

Decision D0112001 – Published in note form only

***Re Robertson and Police Force of Western Australia* [2001] WAICmr 11**

Date of Decision: 14 February 2001

Freedom of Information Act 1992; Clause 5(1)(b)

The complainant sought access under the FOI Act to documents concerning meetings held between officers of the agency's Assets Investigation Unit and the Australian Taxation Office held between 1993 and 1999, concerning the complainant.

The agency interpreted the request as an application for access to documents relating to, among other things, legal proceedings initiated by the Proceeds of Crime Unit against the complainant. Without identifying the documents or specifying the reason why matter in any particular document is claimed to be exempt, the agency refused access under s.23(2) of the FOI Act because it was apparent from the nature of the documents as described in the access application that all the requested documents are exempt under 5(1)(b) of Schedule 1 to the FOI Act.

The agency produced a number of documents to the Information Commissioner including police reports relating to investigations and internal memoranda and reports relating to the seizure of assets. Having examined those documents the Information Commissioner decided that the disclosure of those documents could reasonably be expected to reveal the investigation of any contravention or possible contravention of the law, in particular, the *Criminal Code*: see *Police Force of Western Australia v Kelly and Smith* (1997) 17 WAR 9.

The Information Commissioner varied the decision of the agency and found the documents to be exempt under clause 5(1)(b) of Schedule 1 to the FOI Act.