

**AGENCY  
PERFORMANCE -  
REPORT ON  
OPERATIONS**

## 2. AGENCY PERFORMANCE—REPORT ON OPERATIONS

### 2.1 SIGNIFICANT DECISIONS DURING THE YEAR

The following section of this Report describes several significant complaints dealt with during the reporting year.

**Closest relative:** Two complaints (*Re J and Police Force of Western Australia* [2008] WAICmr 5 and *Re Knowles and Royal Perth Hospital and Wade* [2008] WAICmr 25) required consideration of the meaning of the term “closest relative”, as used in s.32(3) of the FOI Act, in the context of competing claims by different children of a deceased person. The FOI Act recognises the need to balance the right of access to information in the possession of government agencies against the need to protect personal privacy. Where an applicant requests access to a document which contains personal information relating to another person (the third party), the agency may not give access to the document unless it has taken steps to consult with the third party as to whether the document is exempt under clause 3 of Schedule 1 (personal information). The third party can seek a review of a decision to give access if the decision conflicts with his or her views. Section 32(2) provides that if a third party is dead, then his or her closest relative should be consulted. The issue that arose for determination in the two complaints was who, as between different children, should be regarded as the closest relative of a deceased person for the purposes of the FOI Act. Submissions were made arguing that the closest relative should be determined not according to the order of ‘closeness’ that applies when dealing with matters relating to guardianship or administration of estates but, rather, by reference to the ‘nearness’ of the personal relationship between the deceased and a surviving child. In one case, a younger surviving child argued that that child was closer to the deceased parent than older siblings by virtue of having had a nearby residence to the deceased and in terms of frequency of visiting and assisting the de-

ceased during that person’s lifetime. In the other case, it was argued that, as the deceased had become estranged from the eldest surviving child and had written letters confirming this estrangement, a younger surviving child should be taken to be the closest relative. In both cases, I decided that the ordinary meaning of the term “closest relative”, as used in the FOI Act, lead to an interpretation that favoured the eldest surviving child being taken to be the ‘closest’ relative to the deceased. Some guidance was obtained from the approach taken in the *Guardianship and Administration Act 1990* which prefers the elder or eldest of two or more children as being the “nearest relative” for the purposes of that Act. It is noted that the *Freedom of Information Amendment Bill 2007* will clarify this issue by replacing the term “closest relative” with the term “nearest relative” in the FOI Act and adopting the definition of that term as used in the *Guardianship and Administration Act 1990*.

**Courts and tribunals:** The Supreme Court in *Salaries and Allowances Tribunal v West Australian Newspapers Ltd* [2008] WASC 39 confirmed the decision of Acting Information Commissioner C P Shanahan SC in *Re West Australian Newspapers Ltd & Anor and Salaries And Allowances Tribunal* [2007] WAICmr 20. As a result of the Supreme Court’s decision, it is now clearly established that the Salaries and Allowances Tribunal is not a ‘court’ for the purposes of the FOI Act. The effect is that documents and records held by the Tribunal are open to requests for

**“The FOI Act recognises the need to balance the right of access to information in the possession of government agencies against the need to protect personal privacy.”**

access made under the FOI Act. In consequence, the objects of the FOI Act - which are to enable the public to participate more effectively in the governing of the State, and to make the persons and bodies who are responsible for State and local government more accountable to the public - are served by providing a right of access to documents held by the Tribunal.

**Increasing complexity of complaints:** A significant proportion (8%) of complaints for external review related to disputes between mining and exploration companies seeking or objecting to disclosure of information held by Government agencies, principally the Department of Industry and Resources, or by the relevant Minister. A number of these complaints sought access to information provided under State Agreements (agreements between the State Government and mining

These complaints are indicative of the growing complexity of matters that are coming before the Information Commissioner.

**University research:** My decision in *Re Whitely and Curtin University of Technology* [2008] WAICmr 24 dealt with a complaint from an applicant who was seeking access to documents containing ethical considerations; consultations undertaken with parents of affected children; and research funding arrangements relating to a Curtin University of Technology research project into Attention Deficit Hyperactivity Disorder. A number of the requested documents were released to the applicant by the University. However, the University refused the applicant access to some of the requested documents at first instance, as well as on internal review, claiming a number of exemptions relating to deliberative processes; confidential commu-

***“These complaints are indicative of the growing complexity of matters that are coming before the Information Commissioner.”***

companies that have been ratified by the Parliament). As State Agreements do not expressly exclude application of the FOI Act, the FOI Act applies to allow for applications for access to information held by agencies that was provided under State Agreements. Most of these complaints involved claims for several exemptions including commercial confidentiality, confidential communications and legal professional privilege. Each of those complaints required staff of my office to examine voluminous documents and to interpret numerous statutes and agreements. In addition, a number of other complaints during the year sought access to records associated with litigation before the High Court involving Betfair Pty Ltd, a company jointly owned by the Sporting Exchange Ltd (Betfair’s parent company in the United Kingdom) and Publishing and Broadcasting Ltd, which was seeking to establish a national internet based betting exchange business.

nications; commercial and business information considerations; protection of the State’s financial or property affairs; and impairment of the effective operations of the agency. A third party - a pharmaceutical company, Eli Lilly Australia Pty Ltd - also made submissions to me opposing the disclosure of some of the requested documents. However, I found on external review that the requested documents were not exempt, except for a small amount of personal information, and that there was no good reason why the complainant and the public, generally, should not be made aware of the contents of all of the disputed documents.

## 2.2 INVESTIGATIONS, HEARINGS AND DECISIONS ON COMPLAINTS

Section 70(2) of the FOI Act requires the Information Commissioner to conduct FOI proceedings with as little formality and technicality and with as much expedition as will allow

for a proper consideration of the issues and as permitted by the FOI Act. Usually, complaints are dealt with on the basis of the papers – principally involving the written submissions and an examination of the requested information and other relevant evidence. On some occasions, a complaint may be investigated by way of the parties appearing before staff or before the Information Commissioner in more formal hearings. This year only one such hearing was held. In most cases, written submissions of the parties to the complaint are received, considered and, where appropriate, exchanged between the parties, and investigations undertaken of decisions into, for example, the adequacy of

time); 13(5) (extension of time); 35(1) (waiver of requirement to consult); 66(4) (lodge a complaint out of time); and 66(6) (lodge a complaint without internal review) of the FOI Act.

