

Decision D0342008 – Published in note form only

***Re Melville Water Polo Club and Minister for Sport and Recreation* [2008] WAICmr 34**

Date of decision: 15 August 2008

Freedom of Information Act 1992: Schedule 1: clause 1(1)

In late March 2008, the complainant applied to the Minister for Sport and Recreation ('the Minister') for access under the *Freedom of Information Act 1992* ('the FOI Act') to all documents relating to the *Tom Hoad Cup* and an audit report conducted on the running of the *Tom Hoad Cup*. The *Tom Hoad Cup* is a water polo event organised by the complainant.

The Minister gave the complainant access in full or in part to a number of documents falling within the scope of its access application but refused it access to two documents, on the ground that they were exempt under clause 1(1)(a) of Schedule 1 to the FOI Act. As the decision was made by the Minister, no internal review is available. Therefore, on 21 July 2008, the complainant applied to the A/Information Commissioner ('the A/Commissioner') for an external review of that decision.

The A/Commissioner required the agency to produce its FOI file and the two documents to which access had been refused.

The A/Commissioner considered the complainant's access application; the Minister's notice of decision; the complainant's application for external review; and examined the disputed documents.

Having had the benefit of examining the disputed documents, the A/Commissioner considered that it is clear on the face of the disputed documents that they are exempt documents under clause 1(1)(a) and clause 1(1)(b) of Schedule 1 to the FOI Act. The A/Commissioner decided that one of the disputed documents is exempt under clause 1(1)(a) and one document is exempt under clause 1(1)(b) of Schedule 1 to the FOI Act and varied the Minister's decision to refuse access on that basis, but otherwise confirmed the Minister's decision to refuse access.