part, after the exempt matter has been redacted, and where it is practicable to do so, for applicants who would wish to access such documents.

## **Document search**

In response to your request, the Department undertook a search of its records and located 6 documents relevant to the scope of your request as described in the attached schedule of documents.

## **Decision**

The documents were assessed in accordance with the FOI Act to determine whether they could be released to you in full, released to you in part, or whether they are exempt from release.

Access has been refused in full to all documents and the decision was made on the following grounds:

### Section 29A(1B)(a) – documents affecting critical infrastructure

Under section 29A(1B)(a), a document is exempt if is a document created for or with respect to emergency risk management arrangements for critical infrastructure resilience under Part 7A of the *Emergency Management Act 2013* for the purposes of administering, complying with, or enforcing that Part.

Documents 1 to 6 contain information with respect to emergency risk management arrangements for critical infrastructure as described with Part 7A of the *Emergency Management Act 2013*.

### Section 30(1) – internal working documents

Under section 30(1) of the FOI Act, a document is exempt when the following three conditions are satisfied:

- (a) the document or information is matter in the nature of:
  - a. opinion, advice or recommendation prepared by an agency officer or a Minister;
  - or

- b. consultation or deliberation that has taken place between agency officers or Ministers; and
- (b) the matter was created during the deliberative process of an agency, Minister, or the government's functions; and
- (c) disclosure of the matter would be contrary to the public interest.

Document 5 contains opinions and recommendations prepared by the Department as a result of consultations and deliberations that has taken place between DTP officers. Disclosure is contrary to the public interest as it discloses methods or procedures to prevent theft and discloses information relating to the management and administration of a critical infrastructure.

Section 31(1)(d) – methods or procedures

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

- (a) 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
- (b) release of the information would, or would be reasonably likely to prejudice the effectiveness of those methods or procedures.

Documents 1 to 5 contain methods or procedures for preventing, detecting, and investigating cable theft. Disclosure of these documents would reasonably likely hinder, impair, and undermine the effective investigations of cable theft offences in the future.

Section 32(1) – legal privilege

Section 32(1) exempts documents subject to legal professional privilege or client legal privilege. This exemption has been applied to legal advice contained in parts of document 5.

**Complaint and review rights**

If you are dissatisfied with an aspect of how this request was processed, under section 61A of the FOI Act, you may make a complaint to the Victorian Information Commissioner by submitting the grounds of your complaint in writing within 60 days of the date of the action you are complaining about.

Under section 49A of the FOI Act, you also have the right to make an application to the Victorian Information Commissioner for a review of the Department's decision to refuse or defer access to the requested documents. Any application for review should be made in writing and submitted within 28 days of receipt of this letter.

For further information about these processes, please visit the Commissioner's website at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au) or telephone 1300 006 842.

## Contact

Please contact me by e-mail at [foi@transport.vic.gov.au](mailto:foi@transport.vic.gov.au) quoting the reference number above if you have any questions about this decision.

Yours sincerely



Mary Paton  
Privacy and information access lead

2/12/2024

### Schedule of documents

No.	Date of document	Document Description	No. of pages	Decision
1	5/09/2024	Regional List	3	<i>Denied in full pursuant to sections 29A(1B)(a) and 31(1)(d) of the FOI Act.</i>
2	5/09/2024	Metro List	6	<i>Denied in full pursuant to sections 29A(1B)(a) and 31(1)(d) of the FOI Act.</i>
3	5/09/2024	Managed Motorway List	4	<i>Denied in full pursuant to sections 29A(1B)(a) and 31(1)(d) of the FOI Act.</i>
4	-	Managed Motorway Trial summary	1	<i>Denied in full pursuant to sections 29A(1B)(a) and 31(1)(d) of the FOI Act.</i>
5	24/05/2024	Network Operations Committee Paper	6	<i>Denied in full pursuant to sections 29A(1B)(a), 31(1)(d), 30(1), and 32(1) of the FOI Act.</i>
6	5/09/2024	Lighting List	38	<i>Denied in full pursuant to section 29A(1B)(a) of the FOI Act.</i>