The process under the FOI Act is that a written application must be made to the agency holding - or likely to hold - the documents sought. The agency must deal with the application in accordance with the FOI Act and give the applicant (and in some cases third parties) written notice of its decision - and if access is refused, reasons - within a maximum of 45 days. If the applicant or a defined third party is dissatisfied with the agency's

***“The external review process is intended to be speedy, accessible and informal where possible and practicable.”***

searches undertaken by agencies in order to identify the requested documents. Following that process, and when reasonable opportunities for conciliation are exhausted; investigations and inquiries completed; and issues still remain in dispute between the parties, the Information Commissioner proceeds to make a formal decision on the complaint pursuant to section 76 of the FOI Act. Those decisions are required to be published either in full or in an abbreviated, summary or note form, in order to ensure that the public is adequately informed of the grounds on which decisions are made. A copy of a decision is given to the parties to the complaint, and is otherwise disseminated by the *Advice and Awareness* sub-program. This year, 35 formal decisions were published, of which 14 were decision notes or summaries.

### **2.3 EXTERNAL REVIEW**

The *Resolution of Complaints (External Review)* team deals with complaints lodged by access applicants, applications for amendment of personal information and third parties seeking external review of decisions made by agencies under the FOI Act. The external review team also deals with applications made under sections 13(4) (reduction of

decision, one or more of those parties may apply to the agency for internal review of the decision. An officer of the agency who is not subordinate to the original decision-maker must deal with the internal review application and give the person seeking review written notice of its decision and reasons, if necessary, within a maximum of 15 days.

Generally, it is only after that process is completed that a complainant or third party who remains dissatisfied with the agency's decision can make a complaint to the Information Commissioner. The role of the Information Commissioner is to conduct a full merits review of the agency's decision. Following that review, the Information Commissioner can decide to confirm, vary or set aside the agency's decision and substitute it with the Information Commissioner's decision. The Information Commissioner's decision is binding on the parties, subject only to a right of appeal to the Supreme Court on a question of law.

The emphasis in the external review process is on informal resolution processes such as conciliation and negotiation where appropriate. Where conciliation cannot be achieved, the determinative function, which involves

more formal processes, is undertaken. The external review process is intended to be speedy, accessible and informal where practicable. It is the policy of the Information Commissioner to avoid, where possible, too technical an approach to external review, whilst recognising that it is necessary and desirable for the external review process to conform to the statutory requirements of the FOI Act; the principles of administrative law; and accepted professional standards of practice in merit review.

Each member of the external review team has been given broad delegated authority by the Information Commissioner to enable those officers to manage and deal with complaints assigned to them, having regard to the nature of each complaint, the issues in dispute between the parties and an initial assessment as to whether there are real prospects that a particular complaint may be resolved through negotiation and conciliation.

That delegation enables external review team members to determine the procedure to be followed in dealing with each complaint, with a view to achieving a conciliated outcome. The procedures followed by members of the external review team during the negotiation and conciliation process are necessarily flexible. For example, in most complaints, conciliation will be pursued through face to face meetings and discussions, usually with officers of the relevant agency in the first instance and then with the complainant. In other complaints - for example, where one or more of the parties resides at a significant distance from the metropolitan area - the procedure adopted will include telephone discussions and correspondence with the parties, as well as inviting the parties to provide written submissions outlining their respective positions on a complaint. Where it is considered appropriate, external review officers have travelled outside the metropolitan area to meet and discuss the issues in dispute with complainants. Submissions are usually exchanged between the parties, in order to

clarify and narrow the issues in dispute between the parties and to give each party an opportunity to respond to the other's case.

The total number of complaints against decisions of agencies (including the informal/invalid complaints lodged with my office in the reporting period) was 123. That means that only 1.20% of all applications dealt with by agencies under the FOI Act (11,015) in the reporting period resulted in complaints being lodged with my office.

In previous annual reports, the former Acting Information Commissioner noted that an unusual feature of the 2004/05, 2005/06 and 2006/07 reporting periods was that almost one quarter of the total number of valid complaints made to the Information Commissioner were lodged by a small number of complainants and that, in most of those cases, the second or third complaints received by the Information Commissioner were in relation to successive access applications made to the same agency by the same complainant. A similar pattern was evident in the 2007/08 reporting period. In this reporting period, a total of 38 complaints (including five informal/invalid complaints) - almost 31% of all of the complaints to my office - were lodged by 8 complainants and, in most cases, the second or third complaints received by my office were in relation to successive access applications made to the same agency by the same complainant.

***“...only 1.20% of all applications dealt with by agencies under the FOI Act (11,015) in the reporting period resulted in complaints being lodged with my office.”***



### 2.3.1 External Review Applications and Other Applications

A total of 155 applications, composed of 123 complaints (including 20 informal/invalid complaints) and 32 other kinds of applications under the FOI Act were received in 2007/2008. Table 1 shows the kinds of applications received.

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

APPLICATIONS FOR EXTERNAL REVIEW	NUMBER
Complaints (including informal/invalid)	123
Section 66(6) applications (No internal review)	12
Section 66(4) applications (Out of time)	8
Sections 66(4) and 66(6) applications	1
Section 35(1): Waiver of requirement to consult	2
Section 13(4): Applications for reduction of time	4
Section 13(5): Applications for extension of time	4
Section 48(3): Request for destruction certificate	1
<b>TOTAL</b>	<b>155</b>

### 2.3.2 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 FOI Act;
- ❖ impose a charge or require the payment of a deposit; or
- ❖ not to amend personal information or make a notation as requested.

The 20 informal/invalid complaints received included complaints about the manner in which an agency had processed or dealt with the complainant's access application or application for amendment, but was not a complaint about a decision of a kind set out in s.65(1) or s.65(3) of the FOI Act.

Table 2 shows a summary of complaints received by agency type.

