



**FREEDOM
OF INFORMATION**

ANNUAL REPORT 2000-2001

**REPORT ON
OPERATIONS**

LEGISLATION AND MISSION STATEMENT

The position of Information Commissioner is constituted under s.55(1) of the *Freedom of Information Act 1992* and the occupant is directly accountable to Parliament for the performance of statutory functions prescribed by the Act. I was appointed on 1 July 1993 and reappointed on 31 October 2000. The Attorney General is the Minister responsible for the legislation.

The main function of the position is to provide independent external review of agency decisions by dealing with complaints about decisions made by agencies under the Act. Other responsibilities, as prescribed by the Act, include:

- (i) ensuring that agencies are aware of their responsibilities under the Act [s.63(2)(d)];
- (ii) ensuring members of the public are aware of the Act and their rights under it [s.63(2)(e)];
- (iii) providing assistance to members of the public and agencies on matters relevant to the Act [s.63(2)(f)]; and
- (iv) recommending to Parliament legislative or administrative changes that could be made to help the objects of the Act be achieved [s.111(4)].

The Mission Statement and desired outcome reflect the functions and the broad ideals of openness, accountability and responsibility behind the FOI legislation.

MISSION

Public understanding and confidence in the decision-making process of government agencies through access to relevant information.

DESIRED OUTCOME

Access to documents and observance of processes in accordance with the *Freedom of Information Act 1992*.

The Office of the Information Commissioner provides an FOI complaint mechanism and advisory service which is independent, objective and fair, and which balances the competing needs of applicants, agencies and Parliament, subject to the requirements and processes prescribed in the Act. The Information Commissioner has a statutory duty to undertake these functions and the office accordingly has two outputs – Resolution of Complaints (External Review) and Advice and Awareness.

The following principles or values are part of the corporate philosophy of the office.

- Being accepted by participants as an independent and impartial review authority.
- Being recognised by agencies as a model of “best practice” for the FOI complaint review process.
- Serving as an example to agencies of accountability and responsibility.

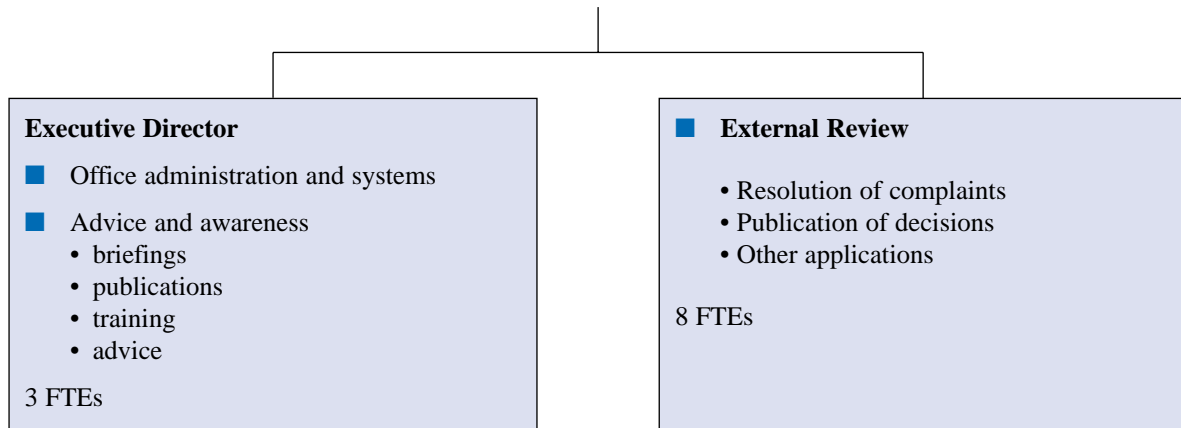


Back row L to R: Kim Bracknell, Information Services Manager; Tony Pruyn, Senior Investigations Officer; Vivien Hillyard, Investigations Officer; Rachel Crute, Legal Officer (Resarch & Investigations); Bruce Denham, Executive Director.

Front row L to R: Tim Kennedy, Senior Legal Officer; Grace Grandia, Advisory/Projects Officer; Michelle Painter, Administrative Assistant; Anne Marshall, Legal Officer (Investigations); Sylvie de Laroche, Personal Assistant.

