

Decision D0212001 – Published in note form only

Re The Macri Family Trust & Spindrifter Resorts (WA) Pty Ltd and the Department of Land Administration [2001] WAICmr 21

Date of Decision: 18 June 2001

Freedom of Information Act 1992; clause 7

The complainant made an application to the agency for access, under the *Freedom of Information Act 1992* ('the FOI Act'), to a copy of a legal opinion obtained from the agency's legal adviser, the Crown Solicitor's Office.

The agency refused the complainant access to the requested document. The agency claimed that the requested document is exempt under clause 7 of Schedule 1 to the FOI Act, because it would be privileged from production in legal proceedings on the ground of legal professional privilege.

The Information Commissioner obtained the disputed document from the agency and examined it. On its face, the disputed document was a confidential communication between the agency and the Crown Solicitor's Office, made for the dominant purpose of the Crown Solicitor's Office giving legal advice to the agency.

The Information Commissioner was satisfied that the disputed document would be privileged from production in legal proceedings on the ground of legal professional privilege and confirmed the agency's decision that the disputed document is exempt under clause 7 of Schedule 1 to the FOI Act.