**TABLE 2: COMPLAINTS RECEIVED (BY AGENCY TYPE)**

AGENCY TYPE	COMPLAINTS		INFORMAL/INVALID		TOTAL	
	No.	%	No.	%	No.	%
State	68	55.28	13	10.57	81	65.85
Minister	9	7.32	2	1.63	11	8.94
Local	26	21.14	5	4.06	31	25.20
<b>TOTAL</b>	<b>103</b>	<b>84</b>	<b>20</b>	<b>16</b>	<b>123</b>	<b>100</b>

Table 3 details the number of complaints received in 2007/08 and the agencies concerned.

**TABLE 3: COMPLAINTS RECEIVED**

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Agriculture and Food, Department of	2		2	Consumer and Employment Protection,	3		3
Agriculture and Food, Minister for	1		1	Corrective Services, Department of		1	1
Attorney General	2		2	Curriculum Council		1	1
Attorney General, Department of the	1	1	2	Curtin University of Technology	1	1	2
Bassendean, Town of	1		1	East Perth Redevelopment Authority		1	1
Belmont, City of	1		1	East Pilbara, Shire of	1		1
Bentley Hospital, SMAHS	2		2	Edith Cowan University	3	1	4
Broome, Shire of	1		1	Education and Training, Department of	4		4
Busselton, Shire of		1	1	Environment and Conservation,	1		1
Cambridge, Town of	1		1	Fisheries, Department of	2		2
Canning, City of	1		1	Fremantle, City of	1		1
Child Protection, Department for	1		1	Fremantle Hospital and Health Service		1	1
Graylands Selby-Lemnos and Special Care Health Service, NMAHS	3	1	4	Planning and Infrastructure, Minister for	1	1	2
Harvey, Shire of	1		1	Planning and Infrastructure, Department for	2	1	3
Health, Minister for	3		3	Police Force of Western Australia	5	3	8
Health, Department of	2		2	Premier and Cabinet, Department of the	2		2
Heritage Council of Western Australia	1		1	Princess Margaret Hospital for Children, C&AHS	1		1
Housing and Works, Minister for	1		1	Psychologists Registration Board	1		1
Housing and Works, Department of	1		1	Public Trust Office	1		1
Indigenous Affairs, Department of	2		2	Racing and Wagering Western Australia	1		1
Industry and Resources, Department of	8		8	Racing, Gaming and Liquor, Department	1		1
Insurance Commission of Western Australia	1		1	Real Estate and Business Agents Supervisory Board	2		2
Joondalup, City of	2	1	3	Rottnest Island Authority	1		1
Kalamunda, Shire of	3		3	Royal Perth Hospital, SMAH	2		2
Kimberley College of TAFE	1		1	Serpentine-Jarrahdale, Shire of	2	1	3
Land Authority (LandCorp), Western Australian	2	1	3	Settlements Agents Supervisory Board	1		1
Legal Practitioners Complaints Committee, The	1		1	South Perth, City of	2		2
Local Government, Minister for	1		1	Stirling, City of	1		1
Mandurah, City of	1		1	Swan, City of	1	1	2
Medical Board of Western Australia	1	1	2	Toodyay, Shire of		1	1
Metropolitan Cemeteries Board	1		1	Treasury and Finance, Department of	1		1
Mundaring, Shire of	5		5	WorkSafe Western Australia	1		1
Murdoch University	1		1	Workers Compensation and Rehabilitation Commission (WorkCover)	1		1
Nedlands, City of	1		1				
				<b>TOTAL</b>	<b>103</b>	<b>20</b>	<b>123</b>

### 2.3.3 Other Applications

Other applications received fell into the following categories:

- ❖ applicants or third parties seeking to lodge complaints out of time pursuant to s.66(4) of the FOI Act, or without internal review pursuant to s.66(6), or both;
- ❖ agencies seeking waiver of the requirement to consult with third parties when processing an application pursuant to s.35(1);
- ❖ applicants seeking a reduction of the permitted period of 45 days within which

an agency must deal with an application (s.13(4)) and agencies seeking an extension of the permitted period (s.13(5)); and

- ❖ agencies requesting that the Information Commissioner issue a certificate authorising the destruction of a document (s.48(3)).

Thirty-two “other” applications were received in 2007/08, the same number received in the previous reporting period. Table 4 gives a detailed breakdown of these applications and the agencies concerned.

**TABLE 4: 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)	EXTENSION OF TIME s.13(5)	REQUEST FOR DESTRUCTION CERTIFICATE S.48(3)	TOTAL
Bassendean, Town of	1							1
Belmont, City of		1						1
Bentley Health Service, SMAH							1	1
Consumer and Employment Protection, Department of		1						1
Edith Cowan University		1						1
Education and Training, Department of					1			1
Energy, Office of						1		1
Environment and Conservation, Department of				1				1
Forest Products Commission	1							1
Health, Department of	1							1
Industry and Resources, Department of	1							1
Kalamunda, Shire of		1			1	1		3
Kalgoorlie-Boulder, City of			1					1
Land Authority (LandCorp), Western Australian		1						1
Manjimup, Shire of		1						1
Nedlands, City of					1			1
Planning and Infrastructure, Department for	1	2						3
Police Force of Western Australia		1						1
Premier and Cabinet, Department of the	1	2						3
Public Advocate, Office of the		1						1
Public Transport Authority	2							2
Salaries and Allowances Tribunal				1				1
Subiaco Redevelopment Authority						1		1
University of Western Australia, The						1		1
Vincent, Town of					1			1
<b>TOTAL</b>	<b>8</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>32</b>



### 2.3.4 External Review Outcomes

A total of 174 applications, made up of 138 complaints (including informal/invalid complaints) and 36 other applications were finalised during the year. Table 5 gives details of the types of applications dealt with in the 2007/08 reporting period.

**TABLE 5: APPLICATIONS DEALT WITH**

TYPE OF APPLICATION	NUMBER
Complaints (including informal/invalid)	138
Section 66(4) Out of time	8
Section 66(6) No internal review	15
Both Section 66(4) and (6)	2
Application for reduction of time	4
Application for extension of time	4
Application for waiver of requirement to consult	2
Application for destruction certificate	1
<b>TOTAL</b>	<b>174</b>

Table 6 shows a summary of the outcomes of complaints finalised during the year, by agency category.

