

# REPORT ON OPERATIONS

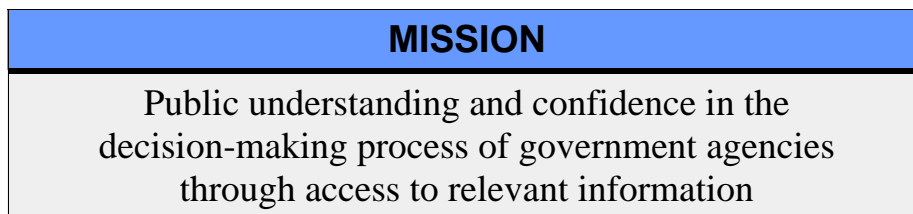
## LEGISLATION AND MISSION STATEMENT

The office 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 am appointed Acting Information Commissioner under s.59(1) and am empowered to exercise all the functions of the Information Commissioner. The Attorney General is the Minister responsible for the legislation.

The main function of the office is to provide independent external review of agencies' 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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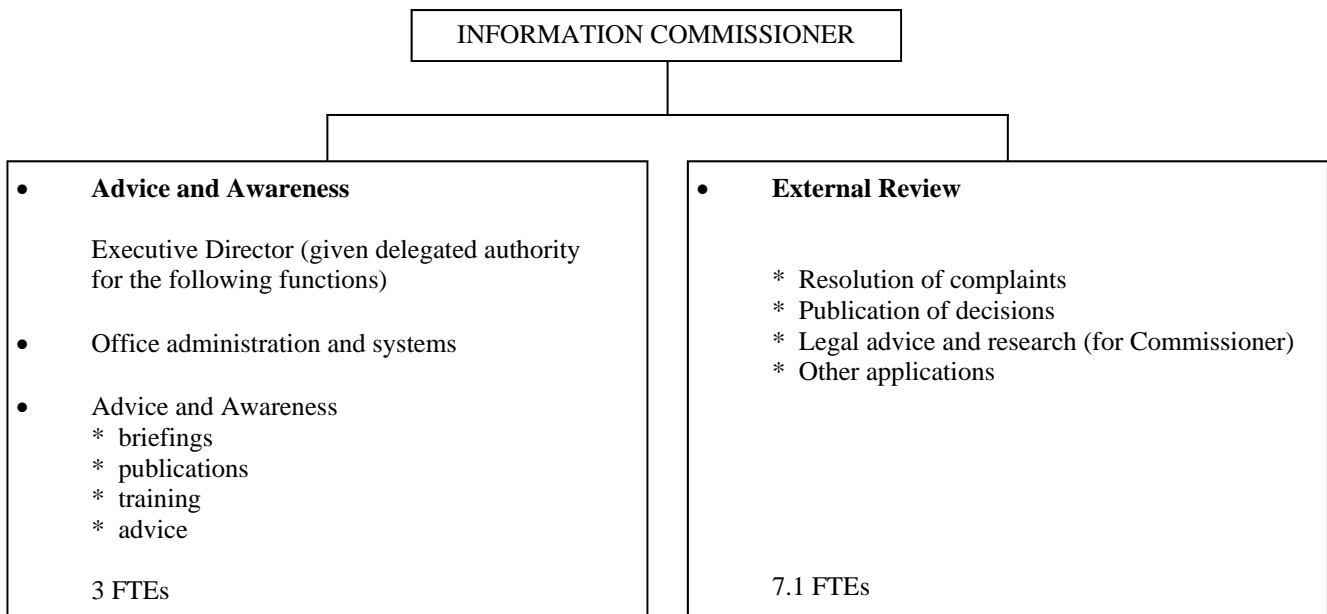
**STAFF**

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: Tony Pruyn, Senior Investigations Officer; Vivien Hillyard, Investigations Officer; Sylvie De Laroche, Personal Assistant; Tim Kennedy, Senior Legal Officer; Anne Marshall, Legal Officer; Bruce Denham, Executive Director.*  
*Front row L to R: Michelle Painter, Administrative Assistant; Darryl Wookey, A/Information Commissioner; Grace Grandia, Advisory/Projects Officer; Kim Bracknell, Information Services Manager.*  
*Absent: Rachel Crute, Legal Officer (Research and Investigations), on secondment to the Ombudsman’s Office.*

