

REPORT ON OPERATIONS

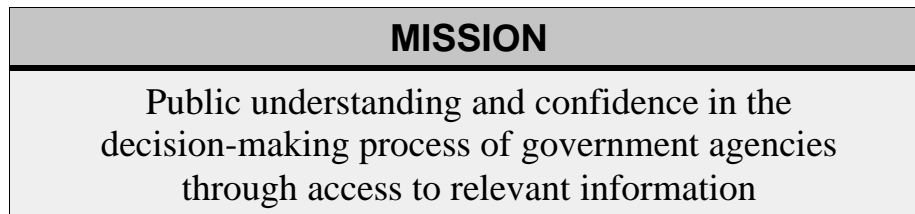
LEGISLATION AND MISSION STATEMENT

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.



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.

RELEVANT LEGISLATION

Freedom of Information Act 1992

Freedom of Information Regulations 1993

Freedom of Information Amendment Regulations 1994

CONTACT DETAILS

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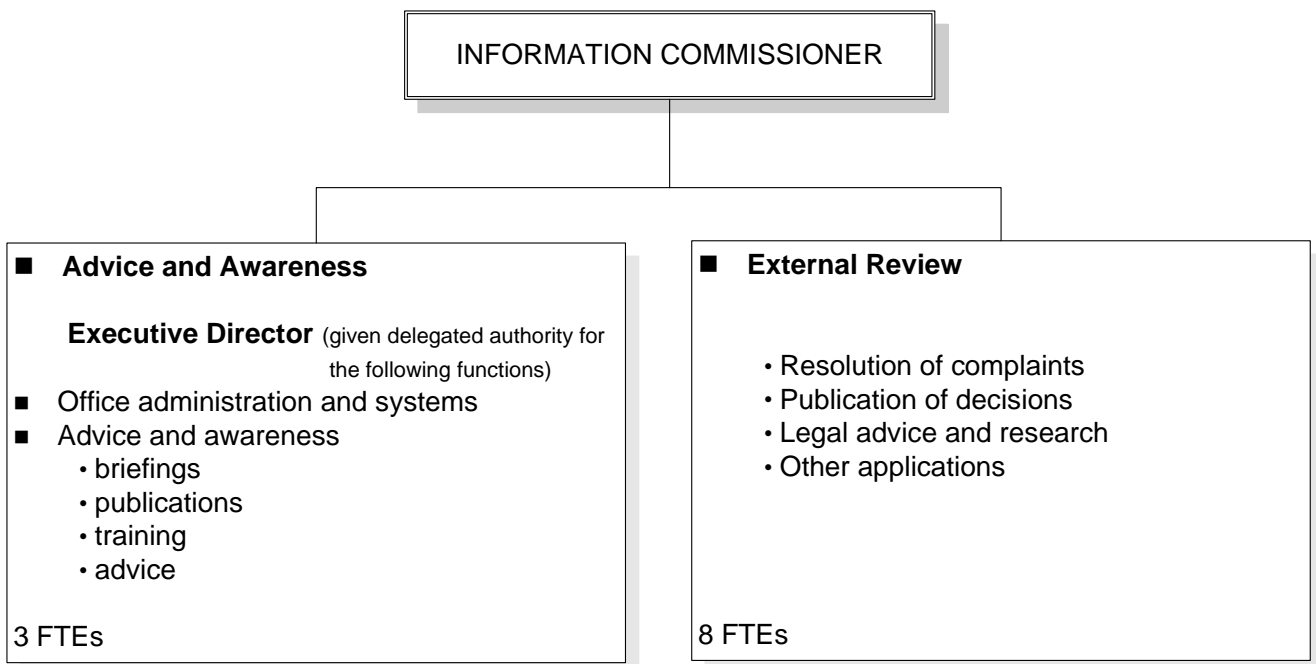
STAFF

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.