**TABLE 6: OUTCOME OF COMPLAINTS FINALISED (BY AGENCY CATEGORY)**

AGENCY TYPE	CONCILIATED		PUBLISHED DECISION		DECLINED		TOTAL	
	No.	%	No.	%	No.	%	No.	%
State	46	54.12	33	38.82	6	7.06	85	72.65
Minister	8	80.00	2	20.00	0	0.00	10	8.55
Local	19	86.36	1	4.55	2	9.09	22	18.80
<b>Total</b>	<b>73</b>	<b>62.39</b>	<b>36</b>	<b>30.77</b>	<b>8</b>	<b>6.84</b>	<b>117</b>	<b>100.00</b>

**Note:** Table 6 excludes Informal/Invalid complaints

It can be seen from Table 6 that only 38.82% of complaints concerning decisions of State Government agencies, 20% of complaints concerning decisions of Ministers and 4.55% of complaints concerning decisions of local government agencies required resolution by way of a formal decision. Resolution by conciliation was achieved in 54.12% of complaints concerning State Government agencies' decisions, 86.36% of complaints concerning local government agencies' decisions and 80% of complaints concerning decisions by Ministers.

A total of 138 complaints (including 21 informal/invalid complaints) were finalised in the 2007/08 reporting period. Of the 117

formal complaints, as defined in the FOI Act, that were finalised in the 2007/08 reporting period, 36 proceeded to a published decision. One of those published decisions, being the decision made by Acting Information Commissioner C P Shanahan SC, was in relation to two complaints. The agencies' decisions were confirmed on 28 occasions; varied on one occasion; and set aside and substituted on 7 occasions. Seventy two (61.5%) of the valid complaints resolved in the 2007/08 reporting period were resolved by conciliation, without the need for a formal decision. Seven complaints were declined under s.67(1)(a) of the FOI Act (no jurisdiction) and one complaint was declined under s.67(1)(b) of the FOI Act (lacking in substance).

TABLE 7: OUTCOME OF COMPLAINTS FINALISED

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b) *	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Agriculture and Food, Minister for	1					1
Agriculture and Food, Department of		1				1
Albany, City of		1				1
Armadale, City of	1					1
Attorney General	1	1				2
Attorney General, Department of the		1			1	2
Augusta-Margaret River, Shire of	1					1
Bassendean, Town of	1					1
Belmont, City of	1					1
Bentley Health Service, SMAHS	1	1				2
Busselton, Shire of					1	1
Cambridge, Town of	1					1
Child Protection, Department for	1					1
Consumer and Employment Protection, Department of	4	1				5
Corrective Services, Department of					1	1
Corrective Services, Minister for					1	1
Culture and the Arts, Department of					1	1
Curriculum Council					1	1
Curtin University of Technology	1			1	1	3
East Perth Redevelopment Authority					1	1
East Pilbara, Shire of	1					1
Edith Cowan University		4			1	5
Education and Training, Department of	1		1		1	3
Environment and Conservation, Department of	2					2
Fisheries, Department of	1					1
Fremantle, City of	1					1
Fremantle Hospital and Health Service					1	1
Graylands Selby-Lemnos and Special Care Health Service	2	1			1	4
Great Southern Development Commission	1					1
Harvey, Shire of	1					1
Health, Minister for	2					2
Health, Department of	3					3
Heritage, Minister for	1					1
Heritage Council of Western Australia		1		1		2

TABLE 7: OUTCOME OF COMPLAINTS FINALISED (cont...)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b) *	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Housing and Works, Department of	1					1
Indigenous Affairs, Department of	1					1
Industry and Resources, Department of	6	1				7
Insurance Commission of Western Australia	1					1
Joondalup, City of	1				2	3
Kimberley College of TAFE	1					1
Land Authority (LandCorp), Western Australian	1				2	3
Legal Aid Western Australia					1	1
Legal Practitioners Complaints Committee, The	2					2
Local Government, Minister for	1					1
Mandurah, City of	1					1
Medical Board of Western Australia		1			1	2
Metropolitan Cemeteries Board		1				1
Mundaring, Shire of	5					5
Murdoch University		1			1	2
National Trust of Australia (WA)				1		1
Nedlands, City of	1					1
Planning and Infrastructure, Minister for	2	1			1	4
Planning and Infrastructure, Department for	1	1			1	3
Police Force of Western Australia	3	4		1	4	12
Premier and Cabinet, Department of the	1	1				2
Princess Margaret Hospital for Children, C&AHS	1					1
Psychologists Registration Board	1					1
Public Trust Office	1					1
Racing and Wagering Western Australia				1		1
Racing, Gaming and Liquor, Department of	1	2				3
Rottnest Island Authority	1					1
Royal Perth Hospital	1					1
Salaries and Allowances Tribunal				2		2
Serpentine-Jarrahdale, Shire of					1	1
Settlement Agents Supervisory Board	1					1
South Perth, City of	1				1	2
South West Development Commission		1				1
Sport and Recreation, Department of	1					1
Stirling, City of	1					1
Swan, City of	1				1	2

**TABLE 7: OUTCOME OF COMPLAINTS FINALISED (cont...)**

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b) *	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Swan Health Service	1					1
Toodyay, Shire of					1	1
Water Corporation		1				1
Wheatbelt Health Region	1					1
Worker's Compensation and Rehabilitation Commission (WorkCover)	1					1
WorkSafe Western Australia		1				1
<b>TOTAL</b>	<b>73</b>	<b>28</b>	<b>1</b>	<b>7</b>	<b>29</b>	<b>138</b>

\* *The Information Commissioner does not deal with a complaint if it is outside his jurisdiction and may not deal with it if it is frivolous, vexatious, misconceived or lacking in substance (s.67 of the FOI Act). Table 7 includes Informal/Invalid complaints. Eight of the 29 complaints declined related to formal complaints and the remaining 21 related to informal/invalid complaints.*

