

**Decision D0452000 - Published in note form only**

***Re Coulson and WorkSafe Western Australia [2000] WAICmr 45***

**Date of Decision: 28 August 2000**

***Freedom of Information Act 1992; Schedule 1 clause 5(1)(b)***

In August 1999, the Commissioner for WorkSafe sought an explanation from the complainant pursuant to section 81 of the *Public Sector Management Act 1994* ('the PSM Act') in relation to certain alleged breaches of the PSM Act.

In March 2000, the complainant sought access under the *Freedom of Information Act 1992* ('the FOI Act') to documents held by the agency in respect of the alleged breaches.

The complainant was given access to some, but not all, of the requested documents. The agency's decision was to give full access to 14 documents and refuse access to 13 documents claiming exemption for those documents under clause 5(1)(a) and (b) and clause 11(1)(a), (b) and (c) of Schedule 1 to the FOI Act. The complainant lodged a complaint with the Information Commissioner and sought access to the documents that the agency refused to give access.

The Acting Information Commissioner found that disclosure of the disputed documents would reveal the subject matter or content of an investigation and that the investigation was in respect of a contravention or possible contravention of the law, which in this case is either the PSM Act or the *Criminal Code*.

The Acting Information Commissioner decided that the disputed documents were exempt under clause 5(1)(b) and confirmed the decision to refuse the complainant access to those documents.