



**Office of the
Information Commissioner**

Freedom of information for Western Australia

**ANNUAL REPORT
2014/2015**

OIC STATISTICS

Section 111 of the FOI Act requires the Commissioner to provide a report to the Speaker of the Legislative Assembly and the President of the Legislative Council on the operation of the legislation during the financial year. As well as providing data on the operation of the FOI Act across the sector (see following section on 'Agency Statistics'), the Commissioner is required to provide data as follows:

- the number of complaints made to the Commissioner and the results of the complaints;
- the number of other applications made to the Commissioner and the results of those applications; and
- the number of appeals to the Supreme Court and the results of those appeals.

The following is the statistical data reflecting complaints and applications made to the OIC during the year, and their outcomes. Details of Supreme Court appeals are outlined under Significant Issues and Trends.

For reference, a 'complaint' is a request for external review on a decision of an agency made under the FOI Act. An 'application' refers to other types of requests made to the Commissioner, including: a request to lodge an application for external review when no internal review has been completed or the time limit within which to lodge an external

review has expired; requests from agencies to waive the requirement to consult with third parties; and requests for an extension or reduction of time within which agencies are required to deal with an application.

Other statistical data in respect of the OIC's operations are also included in this section.

Table 1: Applications received and dealt with by the Information Commissioner

APPLICATIONS FOR EXTERNAL REVIEW	No. RECEIVED	No. DEALT WITH
Complaints - valid	167	160
Complaints - informal / invalid	18	18
Section 66(6) - applications - no internal review	8	8
Section 66(4) - applications - out of time	5	5
Section 13(4) - applications for reduction of time	3	3
Section 13(5) - applications for extension of time	3	3
Section 35(1) - waiver of requirement to consult	1	1
TOTAL	205	198

Table 2: Breakdown of valid complaints made to the Information Commissioner

APPLICANT GROUP	No.	AGENCY GROUP	No.
Individual Citizen	98	Department (ex. Police & Health)	72
Company	20	Local Government	29
Media	19	Health Related	10
Member of Parliament	16	Minister	15
Prisoner	12	Board, Committee, Commission, Authority, Corporation	27
Not for Profit	2	Police	13
		University	1
TOTAL	167	TOTAL	167

Table 3: Complaints received by the Information Commissioner

AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies:			
Aboriginal Affairs, Department of	1	0	1
Agriculture and Food, Department of	3	1	4
Attorney General, Department of the	1	0	1
C&AHS – Princess Margaret Hospital for Children	3	1	4
Child Protection and Family Support, Department for	3	1	4
Commerce, Department of	1	0	1
Corrective Services, Department of	5	0	5
Culture and the Arts, Department of	11	0	11
Curtin University of Technology	0	1	1
Education, Department of	2	0	2
Education Services, Department of	1	0	1
Environment Regulation, Department of	1	0	1
Environmental Protection Authority, Office of the	1	0	1
Finance, Department of	2	0	2
Fisheries, Department of	3	0	3
Government Employees Superannuation Board	1	0	1
Health, Department of	1	1	2
Insurance Commission of Western Australia	1	0	1
Landgate	2	0	2
Lands, Department of	2	0	2
Local Government and Communities, Department of	2	0	2
Metropolitan Cemeteries Board	1	0	1
Mines and Petroleum, Department of	7	0	7

AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies (cont):			
NMAHS – Sir Charles Gairdner Hospital	1	0	1
Planning, Department of	2	1	3
Police, Western Australia	13	4	17
Premier and Cabinet, Department of the	10	0	10
Public Advocate, Office of the	1	0	1
Public Transport Authority	11	0	11
Rottneet Island Authority	1	0	1
SMAHS – Armadale Health Service	0	1	1
SMAHS – Fremantle Hospital and Health Service	1	0	1
SMAHS – Royal Perth Hospital	4	0	4
Sport and Recreation, Department of	2	0	2
State Development, Department of	1	0	1
State Solicitor's Office	2	0	2
Tourism Commission, Western Australian	1	0	1
Transport, Department of	8	3	11
University of Western Australia, The	1	1	2
Water, Department of	1	0	1
Water Corporation	1	0	1
Western Power	4	0	4
WorkCover Western Australia Authority (WorkCover WA)	1	0	1
WorkSafe Western Australia	1	0	1
Zoological Parks Authority	1	0	1
<i>Sub-total: State Agencies</i>			123 15 138