OFFICE STRUCTURE

Information Commissioner



RELEVANT LEGISLATION

Freedom of Information Act 1992
Freedom of Information Regulations 1993
Freedom of Information Amendment Regulations 1994

ADDRESS

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STAFF

Staff are appointed to assist me and new appointees must take an oath or affirmation, administered by me, prior to commencing their duties. The office is structured based on two separate outputs, which ensures that the independence and integrity of the external review process is maintained.

EXTERNAL REVIEW

The external review output deals with complaints lodged by access applicants and third parties against decisions made by agencies and certain other applications. It emphasises informal resolution processes such as negotiation and conciliation where appropriate, and includes determinative functions which may involve more formal processes. The review function is designed to be as speedy, accessible and informal as possible. A policy decision was made to avoid adopting too legalistic or technical an approach to external review, but at the same time, recognising that it is necessary and desirable to conform with statutory requirements, the principles of administrative law and acceptable standards of practice for merit review.

EXTERNAL REVIEW APPLICATIONS

A total of 165 applications for external review were received in 2000/2001 (279 in 1999/2000). Table 1 indicates the kinds of applications received.

**TABLE 1
 APPLICATIONS RECEIVED BY
 THE INFORMATION COMMISSIONER**

APPLICATIONS FOR EXTERNAL REVIEW	NUMBER
Complaints (including informal/invalid)	129
Section 66(4) Applications	8
Section 66(6) Applications	15
Section 66(4) & 66(6) Applications	2
Applications for Waiver of Requirement to Consult	6
Applications for Reduction of Time	2
Applications for Extension of Time	2
Other	1
TOTAL	165

COMPLAINTS

Complaints may be made in respect of an agency's decision to:

- refuse access to documents;
 - give access to documents;
 - give access to edited copies of documents;
 - refuse to deal with access applications;
 - defer giving access to documents;
 - apply section 28 of the Act;
 - impose a charge or require the payment of a deposit;
- or
- not to amend personal information or make a notation as requested.

During the year, 129 such complaints were received, compared with 243 in 1999/2000. Table 2 indicates the number of complaints and the agencies concerned.

**TABLE 2
COMPLAINTS RECEIVED**

AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL
Agriculture Western Australia	5	0	5
Armadale, City of	1	0	1
Armadale Health Service	1	0	1
Attorney General	1	0	1
Bayswater, City of	1	0	1
Belmont, City of	1	0	1
Bentley Health Service	1	1	2
Busselton, Shire of	2	0	2
Channel 31 Community Television Pty Ltd	1	0	1
Contract and Management Services, Department of	1	0	1
Crown Solicitor's Office	2	0	2
Curtin University of Technology	2	0	2
Eastern Metropolitan Regional Council	2	0	2
Education Department of Western Australia	3	0	3
Electoral Commission, Western Australian	1	0	1
Energy, Office of	0	1	1
Environmental Protection, Department of	1	0	1
Equal Opportunity Tribunal	0	1	1
Family and Children's Services, Department for	1	0	1
Family Court of Western Australia	0	1	1

**TABLE 2 – continued
COMPLAINTS RECEIVED**

AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL
Fire and Emergency Services Authority	1	0	1
Fremantle, City of	1	0	1
Fremantle Hospital and Health Service	1	0	1
Geraldton, City of	1	0	1
Graylands Hospital	1	2	3
Health Department of Western Australia	3	0	3
Heritage Council of Western Australia, Office of the	1	0	1
Insurance Commission of Western Australia	2	0	2
Justice, Ministry of	1	2	3
Kalgoorlie-Boulder, City of	1	0	1
King Edward Memorial & Princess Margaret Hospitals	1	0	1
Land Administration, Department of	1	0	1
Local Government, Department of	3	1	4
Main Roads Department	1	0	1
Mandurah, City of	1	0	1
Medical Board of Western Australia	3	0	3
Melville, City of	0	1	1
Metropolitan Health Services Board	2	0	2
Minerals and Energy, Department of	1	0	1
Planning, Minister for	2	0	2
Planning, Ministry for	1	1	2
Public Trust Office	1	0	1
Peppermint Grove, Shire of	1	0	1
Perth Dental Hospital and Community Dental Services	1	0	1
Police Force of Western Australia	11	3	14
Potato Marketing Corporation, Western Australian	2	0	2
Premier and Cabinet, Ministry of the	4	0	4
Productivity & Labour Relations, Department of	2	0	2
Public Sector Standards Commissioner	1	0	1
RiskCover WA	0	1	1
Rottnest Island Authority	1	0	1
Royal Perth Hospital	1	0	1
Rural Adjustment and Finance Corporation	1	0	1
Serpentine-Jarrahdale, Shire of	2	0	2
Sir Charles Gairdner Hospital (QEII)	2	0	2
Sports Centre Trust, Western Australian	1	0	1
State Housing Commission, The (Ministry of Housing)	1	0	1
State Revenue Department	1	0	1
State Supply Commission	3	0	3