*Back row L to R: Rachel Crute, Legal Officer (Research & Investigations); Tim Kennedy, Senior Legal Officer; Tony Pruyn, Senior Investigations Officer; Kim Bracknell, Information Services Manager; Bruce Denham, Executive Director.
Front row L to R: Sylvie de Laroche, Personal Assistant; Anne Marshall, Legal Officer; Grace Grandia, Advisory/Projects Officer; Michelle Painter, Administrative Assistant.
Absent: Vivien Hillyard, Investigations Officer.*

OFFICE STRUCTURE



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 222 applications for external review were received in 2001/2002 (165 in 2000/2001). 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)	188
Section 66(4) application	13
Section 66(6) application	2
Sections 66(4) and 66(6) application	2
Application for waiver of requirement to consult	3
Application for reduction of time	9
Application for extension of time	3
Request for destruction certificate	2
TOTAL	222

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, 188 such complaints were received, compared with 129 in 2000/2001. Table 2 indicates the number of complaints and the agencies concerned.

TABLE 2: COMPLAINTS RECEIVED

AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL	AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL
Agriculture, Department of	1	2	3	Busselton, Shire of	3		3
Armadale Health Service	1		1	Central Metropolitan College of TAFE	1		1
Armadale, City of	1		1	Cockburn, City of	1		1
Attorney General; Minister for Justice and Legal Affairs; Peel and the South-West	1		1	Community Development, Department of	4	2	6
Bassendean, Town of	1		1	Conservation, Department of	1		1
Bunbury Health Service	1	3	4	Consumer and Employment Protection, Department of	1		1
Bunbury, City of	1		1	Curriculum Council	1		1

AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL	AGENCY	COMPLAINTS	INVALID/ INFORMAL	TOTAL
Curtin University of Technology	3		3	Perth, City of	1		1
Education, Department of	2	1	3	Planning and Infrastructure, Department of	3	1	4
Electricity Corporation (trading as Western Power)	1		1	Planning and Infrastructure, Minister for	1	1	2
Energy, Office of	1		1	Police Force of Western Australia	14	9	23
Environmental Protection, Department of	2		2	Premier and Cabinet, Department for the	1	1	2
Esperance Port Authority	1		1	Public Advocate, Office of the	1	1	2
Finance Brokers Supervisory Board		1	1	Racing, Gaming and Liquor, Department of	1		1
Fire and Emergency Services Authority		1	1	Racing and Gaming; Government Enterprises; Goldfields-Esperance, Minister for		1	1
Fremantle Hospital	1		1	Real Estate and Business Agents Supervisory Board	1		1
Fremantle Port Authority	1		1	Rockingham/Kwinana Health Service		1	1
Gosnells, City of	1	1	2	Rottneet Island Authority	1		1
Graylands Selby Lemnos and Special Care Health Services	5	4	9	Royal Perth Hospital	1	2	3
Health, Department of	4		4	Serpentine/Jarrahdale, Shire of	2	1	3
Housing and Works, Department of	1	2	3	Sir Charles Gairdner Hospital	1		1
Indigenous Affairs, Department of	1		1	South Perth, City of	1		1
Industry and Technology, Department of	1		1	Stirling, City of	1		1
Insurance Commission of Western Australia	4	1	5	Subiaco, City of	1		1
Joondalup, City of	1		1	Swan, City of	3		3
Joondalup Health Campus		1	1	Totalisator Agency Board	1		1
Justice, Department of	5	22	27	Treasury and Finance, Department of	1		1
King Edward Memorial and Princess Margaret Hospitals	4	1	5	Trotting Association, Western Australian	4	1	5
Land Administration, Department of	1		1	Unknown or No Jurisdiction	1	5	6
Land Authority (LandCorp), Western Australian	1	1	2	Victoria Park, Town of	1	1	2
Legal Aid Commission	1		1	Vincent, Town of	1		1
Legal Practitioners Complaints Committee	3		3	Wanneroo, City of	1	2	3
Lower Great Southern Health Service		1	1	Water Corporation	1		1
Mundaring, Shire of	1		1	Western Australian Centre for Pathology and Medical Research (PathCentre), The	1		1
Murdoch University	1		1	Western Australian Government Railways Commission	1		1
North Metropolitan Health Services	1		1	Western Australian Turf Club		1	1
Nurses Board of Western Australia	1		1	WorkCover	1		1
				TOTAL	116	72	188

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 applicants for an extension of time for the agency to issue a decision in cases where it has not done so within the permitted period (s.13(7)); 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 follows.

