

**DISCLOSURES
AND
LEGAL COMPLIANCE**

4. DISCLOSURES AND LEGAL COMPLIANCE

4.1 Delegations

The delegation power in s.79 prohibits the Commissioner from delegating the power under s.75 to require production of documents and under s.76 to make decisions. This restriction means the exercise of the investigatory and decision-making powers is necessarily limited to the individual Commissioner’s availability, which, given the office’s commitment to making more timely decisions, is problematic. Consequently, in order to ameliorate this constraint, the Act should be amended to allow the powers in s.75 and 76 to be exercised by delegation to a senior staff member. Consistency of decisions can be assured because the normal rules for construction of the power to delegate (contained in s.59 of the *Interpretation Act 1984*) mean that the Commissioner is not precluded by such a delegation from exercising the power, and can impose conditions, qualifications and exceptions on such delegations.

4.2 Compliance with Other Acts

Compliance with legislative and associated reporting requirements which apply to the office and which is not dealt with elsewhere in this report is reported below.

Disability Services Act 1993 (s.29): Work continues on the implementation of the office’s Disability Access and Inclusion Plan (DAIP) to ensure the six goals of the DAIP continue to be met.

Electoral Act 1907 (s.175ZE): The table below lists expenditure incurred on advertising, market research polling, direct mail or media advertising activities during the year.:

TABLE 14: ADVERTISING EXPENDITURE

Expenditure Category	Details	Amount
Advertising	Vacancy	\$433.03
Advertising	FOI Review	\$5497.32

State Records Act 2000 (s.61), and State Records Commission Standards, Standard 2, Principle 6: The first revision of the Office’s Record Keeping Plan was approved by the State Records Commission on 23 March 2009. The office administrative record keeping system adheres to the Keyword AAA record keeping system, and the office Records Manager has the responsibility of ensuring that all records are properly logged and filed. The Records Manager attends workshops and seminars on records management issues as required, and further staff instruction on the record keeping practices of the OIC is conducted.

Occupational Health and Safety Act 1984: The office is committed to an occupational safety and health and injury management system which has been established by the OIC for the benefit of all staff. A documented injury management system was developed during the 2007/08 financial year which is compliant with the *Workers’ Compensation and Injury Management Act 1981* and the associated *Workers’ Compensation Code of Practice (Injury Management) 2005*. This system has been formally introduced to staff and is made available through the OIC’s Knowledge Management System.

An ergonomic assessment of individual staff workstations and the office environment was conducted by Ergonomica in June 2009. This was supported by group education sessions on safe work practices. A further assessment of occupational safety and health management systems is planned for the 2010/11 financial year, following the implementation of the DTF Shared Services Occupational Safety & Health and Workers Compensation solution.

The accountability agencies meet on a regular basis to discuss a range of issues including matters related to occupational health and safety. Any matters of note to employees are raised at the monthly office management meeting which is

the formal mechanism by which consultation occurs with employees on occupational safety and health matters.

Two staff, the Information Commissioner and the Information Services Manager, attended a course entitled "Monitor a Safe Workplace" regarding the implementation and monitoring of occupational health and safety and injury management policies, procedures and programs to meet legislative requirements.

Performance against injury management targets for 2009/10 is outlined in the table below.

Public Sector Management Act 1994, s.31(1)

There were no compliance issues arising during the financial year regarding the Public Sector Standards, the WA Code of Ethics, or the agency Code of Conduct. The OIC has also introduced a Grievance Policy based on the OPSSC Employee Grievance Resolution Standard.

Government Policies

The OIC endeavours to comply with government policies insofar as they do not interfere with or compromise the independence of the operation of the OIC from executive government.

TABLE 15: INJURY MANAGEMENT TARGETS

<i>Indicator</i>	<i>Target 2009/10</i>	<i>Actual 2009/10</i>
Number of fatalities	Zero (0)	0
Lost time injury/disease (LTI/D) incidence rate	Zero (0) or 10% reduction on previous year	0
Lost time injury severity rate	Zero (0) or 10% improvement on previous year	0
Percentage of injured workers returned to work within 28 weeks	Actual percentage result	N/A
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	100%

This page has been left blank intentionally.