**TABLE 8: PUBLISHED DECISIONS**

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0122007	"C"	Police Force of Western Australia	20/07/2007
D0132007	De Graaf	Police Force of Western Australia	20/07/2007
D0142007	Poprzeczny and Simmonds	Water Corporation	15/08/2007
D0152007	Deacons	Heritage Council of Western Australia	17/08/2007
D0162007	Weygers	Department of Education and Training	31/10/2007
D0172007	"C"	Graylands Selby-Lemnos and Special Care Health Service	31/10/2007
D0182007	Addisons	Department of Racing, Gaming and Liquor	04/12/2007
D0192007	Addisons	Department of Racing, Gaming and Liquor	04/12/2007
D0202007**	WA Newspapers Ltd and Civil Service Association of Western Australia	Salaries and Allowances Tribunal and Mercer Australia Pty Ltd	10/12/2007
D0212007	Deacons	National Trust of Australia (WA)	20/12/2007
D0222007	Mallet	Edith Cowan University	21/12/2007
D0012008	Sideris	City of Joondalup	14/01/2008
D0022008	Deacons	Heritage Council of Western Australia	15/01/2008
D0032008	Addisons	Racing and Wagering Western Australia	01/02/2008

\*\* D0202007 finalised two complaints: F2006197 & F2006237

**TABLE 8: PUBLISHED DECISIONS (cont...)**

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0042008	Boddington Resources Pty Ltd, Trovex Pty Ltd and Moutier Pty Ltd	Department of Industry and Resources	05/02/2008
D0052008	"J"	Police Force of Western Australia	29/02/2008
D0062008	Magenta Technologies Pty Ltd	Police Force of Western Australia	06/03/2008
D0072008	Ross	Department of the Premier and Cabinet	07/03/2008
D0082008	Preston	Murdoch University	13/03/2008
D0092008	Burns	Department of Agriculture and Food	01/04/2008
D0102008	"A"	City of Albany and Darcy Smith	04/04/2008
D0112008	Buswell	South West Development Commission	16/04/2008
D0122008	Mallet	Edith Cowan University	24/04/2008
D0132008***	Mallet	Edith Cowan University	29/04/2008
D0142008	Knapinski	Department of Consumer and Employment Protection	06/05/2008
D0152008	"B"	Bentley Health Service	16/05/2008
D0162008	McAuley	Metropolitan Cemeteries Board	22/05/2008
D0172008	Midland Brick Company Pty Ltd	WorkSafe WA	22/05/2008
D0182008	Bozinovski	Medical Board of Western Australia	27/05/2008
D0192008	Campbell	Police Force of Western Australia	30/05/2008
D0202008	West Australian Newspapers Ltd	Attorney General	30/05/2008
D0212008	Stapleton	Attorney General	06/06/2008
D0222008	Sideris	Minister for Planning and Infrastructure	18/06/2008
D0232008	Sideris	Department for Planning and Infrastructure	23/06/2008
D0242008	Whitely	Curtin University of Technology	25/06/2008

\*\*\* D0132008 finalised 2 complaints: F2008038 & F2008119

### 2.3.5 Other Applications

There were 36 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 completed (s.66(6)); applications for waiver of the requirement to consult third parties (s.35(1)); applications seeking a destruction certificate (s.48(3)); applications for a reduction of the permitted time for an agency to deal with an access application (s.13(4)); and applications for an extension of the permitted time for an agency to deal with an access application (s.13(5)). These, together with the outcomes, are shown in Table 9.

**TABLE 9: OUTCOME OF OTHER APPLICATIONS FINALISED**

AGENCY	NO INTERNAL REVIEW s.66(6)			OUT OF TIME s.66(4)		BOTH s.66(4) and 66(6)	REDUCTION OF TIME s.13(4)			EXTENSION OF TIME S.13(5)			WAIVER OF REQUIREMENT TO CONSULT s.35(1)		APPLICATION FOR DESTRUCTION CERTIFICATE s.48(3)	TOTAL MATTERS FINALISED
	W	A	R	W	R		W	C	R	W	C	R	W	A		
Bassendean, Town of				1												1
Belmont, City of	1															1
Bentley Health Service, SMAH															1	1
Consumer and Employment Protection, Department of			1													1
Edith Cowan University		1														1
Education and Training, Department of							1									1
Energy, Office of											1					1
Environment and Conservation, Department of													1			1
Forest Products Commission				1												1
Health, Department of					1											1
Industry and Resources, Department of				1												1
Kalamunda, Shire of	1								1	1						3
Kalgoorlie-Boulder, City of						1										1
Land Authority (LandCorp), Western Australian	1															1
Manjimup, Shire of			1													1
Nedlands, City of									1							1
Planning and Infrastructure, Department for	1		1		1											3
Planning and Infrastructure, Minister for	2															2
Police Force of Western Australia	1		1													2
Premier and Cabinet, Department of the	1		1		1											3
Public Advocate, Office of the	1															1
Public Transport Authority				2												2
Salaries and Allowances Tribunal														1		1
Subiaco Redevelopment Authority										1						1
University of Western Australia, The											1					1
Victoria Plains, Shire of						1										1
Vincent, Town of								1								1
<b>TOTAL</b>	<b>9</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>36</b>

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



## 2.4 ADVICE AND AWARENESS

The *Advice and Awareness* team provides members of the public and agencies with advice and assistance in exercising their respective rights and obligations by giving advice on how to follow the correct procedures for making or dealing with an application under the FOI Act. Policy development within agencies is encouraged so that the impact of the obligations imposed on the day-to-day operations of agencies by the FOI Act is minimised. Many potential disputes are resolved informally with the assistance of my staff.

All members of my staff undertake the following functions for which the *Advice and Awareness* team is primarily responsible:

- ❖ training courses for agency staff;
- ❖ targeted workshops/seminars;
- ❖ provision of assistance, briefings and advice to agencies on the processes required by the FOI Act;
- ❖ provision of advice and assistance to members of the public on the procedure for exercising their rights under the FOI Act;
- ❖ visits to country regions;
- ❖ 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 in reporting to Parliament; and
- ❖ executive support including matters relating to the management and funding of the Office.