TABLE 3: OTHER APPLICATIONS RECEIVED

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	BOTH s.66(4) & s.66(6)	WAIVER OF NEED TO CONSULT s.35	REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5) & s.13(7)	REQUEST FOR DESTRUCTION CERTIFICATE s.48
Agriculture, Department of					1		
Armadale, City of	1						
Bayswater, City of	1						
Bunbury, City of						1	
Bunbury Health Service			1				
Busselton, Shire of		1					
Community Development, Department of						1	
East Fremantle, Town of	1						
Education, Department of					1		
Fire and Emergency Services Authority					1		
Graylands Selby-Lemnos and Special Care Health Services	1						
Justice, Department of	1						1
King Edward Memorial and Princess Margaret Hospitals	1						
Legal Practitioners Complaints Committee					1		
Main Roads Western Australia					1		
Mineral and Petroleum Resources, Department of					2		
Perth, City of			1				
Planning and Infrastructure, Department of	1						
Planning and Infrastructure, Minister for	1						
Police Force of Western Australia	1				1		
Premier and Cabinet, Department for the	1			3			
Royal Perth Hospital	2						
Sir Charles Gairdner Hospital	1						1
Trotting Association, Western Australian						1	
Vincent, Town of					1		
Wanneroo, City of		1					
TOTAL	13	2	2	3	9	3	2

EXTERNAL REVIEW OUTCOMES

A total of 218 applications were finalised during the year. Table 4 shows the types of applications dealt with.

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

A total of 46 complaints proceeded to a decision. Of those matters, the agency's decision was confirmed on 20 occasions; varied on 15 occasions; and set aside and substituted on 11 occasions.

In some cases, I will refer a matter 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 70 applications resolved in this manner.

Pursuant to section 67(1)(b) of the Act, I decided not to deal with 26 complaints on the ground that they were either misconceived or lacking in substance.

TABLE 4: APPLICATIONS DEALT WITH

TYPE OF APPLICATION	NUMBER FINALISED
Complaints (including informal/invalid)	185
Application for extension of time	1
Application for reduction of time	9
Section 66(4) application	10
Section 66(6) application	3
Sections 66(4) and 66(6) application	1
Application for waiver of requirement to consult	2
Other matters	7
TOTAL	218

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, Department of					2	2	
Armadale Health Services					1	1	
Attorney General; Minister for Justice and Legal Affairs; Peel and the South-West				1		1	
Bunbury Health Service					4	4	
Bunbury, City of	1				1	2	
Busselton, Shire of	2					2	
Central Metropolitan College of TAFE	1					1	
Channel 31 Community Educational Television Pty Ltd				1		1	
Cockburn, City of		1				1	
Commissioner for Public Sector Standards	1					1	
Community Development, Department of	2		1		3	6	

(cont...)

TABLE 5: OUTCOME OF COMPLAINTS FINALISED (cont...)