**OFFICE STRUCTURE**



## EXTERNAL REVIEW

The external review output deals with complaints lodged by access applicants, applicants for amendment 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 228 applications to the Information Commissioner were received in 2003/2004 (198 in 2002/2003). 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)	203
Section 66(4) Out of time	9
Section 66(6) No internal review	10
Sections 66(4) and 66(6) applications	2
Waiver of requirement to consult	3
Application for reduction of time	1
<b>TOTAL</b>	<b>228</b>

### 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.

As indicated in the foreword, in the forthcoming year I propose to review the kinds of matters recorded as informal/invalid complaints and provide more detailed information about those in the future.

During the year, 203 matters recorded as complaints were received, compared with 182 in 2002/2003. Table 2 indicates the number of such matters by the agencies concerned.

**TABLE 2: COMPLAINTS RECEIVED**

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Acacia Prison	1	2	3	Conservation and Land Management, Department of	2		2
Albany, Town of		1	1	Consumer and Employment Protection, Department of	3		3
Armadale, City of	1		1	Coorow, Shire of	1		1
Attorney General; Minister for Health; Electoral Affairs		1	1	Cottesloe, Town of	1		1
Bassendean, Town of	1	1	2	Culture and the Arts, Department of	3		3
Bunbury, City of	2		2	Curtin University of Technology	4		4
Community Development, Department for	6	1	7	Denmark, Shire of		1	1

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AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
East Fremantle, Town of	1	1	2	Mundaring, Shire of	1		1
Education and Training, Department of	5	2	7	Perth, City of	1		1
Egg Marketing Board	1		1	Planning and Infrastructure, Department for	3	1	4
Electricity Corporation	3	1	4	Police Force of Western Australia	7	18	25
Environment, Department of	7		7	Port Hedland Port Authority		1	1
Fremantle Hospital and Health Service	2	1	3	Premier and Cabinet, Department of the	4		4
Fremantle, City of	1		1	Public Advocate, Office of the	1		1
Graylands Selby-Lemnos and Special Care Health Service	2	3	5	Public Sector Standards Commissioner, Office of the	3		3
Health Department of Western Australia	4		4	Public Transport Authority	2	1	3
Health Review, Office of	2		2	Rockingham, City of	2		2
Heritage Council of Western Australia	1		1	Royal Perth Hospital	1	1	2
Housing and Works, Department of	5	2	7	Serpentine/Jarrahdale, Shire of		1	1
Industry and Resources, Department of	4		4	Sir Charles Gairdner Hospital, North Metropolitan Health Service	1		1
Insurance Commission of Western Australia	1	2	3	South Perth, City of	2		2
Joondalup, City of	3	2	5	South West Development Commission	1		1
Justice, Department of	3	14	17	South West Health Service	1		1
Kalamunda, Shire of	1		1	State Supply Commission	1		1
Kimberley Development Commission	1		1	Stirling, City of		1	1
King Edward Memorial and Princess Margaret Hospitals		1	1	Subiaco, City of		1	1
Land Authority (LandCorp), Western Australian	1		1	Swan Health Service		3	3
Legal Practice Board	1		1	Swan, City of	1		1
Legal Practitioners Complaints Committee		1	1	Tourism Commission	1		1
Manjimup, Shire of	2		2	Treasury and Finance, Department of	1		1
Medical Board of Western Australia	1		1	Victoria Park, Town of	1		1
Melville, City of	2		2	Water Corporation	5		5
Midwest and Murchison Health Region	2	1	3	Workers' Compensation and Rehabilitation Commission (WorkCover)	2		2
Minister for Consumer and Employment Protection; Indigenous Affairs; Minister assisting Minister for Public Sector Management	2	1	3	WorkSafe Western Australia	1		1
Minister for Local Government and Regional Development; Heritage; The Kimberley, Pilbara and Gascoyne	1		1	Unknown or no jurisdiction		8	8
Minister for Planning and Infrastructure		1	1				
				<b>TOTAL</b>	<b>127</b>	<b>76</b>	<b>203</b>

**OTHER APPLICATIONS**

The other applications fell into the following categories:

- by 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(1); and
- by applicants for reduction of the permitted period of 45 days within which an agency must deal with an application (s.13(4)).

