

**Decision D0272010 – Published in note form only**

***The Wilderness Society (WA) Inc and Minister for Environment; Youth [2010]*  
WAICmr 27**

**Date of decision: 28 October 2010**

***Freedom of Information Act 1992: Schedule 1, clauses 3(1), 6(1) and scope of application***

In March 2010, The Wilderness Society (WA) Inc ('the complainant') applied under the *Freedom of Information Act 1992* ('the FOI Act') to the Minister for Environment; Youth ('the Minister') for access to documents dated April 2007 or later which referred or related to a proposal for a common-user Liquefied Natural Gas Hub to process gas from the Browse Basin in the Kimberley region of Western Australia.

The Minister identified four documents as coming within the scope of the complainant's application and gave the complainant access in edited form to all four documents. The Minister's decision was that certain information in Documents 1 and 2 was exempt from disclosure under clause 6(1) (deliberative processes) of Schedule 1 to the FOI Act and that certain information in Documents 3 and 4 was outside the scope of the application. Since there can be no internal review of a Minister's decision, the complainant applied directly to the Information Commissioner for external review of the decision.

In the course of the external review, the Minister varied her claims with regard to Documents 1 and 2 by claiming that certain information in those documents was exempt under clause 3(1) (personal information) and that only certain information in Document 2 was exempt under clause 6(1).

On 22 September 2010, the Commissioner advised the parties in writing of his preliminary view, which was that the names of staff members in Document 1 were not exempt under clause 3(1) but that the remaining personal information claimed to be exempt under that provision in Documents 1 and 2 was exempt as claimed; the information claimed to be exempt under clause 6(1) in Document 2 was not exempt under that clause; and the disputed information in Documents 3 and 4 was outside the scope of the complainant's access application.

In response, the complainant advised the Commissioner that it was not seeking access to any of the third party personal information in Documents 1 and 2 but still sought access to the information deleted from Documents 3 and 4. The Minister accepted the Commissioner's preliminary view and disclosed the information previously claimed to be exempt under clause 6(1) in Document 2 to the complainant. Consequently, only the information deleted from Documents 3 and 4 as outside the scope remained in dispute.

Having considered the complainant's further submissions concerning Documents 3 and 4, the Commissioner was not dissuaded from his preliminary view. Accordingly, the Commissioner found that the disputed information in Documents 3 and 4 was outside the scope of the complainant's application and confirmed the Minister's decision insofar as it related to Documents 3 and 4.