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			
Conservation, Department of	1						1
Consumer and Employment Protection, Department of			1				1
Curriculum Council	1						1
Curtin University of Technology	1	1			1		3
Education, Department of		2			1		3
Electricity Corporation (trading as Western Power)	1						1
Energy, Office of				1			1
Environmental Protection, Department of	2						2
Esperance Port Authority	1						1
Finance Brokers Supervisory Board						1	1
Fire and Emergency Services Authority						1	1
Fremantle Hospital and Health Service					1		1
Gosnells, City of			1			1	2
Graylands Selby-Lemnos and Special Care Health Service	2	3			1	4	10
Health, Department of	2			1	2		5
Heritage Council of Western Australia			1				1
Housing and Works, Department of		1				2	3
Indigenous Affairs, Department of	1						1
Industry and Technology, Department of		1					1
Insurance Commission of Western Australia	1				1	1	3
Joondalup Health Campus						1	1
Joondalup, City of				1			1
Justice, Department of	3	2				23	28
King Edward Memorial and Princess Margaret Hospitals	3	1				1	5
Land Administration, Department of	1						1
Land Authority (LandCorp), Western Australian				1		1	2
Legal Aid Commission		1					1
Legal Practitioners Complaints Committee	1	2					3
Lower Great Southern Health Service						1	1
Mundaring, Shire of				1			1
Murdoch University	1						1
North Metropolitan Health Service		1					1

TABLE 5: OUTCOME OF COMPLAINTS FINALISED (cont...)

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			
Nurses Board of Western Australia			1				1
Peppermint Grove, Shire of					1		1
Perth, City of			1				1
Planning and Infrastructure, Department for	2				1	1	4
Planning and Infrastructure, Minister for			1			1	2
Police Force of Western Australia	2	2			10	9	23
Potato Marketing Corporation of Western Australia			1				1
Premier and Cabinet, Department of the						1	1
Public Advocate, Office of the	1					1	2
Racing, Gaming and Liquor, Department of	1						1
Racing and Gaming; Government Enterprises; Goldfields-Esperance, Minister for					1		1
Real Estate and Business Agents Supervisory Board			1				1
Rockingham/Kwinana Health Service						1	1
Royal Perth Hospital		1				4	5
Serpentine/Jarrahdale, Shire of			2				2
Sir Charles Gairdner Hospital		1			1		2
South Perth, City of	1						1
Stirling, City of	1						1
Subiaco, City of	1						1
Swan, City of	1			1			2
Totalisator Agency Board					1		1
Treasury and Finance, Department of	1						1
Trotting Association, Western Australian			2	1	2	1	6
Turf Club, Western Australian						1	1
University of Western Australia	1		1	1			3
Victoria Park, Town of						1	1
Vincent, Town of	1						1
Wanneroo, City of			1			2	3
Water Corporation				1			1
Western Australian Centre for Pathology and Medical Research (PathCentre)					1		1
Workers' Compensation and Rehabilitation Commission (WorkCover)	1						1
TOTAL	43	20	15	11	26	70	185