**TABLE 2 – continued
COMPLAINTS RECEIVED**

AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL
Stirling, City of	2	2	4
Swan, Shire of	0	1	1
Transport, Department of	1	0	1
Treasury Department	2	0	2
Trotting Association, Western Australian	1	1	2
University of Western Australia, The	3	0	3
Upper Great Southern Health Service	1	0	1
Valuer General's Office	1	0	1
Wanneroo, City of	1	0	1
Water and Rivers Commission	1	0	1
Water Corporation	3	1	4
WorkCover WA	1	0	1
TOTAL	109	20	129

(The outcome for complaints dealt with and finalised is detailed at Tables 5 and 6)

OTHER APPLICATIONS

The other applications fell into the following categories:

- by access applicants or third parties for acceptance of complaints out of time pursuant to section 66(4) or without internal review pursuant to section 66(6), or for both of these reasons;
- by agencies for waiver of the requirement to consult with third parties when processing an application, pursuant to section 35;
- by agencies for extension, or by access applicants for reduction, of the permitted period of 45 days within which an agency must deal with an application (s.13(4) and s.13(5)); and
- by agencies for Commissioner's certification to obliterate or remove information or to destroy a document, pursuant to section 48(3).

A detailed breakdown appears as Table 3.

**TABLE 3
OTHER APPLICATIONS RECEIVED**

AGENCY	OUT OF TIME S.66(4)	NO INTERNAL REVIEW S.66(6)	BOTH S.66(4) & (6)	WAIVER OF NEED TO CONSULT S.35	REDUCTION OF TIME S.13(4)	EXTENSION OF TIME S.13(5)	REQUEST FOR DESTRUCTION CERTIFICATE S.48
Aboriginal Affairs Department				1			
Agriculture Western Australia	1	1	1				
AGWEST Farm Business Development					1		
Belmont, City of	1	1					
Busselton, Shire of	1	1					
Curriculum Council				1			
Education Department of Western Australia						1	1
Geraldton, City of		1					
Graylands Hospital	1	1					
Health Department of Western Australia		1					
Justice, Ministry of				1			
Legal Practitioners Complaints Committee			1				
Main Roads Department	1						
Perth Market Authority		1					
Police Force of Western Australia	1	2					
Premier and Cabinet, Ministry of the		1		3		1	
Productivity and Labour Relations, Department of		1					
Public Trust Office		2					
Tourism Commission, Western Australian		1					
Training and Employment, Department of		1					
Water Corporation	1				1		
WorkCover WA	1						
TOTAL	8	15	2	6	2	2	1

EXTERNAL REVIEW OUTCOMES

A total of 189 applications were finalised during the year. Table 4 shows the types of applications dealt with.

**TABLE 4
APPLICATIONS DEALT WITH BY
THE INFORMATION COMMISSIONER**

TYPE OF APPLICATION	NUMBER FINALISED
Complaints (including informal/invalid)	154
Section 66(4) Application	8
Section 66(6) Application	15
Sections 66(4) & 66(6) Application	1
Application for Waiver of Requirement to Consult	6
Application for Reduction of Time	2
Application for Extension of Time	2
Other	1
TOTAL	189

Tables 5 and 6 show details of the outcomes of the matters dealt with during the year.

Of the 154 complaints dealt with, 61 were resolved by conciliation. A total of 58 complaints proceeded to a decision. Of those matters, the agency's decision was confirmed on 35 occasions; varied on 12 occasions; and set aside and substituted on 11 occasions.

In some cases, I will refer a complaint to *Advice and Awareness* staff in order that the parties may be advised further as to their respective rights and obligations under the Act, or to enable preliminary enquiries to be made. This procedure often leads to a successful resolution of the matters. There were 21 applications resolved in this manner.

Pursuant to section 67(1)(b) of the Act, I decided not to deal with 14 complaints on the ground that they were either misconceived or lacking in substance.