No applications for extension of the permitted period (s.13(5)) were received from agencies.

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 REQ'MENT TO CONSULT s.35(1)	REDUCTION OF TIME s.13(4)
Bunbury, City of		1			
Consumer and Employment Protection, Department of		1			
Coorow, Shire of		1			
Culture and the Arts, Department of	1				
Curtin University of Technology	1	1			
Environment, Department of	1				
Fremantle, City of		1			
Graylands Selby-Lemnos and Special Care Health Service	1	1			
Health, Department of				1	
Kalamunda, Shire of		1			
Main Roads Western Australia					1
Melville, City of	1				
Minister for Planning and Infrastructure				1	
Police Force of Western Australia	2	1	2		
Water Corporation	1	2			
Workers' Compensation and Rehabilitation Commission (WorkCover)	1			1	
<b>TOTAL</b>	<b>9</b>	<b>10</b>	<b>2</b>	<b>3</b>	<b>1</b>

## EXTERNAL REVIEW OUTCOMES

A total of 198 applications were finalised during the year. Table 4 shows the types of applications dealt with.

TYPE OF APPLICATION	NUMBER FINALISED
Complaints (including informal/invalid)	173
Section 66(4) Out of time	9
Section 66(6) No internal review	10
Sections 66(4) & 66(6) Application	2
Application for reduction of time	1
Application for Waiver of Requirement to Consult	3
<b>TOTAL</b>	<b>198</b>

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

A total of 198 formal complaints were finalised, of which 29 complaints proceeded to a published decision. Of those matters, the agency's decision was confirmed on 24 occasions; varied on 2 occasions; and set aside and substituted on 3 occasions. Significantly fewer formal decisions were required compared to the last 3 years because a higher proportion of complaints finalised were resolved by conciliation. This year saw an increase in the number and proportion of matters resolved by conciliation: 71.7%, compared to approximately 60% for the past 3 years.

In some cases, a matter is referred 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. There were 60 applications resolved in this manner.

**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			
Acacia Prison					1	2	3
Albany, City of					1		1
Armadale, City of	1						1
Attorney General; Minister for Health; Electoral Affairs	1						1
Bassendean, Town of		1				1	2
Bunbury, City of	1			1			2
Community Development, Department for	3					1	4
Consumer and Employment Protection, Department of	2				2		4
Cottesloe, Town of	1						1
Culture and the Arts, Department of	1						1
Curtin University of Technology	2				1		3

(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			
Denmark, Shire of						1	1
Deputy Premier; Treasurer; Minister for Energy	1						1
East Fremantle, Town of	1	1					2
Education and Training, Department of	7				1	1	9
Egg Marketing Board	1						1
Electricity Corporation (Trading as Western Power Corporation)	1	1				1	3
Environment, Water and Catchment Protection, Department of	1	2		1	1		5
Fire and Emergency Services Authority	1						1
Fremantle, City of		1					1
Fremantle Hospital and Health Service		2				1	3
Fremantle Port Authority					1		1
Gosnells, City of				1			1
Graylands Selby-Lemnos and Special Care Health Service		1				3	4
Health Department of Western Australia	1	2					3
Health Review, Office of	1				1		2
Heritage Council of Western Australia	1						1
Housing and Works, Department of		1	1			2	4
Industry and Resources, Department of	2	1					3
Insurance Commission of Western Australia	1						1
Joondalup, City of	1				1	1	3
Joondalup Health Campus					1		1
Justice, Department of		1			2	14	17
Kalamunda, Shire of	1						1
King Edward Memorial and Princess Margaret Hospitals	1						1
Land Authority (LandCorp) , Western Australian	1				1		2
Legal Practice Board	1						1
Legal Practitioners Complaints Committee	1						1
Manjimup, Shire of	2						2
Medical Board of Western Australia	1						1
Midwest and Murchison Health Region	1	1				1	3