OIC STATISTICS

AGENCY	COMPLAINTS	INVALID	TOTAL
Local Agencies:			
Albany, City of	1	0	1
Bayswater, City of	0	1	1
Bunbury, City of	0	1	1
Chittering, Shire of	1	0	1
Cockburn, City of	1	0	1
Dardanup, Shire of	3	0	3
Dowerin, Shire of	1	0	1
Gosnells, City of	3	1	4
Murchison, Shire of	1	0	1
Nedlands, City of	2	0	2
Port Hedland, Town of	4	0	4
Serpentine/Jarrahdale, Shire of	1	0	1
Stirling, City of	1	0	1
Swan, City of	1	0	1
Victoria Park, Town of	1	0	1
Wanneroo, City of	4	0	4
York, Shire of	4	0	4
<i>Sub-total: Local Agencies</i>	29	3	32

AGENCY	COMPLAINTS	INVALID	TOTAL
Ministers:			
Aboriginal Affairs, Minister for	1	0	1
Attorney General	2	0	2
Energy, Minister for	1	0	1
Environment, Minister for	4	0	4
Finance, Minister for	1	0	1
Health, Minister for	1	0	1
Local Government, Minister for	2	0	2
Mines and Petroleum, Minister for	2	0	2
Treasurer	1	0	1
<i>Sub-total: Ministers</i>	15	0	15
TOTAL	167	18	185

Table 4: Other applications received

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL
Agriculture and Food, Department of				1		1
Bunbury, City of	1					1
Corrective Services, Department of	2	1				3
Fremantle Port Authority				1		1
Gosnells, City of		1				1
Great Southern Development Commission	1					1
Harvey, Shire of		1				1
Melville, City of		1				1
Mines and Petroleum, Department of			1			1
Perth Market Authority				1		1
Planning, Department of		1				1
Police, Western Australia		1	2			3
Public Transport Authority		1				1
Rockingham, City of		1				1
Stirling, City of	1					1
York, Shire of					1	1
TOTAL	5	8	3	3	1	20

Table 5: Outcome of complaints finalised (by agency and category)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
State Agencies:						
Aboriginal Affairs, Department of			1		2	3
Agriculture and Food, Department of	1	2		1	1	5
Attorney General, Department of the	1				1	2
C&AHS – Princess Margaret Hospital for Children		1			3	4
Child Protection and Family Support, Department for	2	1			1	4
Commerce, Department of	1				1	2
Corrective Services, Department of	4				1	5
Culture and the Arts, Department of		8				8
Curtin University of Technology					1	1
Education, Department of	4	2				6
Education Services, Department of					1	1
Environment Regulation, Department of	1					1
Fisheries, Department of		1		1		2
Fremantle Port Authority	2					2
Government Employees Superannuation Board	1					1
Health, Department of					1	1
Housing, Department of					1	1
Insurance Commission of Western Australia					3	3
Land Authority (LandCorp), Western Australian	2					2
Landgate		1				1
Metropolitan Cemeteries Board	1					1

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
State Agencies (cont):						
Mines and Petroleum, Department of	4	1			3	8
NMAHS – Mental Health	1				3	4
Pilbara Ports Authority					1	1
Planning, Department of					2	2
Police, Western Australia	2				8	10
Premier and Cabinet, Department of the	8			2		10
Public Transport Authority	4					4
Rottnest Island Authority	1			1		2
SMAHS – Armadale Health Service					1	1
SMAHS – Fremantle Hospital and Health Service		1				1
SMAHS – Royal Perth Hospital	1	1			3	5
Sport and Recreation, Department of	1					1
State Development, Department of			1	1		2
State Solicitor's Office					1	1
Synergy	1					1
Tourism Commission, Western Australian	1					1
Transport, Department of	7				4	11
University of Western Australia, The					2	2
WACHS – South West					1	1
Water, Department of	1					1
Water Corporation	1					1
Western Power	4					4
WorkSafe Western Australia	1					1

OIC STATISTICS

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
State Agencies (cont):						
Zoological Parks Authority	1					1
<i>Sub-Total: State Agencies</i>	59 (44.7%)	19 (14.4%)	2 (1.5%)	6 (4.6%)	46 (34.8%)	132 (74.1%)
Local Agencies:						
Albany, City of	1					1
Augusta-Margaret River, Shire of				1		1
Bayswater, City of					1	1
Bunbury, City of	1				3	4
Chittering, Shire of					1	1
Cockburn, City of	1				1	2
Dardanup, Shire of	1					1
Dowerin, Shire of	1					1
Exmouth, Shire of				1		1
Gosnells, City of	1				3	4
Murchison, Shire of	1					1
Murray, Shire of	1					1
Nedlands, City of	1					1
Port Hedland, Town of	4					4
Serpentine/Jarrahdale, Shire of	1					1
South Perth, City of		1				1