TABLE 6: PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0242001	William Daly REED	The University of Western Australia	3/7/01
D0252001	Gordon Walliss INGLIS	Channel 31 Community Education Television Limited	23/7/01
D0262001	Rodney MUSULIN	Potato Marketing Corporation of Western Australia and Domenic DELLA VEDOVA and D Della & Sons Pty Ltd	7/8/01
D0272001	Gordon Walliss INGLIS	Curtin University of Technology	9/8/01
D0282001	Elizabeth Kaye MELVILLE	Heritage Council of Western Australia and "M"	21/8/01
D0292001	Katherine STOBIE	Department of Education	22/8/01
D0302001	William Daly REED	The University of Western Australia	23/8/01
D0312001	Gordon Walliss INGLIS	Department of Industry and Technology	6/9/01
D0322001	Barry Charles EBEDES	Office of Energy	7/9/01
D0332001	Ronald Patrick WIMBRIDGE	Department of Housing and Works	21/9/01
D0342001	Gordon Walliss INGLIS	Western Australian Trotting Association	27/9/01
D0352001	David Michael ARNOLD	Department of Justice	8/10/01
D0362001	Reiner Joseph PURE	Legal Aid Commission	8/10/01
D0372001	Mitchell SIDERIS	City of Joondalup and RANS Management Group Pty Ltd	10/10/01
D0382001	Gordon Walliss INGLIS	Western Australian Trotting Association	19/10/01
D0392001	Brent James STEWART	Western Australian Trotting Association	29/10/01
D0402001	Paul Gregory NIELD	Shire of Serpentine-Jarrahdale	9/11/01
D0412001	Catherine Anne DE MARCO	City of Gosnells	13/11/01
D0422001	Harry COHEN, Betty Rose COHEN and Margaret Anne LEVY	Real Estate and Business Agents Supervisory Board	16/11/01
D0432001	Gabrielle Maria JONES	Nurses Board of Western Australia	20/11/01
D0442001	Leonard Michael CLIFFORD	City of Perth	22/11/01
D0452001	Paul Gregory NIELD	Police Force of Western Australia	26/11/01
D0462001	Robert Charles EVANS	Graylands Selby-Lemnos and Special Care Health Services	30/11/01
D0012002	Paul Gregory NIELD	Shire of Serpentine-Jarrahdale	07/01/02
D0022002	John Duncombe FISCHER	Department of Education	07/01/02
D0032002	Lyle Albert BOWDEN	Legal Practitioners Complaints Committee	08/01/02
D0042002	Bartholemew John McGOVERN	Police Force of Western Australia	09/01/02
D0052002	Perth Radiation Oncology Centre	Department of Health	18/01/02
D0062002	"A"	Department of Justice	30/1/02
D0072002	"B"	Royal Perth Hospital	5/2/02
D0082002	Harry COHEN, Betty Rose COHEN and Margaret Anne LEVY	Department of Consumer & Employment Protection	22/2/02
D0092002	Margaret CARTWRIGHT	North Metropolitan Health Service	26/2/02
D0102002	John Peter GRLJUSICH	City of Cockburn	7/3/02
D0112002	Mark James NEILSON	City of Swan	8/3/02
D0122002	Geoff PENN	Shire of Mundaring	21/3/02
D0132002	"C"	Graylands Selby-Lemnos and Special Care Health Services	4/4/02
D0142002	"C"	Sir Charles Gairdner Hospital	4/4/02
D0152002	George Weston Foods Limited	Water Corporation	17/4/02

TABLE 6: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0162002	"B"	Graylands Selby-Lemnos and Special Care Health Services	18/4/02
D0172002	Separovich Nominees Pty Ltd	(1) Minister for Planning & Infrastructure (2) Western Australian Land Authority	13/5/02
D0182002	Rachel Lee RODEREDA	King Edward Memorial & Princess Margaret Hospitals	15/5/02
D0192002	Roger Stephen BECKETT	City of Wanneroo	30/5/02
D0202002	"D"	Department for Community Development	18/6/02
D0212002	Janet Vera RAKICH	The Legal Practitioners Complaints Committee	19/6/02
D0222002	Matthew John BIRNEY, MLA	Attorney General	21/6/02

- Decision number D0172002 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 33 other applications finalised this year and these, together with the outcomes, are shown below.

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
	A	C	R	W	R	R	R	A	D		
Agriculture, Department of		1									1
Armadale, City of				1							1
Bayswater, City of				1							1
Busselton, Shire of						1					1
East Fremantle, Town of					1						1
Education, Department of		1									1
Fire and Emergency Services Authority		1									1
Graylands Selby-Lemnos and Special Care Health Service					1						1
King Edward Memorial and Princess Margaret Hospitals					1						1
Legal Practitioners Complaints Committee			1		1						2
Main Roads Western Australia		1									1
Mineral and Petroleum Resources			2								2
Perth, City of							1				1
Planning and Infrastructure, Department for					1						1
Police Force of Western Australia			1		1						2
Premier and Cabinet, Department of the				1				1 1			3
Serpentine-Jarrahdale, Shire of										1	1
Sir Charles Gairdner Hospital					1						1
Trotting Association, Western Australian	1					1					2
Unknown or No Jurisdiction										6	6
Vincent, Town of		1									1
Wanneroo, City of						1					1
TOTAL	1	5	4	3	7	3	1	1	1	7	33