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			
Minister for Consumer and Employment Protection; Indigenous Affairs; Minister assisting Minister for Public Sector Management	2					1	3
Minister for Local Government and Regional Development; Heritage; The Kimberley, Pilbara and Gascoyne	1						1
Minister for Planning and Infrastructure					1	1	2
Mundaring, Shire of	1						1
Perth, City of		1					1
Planning and Infrastructure, Department for	1				1	1	3
Police Force of Western Australia	6	4				15	25
Port Hedland Port Authority						1	1
Premier and Cabinet, Department of the		1					1
Public Sector Standards Commissioner, Office of the	1	1					2
Public Transport Authority	2					1	3
Rockingham, City of	1						1
Royal Perth Hospital					1	1	2
Serpentine / Jarrahdale, Shire of						1	1
South Perth, City of	1						1
South West Health Service	1						1
Sport and Recreation, Department of			1				1
State Supply Commission	1						1
Stirling, City of						1	1
Subiaco, City of						1	1
Swan, City of	1						1
Swan Health Service	2					1	3
Treasury and Finance, Department of	1						1
Victoria Park, Town of					1		1
Water Corporation		1					1
Workers' Compensation and Rehabilitation Commission		1			1		2
WorkSafe Western Australia	1						1
Unknown or no jurisdiction	1					6	7
<b>TOTAL</b>	<b>65</b>	<b>24</b>	<b>2</b>	<b>3</b>	<b>19</b>	<b>60</b>	<b>173</b>

*The Information Commissioner does not deal with a complaint if it is outside jurisdiction or is frivolous, vexatious, misconceived or lacking in substance (section 67 of the Act).*

**TABLE 6: PUBLISHED DECISIONS**

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0192003	Askew	City of Gosnells	14/07/03
D0202003	West Australian Newspapers Limited	Department of Sport and Recreation	21/07/03
D0212003	Kimber	Department of Environment	23/07/03
D0222003	West Australian Newspapers Limited	Police Force of Western Australia	07/08/03
D0232003	Cockburn Cement Limited	Department of Environment, Water and Catchment Protection and Kwinana Progress Association	21/08/03
D0242003	Lazza's Hiab and Tilt Tray Services	Western Power Corporation	24/09/03
D0252003	Crook	Fremantle Hospital and Health Service	06/10/03
D0262003	Kelly	Department of Justice	09/10/03
D0272003	D'Aloisio	Fremantle Hospital and Health Service	09/10/03
D0282003	Stewart	City of Fremantle	09/10/03
D0292003	Guyatt	Police Force of Western Australia	21/10/03
D0302003	Prosser Management Pty Ltd	City of Bunbury and Harvey Norman Holdings Limited and Calardu Bunbury (WA) Pty Ltd	22/10/03
D0312003	Mineralogy Pty Ltd	Department of Industry and Resources	29/10/03
D0322003	Elgar	Town of Bassendean	29/10/03
D0332003	"Q"	Graylands Selby-Lemnos and Special Care Health Service	05/12/03
D0342003	Kasprzak	Department of the Premier and Cabinet	10/12/03
D0012004	Murrin	Police Force of Western Australia	12/01/04
D0022004	"R"	Police Force of Western Australia	14/01/04
D0032004	Randles	Town of East Fremantle	20/01/04
D0042004	Lord	City of Perth	29/01/04
D0052004	Reid	Workers' Compensation and Rehabilitation Commission	30/01/04
D0062004	"S"	Central West Mental Health Service *	19/02/04
D0072004	Thornton	Department of Health	05/03/04
D0082004	Rogers	Water Corporation and Kevin Ernest Guppy and KG and GS Nominees	05/03/04
D0092004	Byrnes	Office of the Public Sector Standards Commissioner	01/04/04
D0102004	O'Neil	Department of Environment	21/04/04
D0112004	Biron	Department of Housing and Works	19/05/04
D0122004	Biron	Department of Health	23/06/04
D0132004	Biron	Department of Housing and Works	29/06/04