**TABLE 5
OUTCOME OF COMPLAINTS FINALISED**

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED	RESOLVED BY ADVICE AND AWARENESS	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED			
Agriculture Western Australia	4	1	1	1			7
Armadale, City of	1						1
Armadale Health Service		1					1
Attorney General					1		1
Bassendean, Town of	1						1
Bayswater, City of	1						1
Belmont, City of			1	1			2
Bentley Health Service	1	1				1	3
Building and Construction Industry Training Fund Board	1						1
Busselton, Shire of	2						2
Contract and Management Services, Department of		1					1
Crown Solicitor's Office	1	1					2
Curtin University of Technology	3			1			4
Eastern Metropolitan Regional Council					2		2
Education Department of Western Australia	2	1					3
Electoral Commission, Western Australian	1						1
Energy, Office of						1	1

TABLE 5 – continued
OUTCOME OF COMPLAINTS FINALISED

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED	RESOLVED BY ADVICE AND AWARENESS	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED			
Environmental Protection, Department of	1						1
Equal Opportunity Tribunal						1	1
Family and Children's Services, Department for		1					1
Family Court of Western Australia						1	1
Fire and Emergency Services Authority		1					1
Fremantle, City of	1						1
Fremantle Cemetery Board		1					1
Fremantle Hospital and Health Service					1		1
Fremantle Port Authority	1						1
Geraldton, City of	1						1
Gold Corporation		1					1
Graylands Hospital		2				2	4
Health Department of Western Australia	2						2
Housing, Ministry of			2				2
Insurance Commission of Western Australia		2					2
Justice, Ministry of	3					2	5
Kalgoorlie-Boulder, City of		1					1
King Edward Memorial & Princess Margaret Hospitals	1						1
Land Administration, Department of		1		2			3
Local Government, Department of	3					1	4
Main Roads Department	1					1	2
Mandurah, City of	1						1
Medical Board of Western Australia	2		1				3
Melville, City of						1	1
Metropolitan Health Services Board	2						2
Minerals and Energy, Department of	1						1
Murdoch University			1				1
Murray, Shire of	1						1
Perth, City of		1					1
Planning, Minister for	1	1					2
Planning, Ministry for				2		1	3

TABLE 5 – continued
OUTCOME OF COMPLAINTS FINALISED

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED	RESOLVED BY ADVICE AND AWARENESS	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED			
Perth Dental Hospital and Community Dental Services	1						1
Police Force of Western Australia	2	2	1	1	6	3	15
Potato Marketing Corporation, Western Australian	1						1
Premier and Cabinet, Ministry of the	1	3			1		5
Productivity & Labour Relations, Department of		2					2
Public Trust Office	1						1
Racing, Gaming and Liquor, Office of	1						1
Resources Development, Department of			4				4
RiskCover						1	1
Rottneest Island Authority	1						1
Royal Perth Hospital		1					1
Rural Adjustment and Finance Corporation					1		1
Serpentine-Jarrahdale, Shire of		1	1				2
Sir Charles Gairdner Hospital (QEII)	1			1			2
Sports Centre Trust, Western Australian		1					1
State Revenue Department		1					1
State Supply Commission	1	2					3
Stirling, City of	1	1				2	4
Swan, Shire of						1	1
Transport, Department of	1						1
Transport, Minister for				1			1
Treasury Department	3						3
Trotting Association, Western Australian						1	1
Upper Great Southern Health Service	1						1
Valuer General's Office	1						1
Wanneroo, City of	1						1
Water and Rivers Commission	1						1
Water Corporation	1	1			2	1	5
WorkCover WA	1						1
Works, Minister for		1					1
WorkSafe Western Australia		1		1			2
TOTAL	61	35	12	11	14	21	154

Note: See the following table – one formal decision may close more than one complaint.