### 2.4.1 Training Courses and Briefings

The Office is proactive in raising awareness and understanding of the procedures and processes prescribed by the FOI Act. Apart from requests received for training or assistance, public sector needs are identified from a survey of agencies. Due to staff turnover, there is a periodic need in agencies for new staff to be briefed on the FOI process and agencies' obligations. This is done by conducting workshops, special forums, briefings, seminars, or presentations for FOI Coordinator's 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 speakers in response to invitations from any organisations requiring an explanation of the FOI process.

A number of formal briefings, presentations and training sessions were conducted throughout the year under review. General briefings are tailored in each case to meet the needs of applicants or agencies. Briefings, presentations and training sessions given by staff of the Office are shown in Table 10 on the following page.

**TABLE 10: FORMAL TRAINING AND PRESENTATIONS**

DATE	PRESENTATION STYLE	AUDIENCE
29 August 2007	FOI Coordinator's Workshop	Officers from State and local government agencies
26 September 2007	FOI Coordinator's Workshop	Officers from State and local government agencies
24 October 2007	Decision-makers Forum	Officers from State and local government agencies
7 November 2007	FOI Briefing	Graylands Selby-Lemnos and Special Care Health Service
14 December 2007	FOI Briefing	Chemistry Centre
15 January 2008	FOI Coordinator's Workshop	Officers from State and local government agencies
22 January 2008	FOI Briefing	City of Nedlands
23 January 2008	FOI Briefing	Rossmoyne Rotary
10 March 2008	FOI Briefing	Graylands Selby-Lemnos and Special Care Health Service
6 February 2008	FOI Briefing	Rottnest Island Authority
13 February 2008	FOI Briefing	Rottnest Island Authority
19 February 2008	FOI Coordinator's Workshop	Officers from State and local government agencies
10 March 2008	FOI Briefing	Graylands Selby-Lemnos and Special Care Health Service
18 March 2008	Decision-makers Forum	Officers from State and local government agencies
2 April 2008	FOI Briefing	Probus - Mt Pleasant
16 April 2008	FOI and Privacy Laws Presentation	WA Chapter of Australian Records Management Association
24 April 2008	FOI Coordinator's Workshop	Officers from State and local government agencies
7 May 2008	FOI Coordinator's Workshop	Officers from State and local government agencies
21 May 2008	FOI Coordinator's Workshop	Officers from State and local government agencies
12 June 2008	FOI Briefing	Grievance Forum - Officers from State government agencies
19 June 2008	FOI and Privacy Laws Presentation	Perth Legal Counsel Forum

### 2.4.2 FOI Coordinator Workshops

Workshops are scheduled based on the level of demand and are conducted by the office, at no charge to agencies. Seven 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 when dealing with an FOI application. Each session covers requests for information and the process to follow; exemptions; third party consultation; application 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 the 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.

A benefit of the shared resources arising from collocation with other accountability agencies is that we were able to host the majority of the FOI Coordinator's workshops in 2007/08 at our own premises. Feedback from participants who attended the workshops was very positive.

**TABLE 11: FOI COORDINATOR'S WORKSHOPS - ATTENDEES**

Acacia Prison (1)	Manjimup, Shire of (1)
Agriculture and Food, Department of (1)	Melville, City of (1)
Armadale Health Service (2)	Metropolitan Cemeteries Board (1)
Attorney General, Department of the (1)	Mindarie Regional Council (1)
Belmont, City of (1)	Mirrabooka Community Mental Health (1)
Bentley Hospital (3)	Murray, Shire of (1)
Bunbury Regional Hospital (1)	Osborne Park Hospital (1)
Carnarvon Hospital (1)	Peel Health Campus (1)
Chemistry Centre (WA) (1)	Perth, City of (1)
Child Protection, Department of (1)	Planning and Infrastructure, Office of the Minister for (1)
Claremont, Town of (1)	Plantagenet, Shire of (1)
Consumer and Employment Protection, Department of (14)	Police Force of Western Australia (2)
Corrective Services, Department of (1)	Public Sector Standards Commissioner, Office of the (1)
Cunderdin, Shire of (1)	Rockingham-Kwinana District Hospital (2)
East Perth Redevelopment Authority (2)	Rottneet Island Authority (1)
Edith Cowan University (3)	Royal Perth Hospital (1)
Education and Training, Department of (1)	Serpentine Jarrahdale, Shire of (2)
Education and Training; South West, Office of the Minister for (1)	South Perth, City of (1)
Energy; Resources; Industry and Enterprise, Office of the Minister for (1)	State Library WA (2)
Environment and Conservation, Department of (2)	Stirling, City of (2)
Exmouth Hospital (1)	Subiaco, City of (1)
Fremantle Hospital (2)	Swan TAFE (2)
Fremantle, City of (3)	Swan, City of (1)
Geraldton Hospital (3)	Treasury and Finance, Department of (5)
Graylands Hospital (1)	University of Western Australia, The (1)
Harvey, Shire of (1)	WA Country Health Service – Area Office (1)
Health Review, Office of (3)	WA Country Health Service – Goldfields (2)
Health, Department of (1)	WA Country Health Service – Kimberley (1)
Horizon Power (2)	WA Country Health Service – Pilbara (1)
Industry and Resources, Department of (1)	WA Country Health Service – Wheatbelt (1)
Joondalup Health Campus (1)	Wanneroo, City of (2)
Joondalup, City of (1)	Water Corporation (2)
Kununurra District Hospital (1)	Water, Department of (1)
Landgate (4)	Western Australian Electoral Commission (1)
Legal Aid Western Australia (1)	Western Australian Museum (1)
Legal Practice Board, The (1)	Western Power (2)
Legal Practitioners Complaints Committee. The (2)	York, Shire of (1)
Mandurah, City of (12)	<b>Note:</b> # of officers in attendance shown in brackets

### 2.4.3 Decision-makers' Forums

The half-day decision-makers' forum assists staff in agencies, including senior managers, to act as the decision-maker in respect of an application. It covers the options available to agencies when responding to large applications; assisting an applicant to 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 prepa-

ration 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 that do not receive many applications. Two of these were conducted in 2007/2008, attended by a total of 30 officers of State Government agencies and 3 officers of local government agencies.