\* Please note that Central West Mental Health Service is one of the health services provided by the Midwest and Murchison Health Region

**OTHER MATTERS**

There were 25 other applications finalised this year. They were applications to make a complaint out of time (s.66(4)) or where internal review had not been applied for or had not been completed (s.66(6)), or both; applications for waiver of the requirement to consult third parties (s.35(1)); and applications for a reduction of the permitted time for an agency to deal with an access application (s.13(4)). These, together with the outcomes, are shown below.

**TABLE 7: OUTCOME OF OTHER MATTERS FINALISED**

AGENCY	OUT OF TIME s.66(4)			NO INTERNAL REVIEW s.66(6)		Both s.66(4) & 66(6)		WAIVER OF REQ'MENT TO CONSULT s.35(1)		REDUCTION OF TIME s.13(4)	TOTAL MATTERS FINALISED
	A	W	R	A	W	R	W	A	D	C	
Bunbury, City of					1						1
Consumer and Employment Protection, Department of					1						1
Coorow, Shire of					1						1
Culture and the Arts, Department of		1									1
Curtin University of Technology			1	1							2
Environment, Department of			1								1
Fremantle, City of					1						1
Graylands Selby-Lemnos and Special Care Health Service			1	1							2
Health, Department of									1		1
Kalamunda, Shire of					1						1
Main Roads Western Australia										1	1
Melville, City of		1									1
Minister for Planning and Infrastructure									1		1
Police Force of Western Australia		1	1		1	1	1				5
Water Corporation			1	1	1						3
Workers' Compensation and Rehabilitation Commission			1						1		2
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>25</b>

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

## APPEALS TO THE SUPREME COURT

There were no appeals against decisions of the former Information Commissioner filed with the Supreme Court of Western Australia during the past year. Similarly, no appeals against any of my decisions as Acting Information Commissioner were filed in the year under review. One appeal was finalised by the Supreme Court during the year. In that matter, *BGC (Australia) Pty Ltd v Fremantle Port Authority* [2003] WASCA 250, the Supreme Court dismissed BGC's appeal against a decision of the former Information Commissioner and upheld the former Information Commissioner's decision in *Re BGC (Australia) Pty Ltd and Fremantle Port Authority* WAICmr [2002] 23. An appeal was reported in last year's annual report as not yet heard by the Supreme Court. The status of that matter, *Re Thompson and Department of Agriculture* WAICmr [2002] 26 (SJA No. 1094 of 2002), is unchanged.

**TABLE 8: EXTERNAL REVIEW TARGETS AND OUTCOMES**

	TARGET	OUTCOME
Applications finalised	200	198
Satisfaction with review process	90%	86%
Average days to finalise matters	12	21
Cost per application	\$4,325	\$4,812

## 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 making or 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;
- 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;
- 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.

In all courses and briefings for agencies an emphasis is placed on policy development to assist agencies to minimise the impact of FOI on the day to day responsibilities of agencies.

### FOI Coordinator Workshops

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

Four one-day FOI Coordinator workshops were held during the year in the metropolitan and regional areas. The course introduces participants to the FOI legislation and the requirements which must be observed during the processing and deciding of an application. Each session covers requests for information and the process to follow; exemptions; third party consultation; fees and charges; notices of decision and the role of the Information Commissioner. Participants have the opportunity to raise issues of concern and have the process explained to them in a practical way. Participants meet staff of this office who can be contacted should they require assistance when dealing with FOI requests. A comprehensive manual is provided to each participant at the course, for future reference.