**TABLE 6
PUBLISHED DECISIONS**

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0342000	Geoffrey Raymond MORAN	Minister for Works; Services	10/7/2000
D0352000	Jinda TUINAPHIANG	Gold Corporation	10/7/2000
D0362000	"E"	Graylands Selby-Lemnos & Special Care Health Services	10/7/2000
D0372000	Peter Joseph EICHNER	Bentley Health Service	13/7/2000
D0382000	"F"	Graylands Selby-Lemnos & Special Care Health Services	19/7/2000
D0392000	Judith Mary EDWARDS	Minister for Transport	20/7/2000
D0402000	Kerry WHITE	Water Corporation	21/7/2000
D0412000	Ross Francis HERBERT	Ministry of Housing	21/7/2000
D0422000	Michael James RYAN	City of Belmont	21/7/2000
D0432000	Burswood Nominees P/L	Worksafe Western Australia	4/8/2000
D0442000	WA Posters P/L	City of Perth	28/8/2000
D0452000	Karen COULSON	WorkSafe Western Australia	28/8/2000
D0462000	Peter de WAAL	Ministry of the Premier and Cabinet	28/8/2000
D0472000	Donald Euan ROBERTSON	Curtin University of Technology	29/8/2000
D0482000	QMS Certification Services	Department of Land Administration and Quality Assurance Services	5/9/2000
D0492000	Raymond James STEWART	Fremantle Cemetery Board	21/9/2000
D0502000	Philip John MCCAMEY	Royal Perth Hospital	12/10/2000
D0512000*	Kimberley Diamond Company NL	Department of Resources Development and Argyle Diamond Mines P/L	16/10/2000
D0522000	"G"	Department for Family and Children's Services	16/10/2000
D0532000	Grace Evelyn BARRETT	Agriculture Western Australia	18/10/2000
D0542000	Ljiljana Maria RAVLICH	State Supply Commission	24/10/2000
D0552000	Michael James RYAN	City of Belmont	27/10/2000
D0562000*	Wayne Stewart MARTIN	Ministry for Planning and Department of Land Administration	1/11/2000
D0572000	Graham Thomas GIFFARD	State Supply Commission	3/11/2000
D0582000	Ljiljana Maria RAVLICH	Department of Productivity and Labour Relations	8/11/2000
D0592000	"H"	Shire of Serpentine-Jarrahdale	13/11/2000
D0602000	Alfred Robert Arthur CAMPBELL	Police Force of Western Australia	14/11/2000
D0612000	Ljiljana Maria RAVLICH	Department of Contract and Management Services	21/11/2000
D0622000	Michael James BUTCHER	Agriculture Western Australia	22/11/2000
D0632000*	Kimberley Diamond Company NL	Department of Resources Development and Argyle Diamond Mines Pty Ltd	28/11/2000
D0642000	Martin Phillip HOLMES	Police Force of Western Australia	1/12/2000
D0652000	Kenneth Adrian DUCKER	Education Department of Western Australia	11/12/2000
D0012001	National Tertiary Education Union (Murdoch Branch)	Murdoch University and Others	2/1/2001
D0022001	Avon Valley Environmental Society Inc.	Agriculture Western Australia and Others	4/1/2001
D0032001	David Robert CUMMING	City of Stirling	5/1/2001

TABLE 6 – continued
PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0042001	Greg Rowe and Associates	Minister for Planning and Alannah Joan Geraldine MACTIERNAN	18/1/2001
D0052001	Neil Robert WINZER	Insurance Commission of Western Australia	19/1/2001
D0062001	Alfred Robert Arthur CAMPBELL	Ministry of the Premier and Cabinet	19/1/2001
D0072001	Peter Gilbert REYNOLDS	Ministry of Justice (Crown Solicitor's Office)	23/1/2001
D0082001	Robert Tony IRVIN	Department of Productivity and Labour Relations	25/1/2001
D0092001	Keith Raymond WALL	Insurance Commission of Western Australia	30/1/2001
D0102001	Peter de WAAL	Ministry of the Premier and Cabinet	30/1/2001
D0112001	Nathaniel ROBERTSON	Police Force of Western Australia	14/2/2001
D0122001	Christine Mary NIELD	Shire of Serpentine-Jarrahdale	28/2/2001
D0132001	Ernest Eric STRAHAN	Western Australian Sports Centre Trust	16/3/2001
D0142001	Shire of Mundaring	Ministry for Planning	28/3/2001
D0152001	William Brian ROBINSON	Fire and Emergency Services Authority of Western Australia	2/4/2001
D0162001	"L"	Armadale Health Service	12/4/2001
D0172001	Theresa May O'MALLEY	Police Force of Western Australia	30/4/2001
D0182001	Suzanne Marie SMITH	Ministry of Housing	7/5/2001
D0192001	William Daly REED	Sir Charles Gairdner Hospital and Craig BENNETT	22/5/2001
D0202001	Ladislav KOCHMAN	The Medical Board of Western Australia	5/6/2001
D0212001	The MACRI Family Trust & Spindrifter Resorts (WA) Pty Ltd	Department of Land Administration	18/6/2001
D0222001	Zel Nominees P/L Venetian Nominees P/L Galveston P/L Mine Exc P/L Robinswood P/L Grangefield Holdings P/L	State Revenue Department	26/6/2001
D0232001	Terry and Karen LAVERTY	City of Kalgoorlie-Boulder	29/6/2001

* Decisions numbered D0512000, D0562000 & D0632000 each decided two complaints because where more than one complaint concerns the same parties and documents and similar issues, they may be dealt with in one decision.