**TABLE 12: DECISION MAKER'S FORUMS - ATTENDEES**

Armadale Health Service (1)	King Edward Memorial / Princess Margaret Hospitals (1)
City of Nedlands (1)	Legal Practice Board, The (1)
City of Wanneroo (1)	Mirrabooka Community Mental Health (1)
Department of Consumer and Employment Protection (3)	Office of Health Review (3)
Department of Environment and Conservation (1)	Public Sector Standards Commissioner, Office of the (2)
Department of Industry and Resources (1)	Police Force of Western Australia (1)
Department of the Attorney General (1)	Shire of Manjimup (1)
Department of Treasury and Finance (5)	Swan Kalamunda Health Service (2)
Department of Water (3)	Synergy (1)
Edith Cowan University (1)	Water Corporation (1)
Graylands Hospital (1)	

**Note:** # of officers in attendance is shown in brackets

### 2.4.4 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 (FAQs)* which contains guides to the FOI process and some of the most frequently cited exemption clauses; and *Decisions* which contains copies of all formal decisions made on complaints.

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. The section *What's New/Training* contains the latest news and training information available. *Contact Us* provides our contact details.

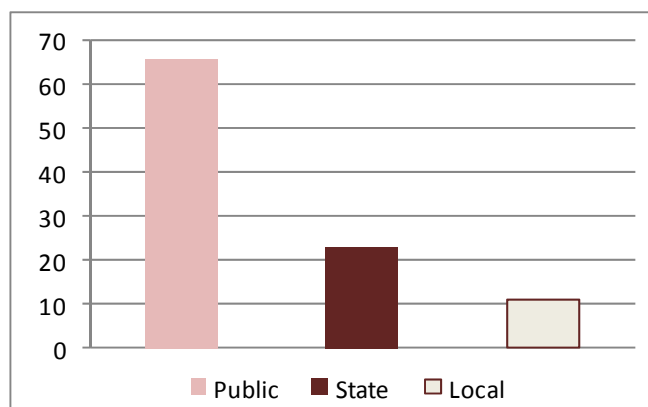
We have received positive feedback about our web site, particularly for its user-friendly links and the amount of information readily available. There has been a steadily increasing number of user sessions, which illustrates a high level of interest in FOI generally; in the process to follow in making an application; and in my published decisions. Over the course of the 2007/08 financial year there were 175,213 distinct visits made to the web site. 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 through our website.

### 2.4.5 Telephone Enquiries

There were 1,942 telephone enquiries received during the year (2,020 in 2006/07). Over 66% (1,282) of telephone enquiries received (64% in 2006/07) 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 (23%-448) and local government (11%-212) agencies seeking assistance in dealing with access applications or advice regarding other statutory obligations under the FOI Act.

**FIGURE 1**  
**Telephone Enquiries**



### 2.4.6 Written Enquiries

Written requests for advice and misdirected access applications are dealt with almost exclusively by members of the *Advice and Awareness* team. The average turnaround time for responses to written enquiries of this nature is two days. These matters are separately identified and reported on as part of the *Advice and Awareness* output.

There were 302 written enquiries for advice and assistance received and dealt with during the year. The written enquiries were received by letter and by email.

Seventy two of these were misdirected access applications. That is, they were applications which should have been sent to the agency holding the documents sought and not to this Office. As in past years, the agencies the subject of the greatest number of misdirected applications were the Police Force of Western Australia (24) and the Department of Corrective Services (14). Written enquiries, including misdirected applications, resulted in advice being given to the correspondent as to the proper procedures to be followed or other matters relating to the administration of the FOI Act. In some cases, where the enquiry was from an applicant, enquiries were also made with the agency concerned to ascertain the status of the application to assist this Office in responding helpfully to the applicant and, if necessary, advice was also given to the agency in those cases.

Table 11 shows a summary of applications that were mistakenly directed to this office instead of to the agency holding the documents.



TABLE 13: MISDIRECTED APPLICATIONS RECEIVED

AGENCY	TOTAL	AGENCY	TOTAL
Acacia Prison	2	Graylands Selby-Lemnos and Special Care Health Service, NMAHS	2
Attorney General, Department of the	1	Insurance Commission of Western Australia	1
Bentley Hospital, SMAH	1	Joondalup Health Campus	1
Chapman Valley, Shire of	1	Melville, City of	1
Child Protection, Department for	1	PathWest Laboratory Medicine WA	1
Communities, Department for	1	Planning and Infrastructure, Department for	3
Consumer and Employment Protection, Department of	1	Police Force of Western Australia	24
Corrective Services, Department of	14	Psychologists Registration Board of WA	1
Corrective Services, Minister for	1	Royal Perth Hospital, SMAH	2
Disability Services Commission	1	Sir Charles Gairdner Hospital, NMAHS	3
Environment and Conservation, Department of	1	Women's and Newborn Health Service, NMAHS	1
Fire and Emergency Services Authority	1	Unknown Agency	7
		<b>TOTAL</b>	<b>73</b>

### 2.4.7 Information Statement Survey

To determine the level of compliance with s.96 of the FOI Act - which requires agencies to publish an up-to-date Information Statement about the agency every twelve months - a survey was incorporated within the annual statistical return and sent to 152 State government and 140 local government agencies.

The survey was in three parts: the first required the agency to provide statistics as required by s.111(3) of the FOI Act; the second asked for feedback on the advisory services provided by my Office; and the third requested information in relation to the agency's Information Statement. Responses were received from 271 government agencies (93%). Of those responses, 5 State government agencies (3%) failed to complete the Information Statement section as did 16 of the local government agencies (11%).

The survey asked agencies to respond to the

following questions about the agency's Information Statement:

- ❖ ***Are the details contained in your Information Statement current?***
- ❖ ***When was the Information Statement last reviewed and updated?***
- ❖ ***When was your Information Statement last republished?***
- ❖ ***Is the Information Statement published in your agency's annual report or as a "stand alone" document?***
- ❖ ***In what form is the Information Statement published (hardcopy, electronic, both)?***
- ❖ ***If available in electronic form, what is the web address of the document?***
- ❖ ***If only available in hardcopy form, and a copy has not been provided within the last 12 months, when can a current copy be expected to be delivered to my office?***



Responses to the question “When was your Information Statement last reviewed?” indicated that 29% of responding agencies last reviewed their Information Statements in 2008; 39% in 2007; 9% in 2006; and 8.5% before 2005. Fourteen and a half percent (14.5%) did not indicate or did not respond.