The workshops were hosted at the premises of various State and local government agencies who have offered the use of a venue. Thanks to those agencies, this results in costs being kept to a minimum, not only to this office, but also to the agencies. Feedback from participants who attended the workshops is very positive.

### Decision-makers

The half-day decision-makers course assists staff in agencies, including senior managers who may have to be the decision-maker in respect of an application. It covers the options available to agencies when responding to large applications; assisting an applicant re-define the scope of the application; recommended procedures before refusing to deal with an application; the process of decision-making; exemptions; the public interest test; the preparation of a notice of decision that complies with the FOI Act; and the internal and external review processes. Attendees also establish contact with staff of my office who may be called for advice in the future, which is especially useful for those agencies which do not receive applications very often.

### FOI Briefings

General briefings are tailored in each case to meet the needs of applicants or agencies.

**TABLE 9: FORMAL TRAINING AND PRESENTATIONS**

DATE	AUDIENCE
07 July 2003	Ministers' Chiefs of Staff <i>Hosted by Department of the Premier and Cabinet</i>
14 July 2003	Retirees WA Carlisle
24 July 2003	FOI Coordinators Workshop <i>Hosted by Department of Sport and Recreation</i>
18 September 2003	Decision-Makers Forum <i>Hosted by Department of Treasury and Finance</i>
07 October 2003	FOI Coordinators Workshop <i>Hosted by Department of Housing and Works</i>
17 November 2003	FOI Briefing <i>Town of Claremont</i>
20 February 2004	FOI Briefing <i>Environmental Defender's Office Conference 2004</i>
25 February 2004	FOI Coordinators Workshop <i>Hosted by the Water Corporation</i>
11 March 2004	FOI Briefing <i>Department of Industry and Resources</i>
17 March 2004	FOI Briefing <i>Channel 7</i>
5 April 2004	FOI Briefing <i>Shire of Busselton</i>
6 April 2004	FOI Coordinators Workshop <i>Hosted by the Shire of Busselton</i>
5 May 2004	FOI Briefing <i>WorkCover</i>
19 May 2004	FOI Briefing <i>Department of Education Services</i>
22 June 2004	FOI Briefing <i>Department for Planning and Infrastructure</i>
23 June 2004	FOI Briefing <i>West Australian Newspapers - Cadets</i>

The FOI Coordinator’s Workshops included officers from: Department of Agriculture (1 officer); Shire of Albany (1 officer); Shire of Augusta/Margaret River (2 officers); Shire of Busselton (2 officers); City of Claremont (1 officer); Department of Consumer and Employment Protection (6 officers); Department of Culture and the Arts (3 officers); Shire of Dardanup (2 officers); Office of the Deputy Premier (2 officers); Shire of Donnybrook (1 officer); Edith Cowan University (1 officer); Department of Environment (1 officer); Department of Environmental Protection (1 officer); City of Gosnells (1 officer); Shire of Harvey (1 officer); Department of Housing and Works (2 officers); Department of Industry and Resources (2 officers); Shire of Kalamunda (2 officers); Department of Local Government and Regional Development (1 officer); Main Roads Western Australia (1 officer); Shire of Manjimup (2 officers); Office of the Minister for Community Development (1 officer); Office of the Minister for Planning and Infrastructure (1 officer); Office of the Minister for Environment and Heritage (1 officer); Peel/Rockingham/Kwinana Health Services (1 officer); Department for Planning and Infrastructure (2 officers); Department of the Premier and Cabinet (2 officers); South West Area Health Services (1 officer); Department of Sport and Recreation (2 officers); Tourism Commission (2 officers); Water Corporation (2 officers); WorkCover (2 officers); and WorkSafe (2 officers).

The Decision-Makers Forum included 15 officers from the Department of Treasury and Finance.

## WEB SITE AND ELECTRONIC COMMUNICATIONS

The office web site ([www.foi.wa.gov.au](http://www.foi.wa.gov.au)) contains an extensive amount of information about the FOI process. It 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; *Frequently Asked Questions (FAQ’s)* which contains guides to some of the most frequently cited exemption clauses; *Need Help with FOI?*; *About the Information Commissioner*; and *Decisions* made.