• All published decisions are available on our web site at <http://www.foi.wa.gov.au>

OTHER MATTERS

There were 35 other applications finalised this year and these, together with the outcomes, are shown in Table 7.

**TABLE 7
OUTCOME OF OTHER MATTERS FINALISED**

AGENCY	Extension of Time		Reduction of Time	S.66(4)			S.66(6)				S.66(4) & (6)		Waiver of Need to Consult			Other Matters	Total Matters Finalised
	Allowed	Withdrawn	Conciliated	Allowed	Withdrawn	Refused	Allowed	Withdrawn	Conciliated	Refused	Conciliated	Approved	Denied	Withdrawn			
Aboriginal Affairs Department														1		1	
Agriculture Western Australia						1	1			1						3	
AGWEST Farm Business Development			1													1	
Belmont, City of				1				1								2	
Busselton, Shire of						1	1									2	
Curriculum Council												1				1	
Education Department of Western Australia		1													1	2	
Geraldton, City of										1						1	
Graylands Hospital						1				1						2	
Health Department of Western Australia										1						1	
Justice, Ministry of												1				1	
Main Roads Department						1										1	
Perth Market Authority										1						1	
Police Force of Western Australia						1					2					3	
Premier and Cabinet, Ministry of the	1									1		1	2			5	
Productivity and Labour Relations, Department of											1					1	
Public Trust Office										1	1					2	
Tourism Commission, Western Australian															1	1	
Training and Employment, Department of										1						1	
Water Corporation			1			1										2	
WorkCover Western Australia				1												1	
TOTAL	1	1	2	1	1	6	2	6	3	4	1	2	1	3	1	35	

APPEALS TO THE SUPREME COURT

One appeal was filed with the Supreme Court during the year and determined by the Supreme Court of Western Australia in November 2000. In *Minister for Transport v Edwards* [2000] WASCA 349, the Supreme Court dismissed the Minister's appeal against my decision that the access provisions of the *Freedom of Information Act 1992* applied to documents in the possession or under the control of the Minister. The Court upheld my decision that 3 documents which were in the possession of the Minister (being documents relating to Westrail's Sleeper Procurement Policy and Westrail's use of timber sleepers) copies of which had been annexed to a Cabinet Submission, were "documents of an agency" within the meaning of the FOI Act.

In addition, the Supreme Court of Western Australia dealt with a Case Stated for the opinion of the Court on a question of law. The matter arose from two applications for external review lodged with me against decisions made by the Ministry of Justice to refuse access to documents. I referred a question of law to the Supreme Court, pursuant to s.78 of the *Freedom of Information Act 1992* and asked the Supreme Court to determine whether copies of certain documents which were held by the Ministry of Justice, but which originated from the Parole Board of Western Australia (an exempt agency) and which were under the control of the Parole Board were "documents in the possession or control" of the Ministry of Justice.

The Supreme Court determined that the degree of control which the Ministry was able to exercise over the documents, together with the Ministry's physical holding of the files on its premises were sufficient to constitute the documents as being documents in the possession of an agency for the purposes of clause 4(1) of the Glossary in Schedule 2 to the FOI Act. *Information Commissioner for Western Australia v Ministry of Justice* [2001] WASC 3.

There were two other appeals lodged during 1999/2000 on questions of law arising out of the following decisions by me:

Re Buddhist Society of WA (Inc) and Main Roads Department and BGC Contracting Pty Ltd [1999] WAICmr 38; the appeal was discontinued by the appellant (the third party, BGC Contracting Pty Ltd) during the year.

The University of Western Australia and Water Corporation [2000] WAICmr 31. As at 30 June 2001, this appeal had still not been listed for hearing by the Supreme Court.

2000/2001 EXTERNAL REVIEW TARGETS AND OUTCOMES

TABLE 8

	TARGET	OUTCOME
Applications (estimated and resolved)	270*	189
Satisfaction with review process	87%	92%
Average days to finalise matters	42	38
Cost per application	\$3,552	\$5,322

* 165 actually received, see Table 1. The forecast figure of 270 was an estimate based upon the previous year.