Key: A—Approved; C—Conciliated; W—Withdrawn; R—Refused; D—Denied

APPEALS TO THE SUPREME COURT

One appeal from a decision by me, was filed with the Supreme Court of Western Australia during the year and determined by the Supreme Court in December 2001. In *CH31 Community Educational Television Ltd v Inglis* [2001] WASCA 405, the Supreme Court decided that Channel 31 Community Educational Television Ltd is not an agency for the purposes of the FOI Act 1992. As this decision was substituted for my decision, it followed that the respondent had no right of access to the documents concerned.

During 1999/2000, an appeal was lodged on a question of law arising out of the following decision by me:

The University of Western Australia and Water Corporation [2000] WAICmr 31.

This appeal (SJA1105 of 2000) was discontinued by order of the Registrar on 22 January 2002.

TABLE 8: EXTERNAL REVIEW TARGETS AND OUTCOMES

	TARGET	OUTCOME
Applications finalised	190	218
Satisfaction with review process	90%	86%
Average days to finalise matters	35	14
Cost per application	\$4,779	\$4,206

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 with assistance in exercising their respective rights and obligations and how to 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 the assistance of my staff.

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;
- responding to 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 me in reporting to Parliament; and
- executive support for me including matters relating to the management and funding of the office.

TRAINING COURSES AND BRIEFINGS

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. These are conducted on an 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 Coordinator Workshops

Workshops are now scheduled based on the level of demand and are conducted by the office, at no charge to the agency.

Seven one day FOI Coordinator workshops were held during the year. The course content has been revised and upgraded and introduces participants to the FOI legislation and the requirements which must be observed when processing and deciding an application. Participants have the opportunity to raise issues of concern and have the process explained to them in a practical way. Also participants meet staff of this office who they can contact should they require assistance when dealing with FOI requests. A manual is provided to each participant at the course, for future reference.

The practice introduced this year of having the training courses and workshops hosted by various State and local government agencies who have offered the use of a venue, has been very successful. We are grateful to those agencies as this results in costs being kept to a minimum, not only to this office, but also to agencies. Feedback from participants who attended the workshops is very positive.

A survey was conducted during the year to identify the FOI training needs of agencies. This will form the basis of next year's programme.

In previous years Municipal Training Services (MTS) provided periodic FOI Coordinator training for a fee, payable by agencies. We thank MTS for their past involvement.

FOI Processes and Decision-making Requirements

General briefings are conducted to assist staff in agencies, including managers, to ensure their skill and knowledge of the FOI processes are up to date and of a high standard. The content includes reference to relevant decisions and interpretations of the FOI Act and precedents in published decisions by the Information Commissioner or Supreme Court. These briefings were very well received and were rated highly by participants and provided them with the opportunity to clarify any issues of concern in dealing with FOI requests, as well as establish contact with staff of my office who may be contacted for further advice in the future as the need arises.

An emphasis is placed on assisting agencies to minimise the impact of FOI on their day to day responsibilities, and to ensure that relevant staff are aware of options available under the Act to assist in this regard. An example this year was the seminar "Responding to Large Applications" held at the offices of the Eastern Metropolitan Regional Council, and attended by numerous other agencies. This provided guidance and practical advice to assist the process of liaison with applicants to reduce the scope of applications, and consequently save unnecessary time and work.

The table on the following page lists the main training events and other briefings held during the year.