Agencies’ responses indicated that 23% published an Information Statement in 2008; 39% in 2007; 10% in 2006; and 8% before 2005. Twenty-eight (20%) did not indicate or did not respond.

One hundred and seventy agencies advised that their Information Statement is published as a stand alone document; 98 agencies incorporated the statement in their annual report; and a number did not respond.

One hundred and nine agencies (40%) stated that the Information Statement was available in hardcopy; 44 (16%) stated that it was available electronically; and 115 (43%) stated it was available both as a hardcopy document and electronically, and a number did not respond.

Only 79 State and local government agencies have provided the Information Commissioner with an electronic copy or hard copy of their updated Information Statement in the past 12 months. All of the Information Statements received have been analysed for compliance with the FOI Act, which prescribes what the Information Statement is required to contain, which includes:

- ❖ a statement of the structure and functions of the agency;
- ❖ a description of the ways in which the functions of the agency (including, in particular, the decision-making functions) affect members of the public;
- ❖ a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the performance of the agency’s functions;
- ❖ a description of the kinds of documents that are usually held by the agency in-

cluding: which kinds of documents can be inspected at the agency under a written law other than the FOI Act (whether or not inspection is subject to a fee or charge); which kinds of documents can be purchased; and which kinds of documents can be obtained free of charge;

- ❖ a description of the agency’s arrangements for giving members of the public access to the documents mentioned above, including details of library facilities of the agency that are available for use by members of the public;
- ❖ a description of the agency’s procedures for giving members of the public access to the documents of the agency under Part 2 of the FOI Act including: the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and the address or addresses at which access applications can be lodged; and
- ❖ a description of the agency’s procedures for amending personal information in the documents of the agency under Part 3 of the FOI Act including: the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and the address or addresses at which applications for amendment of personal information can be lodged.

Of the Information Statements provided, the majority did describe their agency’s structure and function, the kinds of documents held, the operation of the FOI Act and the agency’s FOI procedures. Fewer contained information concerning the ways in which their functions affect members of the public or how the public can participate, if at all, in the formulation of policy or carrying out of functions.

A number of the Information Statements described the agency’s structure and functions but did not describe the FOI process which would be of assistance to applicants. Other agencies adequately described the FOI process but did not give sufficient details about the agency.

Each agency that provided an Information Statement has been given feedback about its Information Statement and, where necessary, how it can be changed to comply with the FOI Act.

One of the issues of concern outlined in previous annual reports of the Information Commissioner was the application fee and charges. A number of Information Statements outlined a regime of fees and charges that did not accord with the prescribed regime. Each individual agency whose statement did not comply has been notified that the application fee and charges that can be imposed are those prescribed by the *Freedom of Information Regulations 1993* and they therefore cannot be varied by individual agencies.

A previously identified issue which remains of concern is that some agencies require access applicants to complete an application form prepared by the agency. There is no requirement under the FOI Act for an access applicant to complete an application form provided by an agency. The FOI Act requires that applications be in writing; give enough information to enable identification of the requested documents; give an address in Australia; and be lodged at the agency accompanied by an application fee (where the application is for non-personal information). If an application in that form is received by an agency, it is a valid application regardless of whether it is on an agency provided form and must be dealt with by the agency accordingly. Although the use of a *pro forma* form may be helpful to the agency and, in some cases, may help the applicant to make a valid application, an agency cannot insist on its own form being used and, if it refuses to accept or deal with an application solely on that basis, it will be in breach of its obligations under the FOI Act.

Forty-four agencies reported their Information Statements were available on the web. The agency's websites were checked with varying results. Of the 44 agencies, the Information

Statements of 35 were readily accessible via the agency's website. Unfortunately, however, 1 was difficult to locate and, in a further 8 cases could not be found. The Information Statements of 7 agencies could be improved by providing additional detail. I recommend to those agencies that enhancements be made on their websites to make the Information Statement more readily accessible. If it is not easily accessible by my staff, then it will not be easily accessible by members of the public and therefore not serving the purpose intended by the FOI Act. My office continues to monitor the website of each agency that has advised that its Information Statement is published on its website to ascertain if each is easy to access. Feedback will be given where this is not the case.

It is the responsibility of agencies to comply with the FOI Act, and my office will continue to monitor the use of the internet to publish Information Statements and will follow up with those agencies that do not meet their responsibilities under ss.96-97.

***“My office continues to monitor the website of each agency that has advised that its Information Statement is published on its website to ascertain if each is easy to access.”***

## 2.5 ADMINISTRATION

My statutory function under the FOI Act necessitates the delivery of a range of services to the public, agencies and Parliament, and include:

- ❖ *complaint resolution;*
- ❖ *giving advice about the FOI Act and procedures;*
- ❖ *the publication of formal decisions on complaints;*
- ❖ *the distribution of awareness raising and educational material;*
- ❖ *talks and information sessions for community groups;*
- ❖ *a free-call telephone line for country callers;*
- ❖ *a web site located at <http://www.foi.wa.gov.au>;*
- ❖ *a telephone advisory service;*
- ❖ *FOI training sessions;*
- ❖ *specifically tailored meetings or advisory sessions for agencies; and*
- ❖ *providing an 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

Except for my appointment in November 2007 as Acting Information Commissioner following the expiry of former Acting Information Commissioner Darryl Wookey's term of appointment, there has been no resignations or appointments of new staff to the office. During the year Mr David Paice was seconded to the office from the

Department of the Premier and Cabinet to assist during the absence on extended leave of a staff member.

### SUPPORT SERVICES

Corporate service support, consisting of financial and human resources services including workplace safety, disability services, equal opportunity employment and language services when required, is provided by the Department of the Attorney General 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 the Attorney General is acknowledged and appreciated.

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