ADVICE AND AWARENESS

The *Advice and Awareness* output is administered by the Executive Director by way of a formal delegation. Applicants and agencies are provided assistance in exercising their respective rights and obligations and follow the correct processes for dealing with an application under the FOI Act. Policy development within agencies is encouraged so that the obligations placed on agencies by the FOI Act minimise the impact on their day-to-day operations. Many potential disputes are resolved informally with assistance provided by this output.

The output undertakes functions on my behalf, as follows:

- training courses for agency staff;
- the development of targeted workshops/seminars;
- provision of assistance, briefings and advice to agencies on the processes required by the FOI Act;
- visits to country regions;
- visits to and meetings with agencies or applicants in order to assist in resolving difficulties being experienced in dealing with FOI requests;
- enquiries and requests for comment from the media;
- briefings to community groups;
- production of articles providing advice and guidance on the workings of the FOI Act;
- distribution of brochures to assist applicants;
- answering enquiries by e-mail, telephone or at the counter on a daily basis;
- dealing with general correspondence;
- maintenance of statistical data and other information to assist the Information Commissioner in reporting to Parliament; and
- executive support for me including matters relating to the management and funding of the office.

BRIEFINGS TO GOVERNMENT AGENCIES, COMMUNITY ORGANISATIONS AND OCCUPATIONAL GROUPS

The Office is proactive in raising the awareness and understanding of the procedures and processes prescribed by the FOI Act. Apart from requests received for training or assistance, needs in the public sector are identified from a survey of agencies. Due to staff turnover, there is a periodic need by agencies for new staff to be briefed on the FOI process and their obligations. This is done by conducting special forums, briefings, seminars, or presentations to FOI Coordinators and decision-makers. Proceedings are conducted on an informal and interactive basis allowing for immediate response to questions and clarification of issues concerning FOI procedures and practices. The office provides a speaker in response to an invitation from any organisation requiring an explanation of the FOI process.

“FOI Processes and Decision-making Requirements”

Regular seminars are conducted to assist staff in agencies who require a “revision course” to ensure their skills and knowledge of the FOI process are up to date and of a high standard. The first of this type of briefing was held on 14 February 2001, at the Town of Victoria Park and was attended by FOI Coordinators and decision-makers from local government agencies in the metropolitan area. The second briefing was conducted at the City of Mandurah on 20 February 2001, and officers from neighbouring councils also attended. On 15 March 2001, the third briefing was conducted at the Office of the Information Commissioner and this session targeted the needs of State government agencies rather than local government. A final briefing was held on 9 May 2001, at the Shire of Harvey for officers of local government agencies in the region. The content includes reference to relevant decisions and interpretations by the Information Commissioner. These briefings were well received and provided officers the opportunity to clarify any issues of concern in dealing with FOI requests, as well as establish personal contact with staff of the Commissioner’s office who may be contacted for advice in the future.

Seminar on “Dealing With Large Applications”

On 4 April 2001, sixty FOI Coordinators and decision-makers from various State and local government agencies attended a seminar presented by the Advice and Awareness staff on “*Dealing with Large Applications*”, which covered available options, assisting applicants and procedures to be followed. Extensive detail was provided on the obligations placed on agencies to assist applicants as well as the process required to be followed should an agency eventually refuse to deal with an application.

This seminar provides vital detail on the recommended steps to follow so that large requests are not accepted, emphasising the need to liaise with applicants and agree on the scope of the documents which will meet the applicants needs. This ensures that agency resources are not diverted unnecessarily away from core business.

Joint Commonwealth and Western Australian FOI Practitioner’s Forum

The forum was arranged in conjunction with Ms Madeline Campbell, Senior Government Solicitor, from the Australian Government Solicitor’s Office. More than ninety officers from Commonwealth, State and local government agencies attended briefings by me and Ms Campbell on recent significant Federal and State Supreme Court decisions on FOI matters. The forum was well received as it gave the participants the opportunity to hear in detail the implications of those particular decisions.

During the year over 800 participants attended a wide range of briefings, seminars and presentations and these are listed in the table on the following page.

