

Decision D0152001 – Published in note form only

Re Robinson and Fire and Emergency Services Authority of Western Australia
[2001] WAICmr 15

Date of Decision: 2 April 2001

Freedom of Information Act 1992; clause 7

The complainant made an application to the agency under the FOI Act for access to a document described as a draft document prepared by the Crown Solicitor's Office.

The agency refused the complainant access to the requested document on the ground that it was exempt under clause 7 of Schedule 1 to the FOI Act.

Clause 7(1) provides that matter is exempt matter if it would be privileged from production in legal proceedings on the ground of legal professional privilege.

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

The Information Commissioner advised the parties that, in her view, the disputed document would be privileged from production in legal proceedings on the ground of legal professional privilege.

Accordingly, the Information Commissioner confirmed the agency's decision to refuse access to that document on the ground that it is exempt under clause 7 of Schedule 1 to the FOI Act.