The web site allows searches of 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 research 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 has been a steadily increasing number of user sessions, 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](mailto: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.

Office of the Information Commissioner  
Western Australia

**FREEDOM OF INFORMATION**

THE GOVERNMENT OF WESTERN AUSTRALIA

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**News:** [Office Relocation Effective 14 June 2004](#)  
[Decisions D0092004 - D0112004 Added 18 June 2004](#)

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## DEALING WITH CERTAIN TYPES OF APPLICATIONS

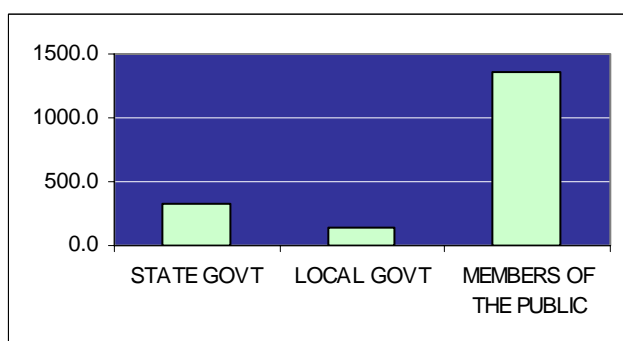
Cases referred to *Advice and Awareness* staff by me require the provision of assistance to either the complainant or the agency concerned, or both. In some cases advice is given about respective rights and obligations under the FOI Act. In others, preliminary enquiries are made to assist in continuing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

## TELEPHONE ENQUIRIES

There were 1,845 telephone calls received during the year (1,879 in 2002/03). Nearly 74% of telephone calls received (70% in 2002/03) were from members of the public seeking advice on how to make an application, or to enquire about or confirm their review rights. The balance 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.

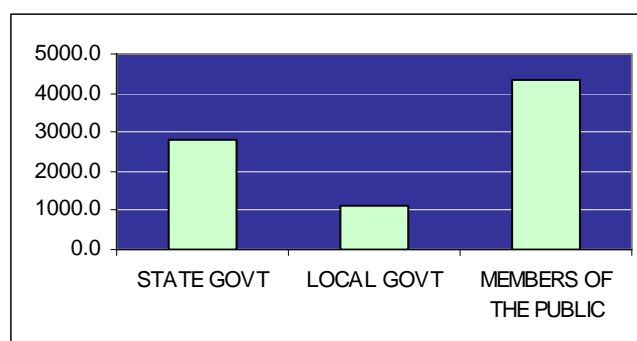
About 50% of the time expended on telephone calls was spent advising agencies of the FOI process and responding to their enquiries.

**FIGURE 5: TOTAL TELEPHONE CALLS**



State 335; local 141; public 1361

**FIGURE 6: TOTAL TIME**



Time spent in minutes: State 2810; local 1110; public 4335

**TABLE 10: ADVICE AND AWARENESS TARGETS AND OUTCOMES**

	TARGET	OUTCOME
Number of applications to agencies	7000	7823
Client satisfaction with services (a)	98%	100%
Timeliness of return phone calls	same day	same day
Response time to written enquiries	2 days	1-2 days
Cost per application to agencies (b)	\$54.28	\$56.57

- (a) *Ascertained by survey of all State and local government agencies. The results of annual surveys 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 will be conducted again in 2006.*
- (b) *This indicator shows the cost of Freedom of Information training, publications and advisory services provided by the office as an average across all applications received and dealt with by agencies.*

## ADMINISTRATION

The functions I am required to perform result 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;
- 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; and
- Annual Report on the workings of the legislation.

The Office has a 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

Other than the retirement of the former Commissioner on 31 October 2003 and my appointment, there were no changes to the staffing of the office. One officer was seconded to the Office of the Ombudsman for part of 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.

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

The office fully participated in a recycling arrangement with building management to recycle 100% of waste paper, cardboard, glass, plastics and aluminum.