**TABLE 9
BRIEFINGS, SEMINARS AND WORKSHOPS CONDUCTED**

DATE	AUDIENCE
5 July 2000	Staff of the Minister for Family & Children's Services and Department of Commerce & Trade
20 July 2000	City of Bunbury Staff
25 July 2000	Nyandi Prison Guests
3 August 2000	Western Australian Museum Staff
18 August 2000	Department of Training and Employment Staff
22 August 2000	Soroptimist International of Joondalup Members
28 August 2000	Participants at the FOI Coordinators Training Course
11 September 2000	Murdoch University Students
12 October 2000	Liscia & Tavelli, Legal Consultants of the Medical Board
27 October 2000	Aboriginal Affairs Department Staff
17 November 2000	Participants at the FOI Coordinators Training Course
4 December 2000	Staff of the Minister For Works; Services; Citizenship & Multicultural Interests
8 February 2001	Legal Aid Commission Staff
14 February 2001	Staff from a range of Local Government Authorities – held at Town of Victoria Park
20 February 2001	City of Mandurah Staff
23 February 2001	Swan Valley Child & Adolescent Mental Health Service Staff
2 March 2001	Department of Resources Development Staff
2 March 2001	Participants at the FOI Coordinators Training Course
6 March 2001	Department of Resources Development Staff
7 March 2001	Murdoch University Students
8 March 2001	Office of Health Review Staff
15 March 2001	Staff of a range of State Government Agencies
4 April 2001	FOI Co-ordinators and Decision-Makers from various State and Local Government Agencies
20 April 2001	Staff of the Minister for Planning
1 May 2001	Office of Energy Staff
8 May 2001	Department of Resources Development Staff
9 May 2001	Liberal Party Staff
9 May 2001	Staff from a range of Local Government Authorities – held at Shire of Harvey
18 May 2001	State Executive of the Education Department
29 May 2001	Department of Transport – Marine Safety Directorate Staff
6 June 2001	Lakelands Senior High School Students
15 June 2001	Joint Commonwealth and Western Australian FOI Practitioner's Forum

PUBLICATIONS AND USE OF ELECTRONIC FACILITIES

Our web site (<http://www.foi.wa.gov.au>) is a frequently used communication tool and a source of information on FOI. Documents provided on the web site include: the *Freedom of Information Act 1992*; *Freedom of Information Regulations 1993, 1994*; copies of published decisions; the Annual Report (PDF and HTML formats); presentations and speeches; brochures; articles giving guidance on FOI processes; and more.

E-mail is utilised extensively by the Office where possible and data such as annual statistics from agencies and responses from participants for surveys of satisfaction levels is also obtained through this medium where possible.

Hard copies of all publications are available and distributed on request.

2000/2001 ADVICE AND AWARENESS TARGETS AND OUTCOMES

TABLE 10

	TARGET	OUTCOME
Number of applications	5500	6509
Client satisfaction with services	98%	(a)
Timeliness of return phone calls	same day	same day
Response time to written enquiries	2 days	1-2 days
Cost per application	\$75	\$67

(a) Since the commencement of the FOI Act surveys have been administered annually to all state and local government agencies. The trend has indicated a consistently high level of satisfaction with the advisory services provided by the office, so in order to reduce the burden on agencies the survey will now be conducted every 2 years.

ADMINISTRATION

The functions required of the Information Commissioner have resulted in the development and delivery of a range of services to the public, agencies and Parliament:

- dispute resolution
- advice about the FOI Act and procedures
- copies of decisions made by the Information Commissioner
- access to agency Information Statements
- distribution of awareness raising and educational material
- talks and information sessions for community groups
- free call telephone line for country callers
- web site at <http://www.foi.wa.gov.au>
- telephone advisory service
- FOI training sessions
- specifically tailored meetings or advisory sessions for agencies
- advice and assistance to Members of Parliament and their electorate office staff regarding the FOI process
- Annual Report on the workings of the legislation

The Office has published its Customer Service Charter and Code of Conduct, which all staff are required to observe. Copies are available on request.

Performance Standards have been established to ensure that all staff undertake their duties in a manner that is a credit to the professional and independent status of the Office.

STAFF CHANGES

During the year there were two resignations; Ms D Wookey, Principal Solicitor left to take up a position as Assistant Ombudsman (W.A.), and Ms S Thomas moved to a position providing child care in the private sector.

SUPPORT SERVICES

Corporate service support, consisting of financial and human resources services including workplace safety, disability services, equal employment and language services when required, is provided by the Ministry of Justice under a service agreement. Due to the small size of the office, human resource reporting requirements are met by the Ministry. The assistance provided by relevant staff of the Ministry is acknowledged and appreciated.

COMPLIANCE WITH OTHER ACTS

The office complies with all legislative requirements and associated reporting requirements, including the Occupational Health Safety and Welfare Act 1984. No health or safety issues arose for attention and there were no lost time incidents or workers' compensation claims.

There was no expenditure incurred on advertising, market research polling, direct mail or media advertising activities during the year.