TABLE 9: FORMAL TRAINING AND PRESENTATIONS

DATE	AUDIENCE
12 July 2001	Australian International College of Commerce – Paralegal Studies
2 August 2001	Fisheries Western Australia
22 August 2001	FOI Coordinators Workshop <i>Hosted by Valuer General's Office</i>
17 September 2001	Murdoch University
3 September 2001	FOI Coordinators Workshop <i>Hosted by Department of Minerals and Petroleum Resources</i>
16 September 2001	Valuer General's Office
20 September 2001	Officer of the Public Sector Standards Commissioner
27 November 2001	FOI Coordinators Workshop <i>Hosted by Shire of Busselton</i>
6 December 2001	Shire of Chittering
11 December 2001	FOI Coordinators Workshop <i>Hosted by Western Australian Trotting Association</i>
15 February 2002	Responding to Large Applications (for Decision-Makers) <i>Hosted by Eastern Metropolitan Regional Council</i>
27 February 2002	FOI Coordinators Workshop <i>Hosted by Rottnest Island Board</i>
1 March 2002	Delegation of Senior Chinese Civil Servants
11 March 2002	Acacia Prison
23 April 2002	FOI Coordinators Workshop <i>Hosted by City Of Bayswater</i>
30 April 2002	Curtin Health Information Management Students
21 June 2002	FOI Coordinators Workshop <i>Hosted by Department of the Premier and Cabinet</i>

WEB SITE AND ELECTRONIC COMMUNICATIONS

My web site (www.foi.wa.gov.au) contains an extensive amount of information about the FOI process. The web site is structured into sections including, *What is FOI?* which describes the objects of the FOI Act; *Publications* which contains the FOI Act and Regulations; brochures and articles giving guidance on the FOI process and *Frequently Asked Questions (FAQ's)*. Of additional assistance are *guides* to some of the most frequently cited exemption clauses which aid in their understanding and what needs to be established when claiming the exemption. A further section *Need Help with FOI?* provides information for applicants, agencies and third parties. My role is described in the section *About the Information Commissioner*. A major section contains the *Decisions* made by me.

The web site search facilities have been enhanced allowing searches of my published decisions to be conducted in a variety of ways, such as searching by Agency or Complainant Name; by exemption clause or section of the FOI Act; by catchword, and many more. This is a valuable resource for agencies and members of the public to refer to my previous decisions and take note of the interpretation given to particular exemptions and sections of the FOI Act. Such ready

access to precedents contributes to a higher level of understanding and application of the legislation by decision-makers.

There are also links to other related web sites. A section containing *What's New / Training* contains the latest news and training information available. *Contact Us* provides address, telephone, facsimile and e-mail information.

Our web site has been praised for its user friendly links and the amount of information readily available. There have been over 1,000 visits to the site in recent months which illustrates a high level of interest in FOI generally; the process to follow in making an application; and in my published decisions. Any suggestions regarding the site or resources available online are welcome and appreciated: please send them to info@foi.wa.gov.au.

E-mail is utilised by the Office wherever possible. Data, such as annual statistics from agencies and responses from participants to surveys of satisfaction levels, is also obtained through this medium where possible or via forms which can be completed and submitted online via our website. A snapshot of the home page follows.



DEALING WITH CERTAIN TYPES OF APPLICATIONS

Cases referred to Advice and Awareness staff by me requires the provision of assistance to either the complainant or the agency concerned, or both. In some cases advice is given as to their respective rights and obligations under the FOI Act. In others, preliminary enquiries are made to assist in continuing and finalising the application in accordance with the proper FOI process. The outcome of this practice is generally the successful resolution of the matters, and a reduction in the level of disputes or complaints at a later stage.