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Local Agencies (cont):						
Stirling, City of					1	1
Swan, City of				1		1
Victoria Park, Town of					1	1
Wanneroo, City of	3					3
York, Shire of	1			1	1	3
<i>Sub-Total: Local Agencies</i>	18 (51.4%)	1 (2.9%)	0 (0.0%)	4 (11.4%)	12 (34.3%)	35 (19.7%)
Ministers:						
Aboriginal Affairs, Minister for	1					1
Attorney General	1				1	2
Environment, Minister for	2					2
Finance, Minister for	1					1
Health, Minister for	1					1
Local Government, Minister for					1	1
Mines and Petroleum, Minister for	2					2
Treasurer	1					1
<i>Sub-Total: Ministers</i>	9 (81.8%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (18.2%)	11 (6.2%)
Totals	86 (48.3%)	20 (11.2%)	2 (1.1%)	10 (5.6%)	60 (33.7%)	178 (100%)

Note: The Information Commissioner may not deal or stop dealing with a complaint if it is outside his jurisdiction or if it is frivolous, vexatious, misconceived or lacking in substance. Table 5 includes Informal/Invalid complaints. Forty two of the complaints declined related to formal complaints and the remaining 18 declined related to informal/invalid complaints.

Table 6: Published decisions

Decision #	Complainant	Agency	Decision Date
D0132014	Jamieson	City of South Perth	03/07/2014
D0142014	'F'	Department of Fisheries	04/07/2014
D0152014	Greg Rowe Pty Ltd	City of Swan and Snowdale Holdings Pty Ltd	29/07/2014
D0162014	Walley	Department of Aboriginal Affairs	13/08/2014
D0172014	Matthews	Shire of Augusta - Margaret River	13/08/2014
D0182014	Park	SMHS - Royal Perth Hospital	16/10/2014
D0192014	Kelly	Department of Fisheries	16/10/2014
D0202014	'G'	Child and Adolescent Health Service	31/10/2014
D0212014	'H'	Department of Education	14/11/2014
D0222014	'I'	Department of Agriculture and Food	08/12/2014
D0232014	Appleton	Department of Education	10/12/2014
D0242014	Walters	Shire of York	22/12/2014

Decision #	Complainant	Agency	Decision Date
D0012015	Mineralogy Pty Ltd	Department of Mines and Petroleum	29/01/2015
D0022015	Tallentire	Department of Agriculture and Food and Others	04/03/2015
D0032015	McGowan	Department of the Premier and Cabinet	04/03/2015
D0042015	Murphy	Department of State Development	24/03/2015
D0052015	Scriven	Rottneest Island Authority	25/03/2015
D0062015	Truscott	Department for Child Protection and Family Support	08/04/2015
D0072015	Latro Lawyers	Department of State Development	17/04/2015
D0082015	Penfold	Shire of Exmouth	15/05/2015
D0092015	West Australian Newspapers Ltd	Department of the Premier and Cabinet	18/05/2015
D0102015	'J'	Western Australian Land Information Authority (Landgate)	28/05/2015
D0112015	Lyon	Department of Agriculture and Food	09/06/2015
D0122015	Caffery	Department of Culture and the Arts	30/06/2015

Table 7: Outcome of other applications finalised

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)		REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5)		WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL MATTERS FINALISED
	R	R	W	R	C	R	A	
State Agencies:								
Agriculture and Food, Department of					1			1
Corrective Services, Department of	2		1					3
Fremantle Port Authority						1		1
Great Southern Development Commission	1							1
Mines and Petroleum, Department of				1				1
Perth Market Authority					1			1
Planning, Department of		1						1
Police, Western Australia		1		2				3
Public Transport Authority		1						1
<i>Sub-total: State Agencies</i>	3	3	1	3	2	1	0	13
Local Agencies:								
Bunbury, City of	1							1
Gosnells, City of		1						1
Harvey, Shire of		1						1
Melville, City of		1						1
Rockingham, City of		1						1
Stirling, City of	1							1
York, Shire of							1	1
<i>Sub-total: Local Agencies</i>	2	4	0	0	0	0	1	7
TOTAL	5	7	1	3	2	1	1	20

