



Victoria Government Gazette

No. S 269 Wednesday 3 June 2020
By Authority of Victorian Government Printer

Freedom of Information Act 1982

STATEMENT UNDER FREEDOM OF INFORMATION ACT 1982

In accordance with section 65AB(2) of the **Freedom of Information Act 1982** (FOI Act), I provide the following brief statement of reasons for Monash University (University) seeking leave under section 148 of the **Victorian Civil and Administrative Tribunal Act 1998** to appeal on a question of law from an order of the Victorian Civil and Administrative Tribunal (Tribunal) on 3 April 2020 in the matter of *EBT v Monash University* [2020] VCAT 440:

Monash University's brief statement of reasons:

1. Leave to appeal against the orders of the Tribunal has been sought because the University believes the Tribunal made errors of law regarding the proper construction and application of:
 - (a) section 19 of the FOI Act; and
 - (b) Item 7 of the Schedule to the Freedom of Information (Access Charges) Regulations 2014 (Regulations).
2. These provisions, section 19 of the FOI Act and Item 7 of the Schedule to the Regulations, have become more relevant to both agencies and FOI applicants and require further consideration as an increasing amount of information is stored electronically by agencies. There is a public interest in ensuring these provisions are properly construed and applied.
3. Determination of the questions of law raised in this appeal would clarify the proper construction and application of:
 - (a) section 19 of the FOI Act, to determine when information is not available in discrete form in documents of an agency, requiring the agency to produce a written document from that information; and
 - (b) Item 7 of the Schedule to the Regulations, to determine when access charges are payable under that item.

Dated 2 June 2020

THE HON. GAYLE TIERNEY MP
Minister for Training and Skills
Minister for Higher Education

SPECIAL

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2020

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601



Fax

(03) 9600 0478

email

gazette@ivegroup.com.au

Price Code A