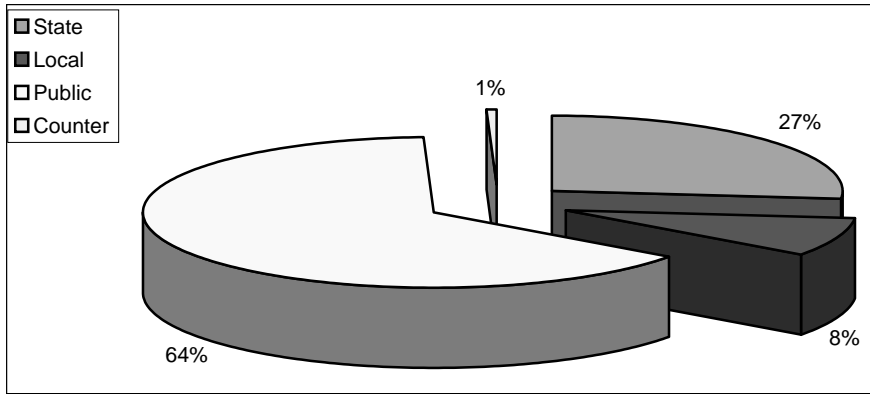
TELEPHONE ENQUIRIES

There were 1,743 telephone calls and counter enquires received during the year. Approximately 65% of telephone calls received were from members of the public seeking advice on how to make an application, or to enquire about or confirm their review rights. The other 35% of telephone enquires were from officers of State and local government agencies seeking assistance in dealing with particular access applications or advice regarding other statutory obligations under the Act.

Overall, over half the time expended on telephone calls was spent advising agencies of the FOI process and responding to their enquiries.

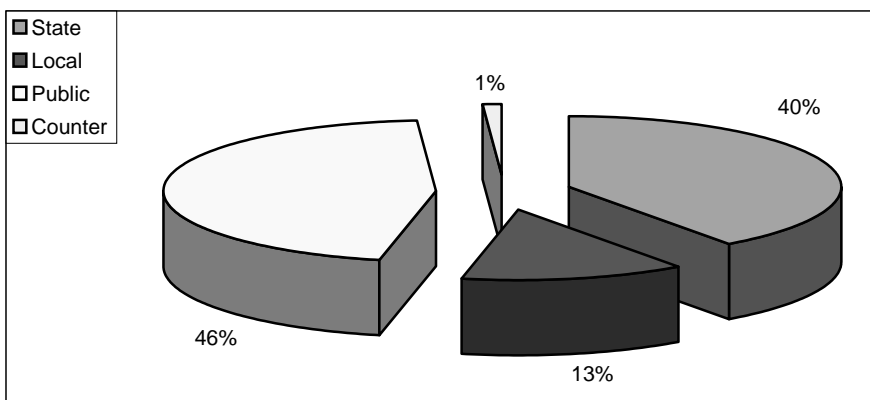
As indicated in the section describing the office web site, there is an increasing use of the site by enquirers, which appears to be reducing the need for correspondence and telephone enquiries.

FIGURE 5: TOTAL CALLS



State 465; local 146; public 1120; counter 12

FIGURE 6: TOTAL TIME



Time spent in minutes: State 3763; local 1239; public 4293; counter 107

PUBLICATIONS

A comprehensive brochure “Guidelines for using FOI in Western Australia” was published this year. The brochure incorporates three of the previous brochures into one and is a complete guide on FOI process to be followed. The brochure is also available on the web site and can be downloaded if required. Copies of the brochure are available from the office.

Guides to assist in the understanding and application of some of the most commonly used exemption clauses were published during the year. The guides dealt with: Clause 4(2), Clause 4(3), *Commercial or business information*; Clause 6, *Deliberative processes*; Clause 7, *Legal professional privilege*; and Clause 8, *Confidential communications*. The guides provide some of the grounds necessary to establish the exemption and are a valuable resource to both agencies and the public.

TABLE 10: ADVICE AND AWARENESS TARGETS AND OUTCOMES

	TARGET	OUTCOME
Number of applications	6700	6947
Client satisfaction with services	98%	98.5% (a)
Timeliness of return phone calls	same day	same day
Response time to written enquiries	2 days	1-2 days
Cost per application	\$60	\$56

(a) Previously annual surveys were administered to all state and local government agencies. The results 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 is conducted every 2 years. It was conducted this year in early 2002.

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

There were no staff changes during the year.

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 Department of Justice under a service agreement. Due to the small size of the office, human resource reporting requirements are met by the Department. The assistance provided by relevant staff of the Department of Justice 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.