Legend: A=Approved; C=Conciliated; R=Refused; W=Withdrawn

Table 8: Formal training and presentations

DATE	PRESENTATION STYLE	AUDIENCE
23 July 2014	FOI Coordinator Training Course	Officers from State and local government agencies
25 July 2014	FOI Presentation	AIAL National Conference
31 July 2014	FOI Training	WACHS – Goldfields
31 July 2014	FOI Training	City of Kalgoorlie
1 August 2014	FOI Briefing	Kalgoorlie all agencies seminar
13 August 2014	FOI Briefing	PSC – Induction
20 August 2014	FOI Decision-makers Forum	Officers from State and local government agencies
21 August 2014	FOI Briefing	Guest lecture on FOI - Edith Cowan University
17 September 2014	FOI Coordinator Training Course	Officers from State and local government agencies
24 September 2014	FOI Briefing	PSC – Induction
2 October 2014	FOI Briefing x 2	Town of Mosman Park
14 October 2014	FOI Briefing	UWA Guest lecture
15 October 2014	FOI Coordinator Training Course	Officers from State and local government agencies
21 October 2014	FOI Presentation	Australian Computer Society
22 October 2014	FOI Presentation	Leadership WA Signature Program
30 October 2014	FOI Presentation	ISACA 2014 Oceania Conference
5 November 2014	FOI Presentation	PSC Induction
12 November 2014	FOI Decision-makers Forum	Officers from State and local government agencies
27 November 2014	FOI Presentation	Department of Finance leadership event
11 February 2015	FOI Briefing	PSC – Induction
11 February 2015	FOI Coordinator Training Course	Officers from State and local government agencies
13 February 2015	FOI Presentation	Department of Mines and Petroleum
18 February 2015	FOI Training	WACHS – Goldfields
27 February 2015	FOI Presentation	Legal Aid Conference
11 March 2015	FOI Briefing	PSC – Induction
11 March 2015	FOI Presentation	Legalwise seminar
11 March 2015	FOI Coordinator Training Course	Officers from State and local government agencies
18 March 2015	FOI Briefing	Economic Regulation Authority

DATE	PRESENTATION STYLE	AUDIENCE
18 March 2015	FOI Briefing	Guest lecture on FOI - Edith Cowan University
27 March 2015	FOI Presentation	City of Perth Executive
27 March 2015	FOI Briefing	Department of Planning
2 April 2015	FOI Briefing	Pilbara Institute via teleconference
22 April 2015	FOI Decision-makers Forum	Officers from State and local government agencies
29 April 2015	FOI Briefing	Department of Lands Corporate Executive
30 April 2015	FOI Briefing	Department of Lands staff including teleconference
5 May 2015	FOI Decision-makers Forum x 2	Department of Mines and Petroleum
13 May 2015	FOI Coordinator Training Course	Officers from State and local government agencies
19 May 2015	FOI Coordinator Training Course	Shire of Denmark - officers from local government agencies
10 June 2015	FOI Coordinator Training Course	Officers from State and local government agencies

Table 9: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	MINISTERIAL STAFF	TOTAL
FOI Coordinators Workshops (8)	97	37	0	134
Decision-makers Forums (5)	85	9	0	94
			<i>Sub-total:</i>	228
BRIEFINGS (No.)				TOTAL
Agencies (14)				387
Speeches by the Information Commissioner (13)				1063
			<i>Sub-total:</i>	1450
GRAND TOTAL (ATTENDEES)				1678

Table 10: Misdirected applications (received & dealt with)

Year	Department of Corrective Services	Western Australia Police	Other	Total
2007/2008	15	24	33	72
2008/2009	15	33	25	73
2009/2010	15	20	30	65
2010/2011	13	13	31	57
2011/2012	6	11	12	29
2012/2013	4	12	13	29
2013/2014	8	4	12	24
2014/2015	5	5	18	28

Table 11: Injury management targets

Measure	Actual		Results against target	
	2012/13	2014/15	Target	Comment on Result
Number of fatalities	0	0	Zero (0)	No lost time injuries were experienced in the reporting period.
Lost time injury and/or disease incidence rate (LTI/D)	0	0	Zero (0) or 10% reduction	
Lost time injury/disease severity rate	0	0	Zero (0) or 10% reduction	
Percentage of injured workers returned to work within: (i) 13 weeks: (ii) 26 weeks:	N/A N/A	N/A N/A	Greater than or equal to 80% Greater than or equal to 80%	
Percentage of managers trained in occupational safety, health and injury management responsibilities	100%	100%	Greater than or equal to 80%	