



**Office of the
Information Commissioner**

Freedom of information for Western Australia

ANNUAL REPORT

2015/2016



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	133	145
Complaints	- informal / invalid	26	26
Section 66(6)	- applications - no internal review	11	11
Section 66(4)	- applications - out of time	9	10
Section 13(4)	- applications for reduction of time	1	1
Section 13(5)	- applications for reduction of time	3	3
Section 13(7)	- applications for extension of time	1	1
Section 35(1)	- waiver of requirement to consult	2	2
TOTAL		186	199

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

APPLICANT GROUP	No.	AGENCY GROUP	No.
Individual Citizen	88	Department (ex. Police & Health)	53
Company	11	Local Government	35
Media	10	Health Related	10
Member of Parliament	19	Minister	11
Prisoner	1	Board, Committee, Commission, Authority, Corporation	16
Not for Profit	4	Police	1
		University	6
		Individual as Agency	1
TOTAL	133	TOTAL	133

Table 3: Complaints received by the Information Commissioner

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies:				Murdoch University	1	0	1
Attorney General, Department of the	1	2	3	NMHS - King Edward Memorial Hospital	0	1	1
Bentley Health Service	1	0	1	NMHS - Sir Charles Gairdner Hospital	1	2	3
Curtin University of Technology	3	0	3	Parks and Wildlife, Department of	1	0	1
Child Protection and Family Support, Department for	2	0	2	Planning, Department of	2	0	2
Commerce, Department of	0	1	1	Polytechnic West	1	0	1
Corrective Services, Department of	6	0	6	Public Sector Commission	1	0	1
Culture and the Arts, Department of	1	0	1	Public Transport Authority	7	0	7
Disability Services Commission	1	0	1	Public Trust Office	1	0	1
Education, Department of	4	1	5	Racing and Wagering Western Australia	1	0	1
Education Services, Department of	2	0	2	RSPCA, General Inspector Douthat	1	0	1
Environment Regulation, Department of	3	0	3	SMHS - Armadale Health Service	2	0	2
Finance, Department of	1	0	1	SMHS - Fiona Stanley Hospital	0	1	1
Fisheries, Department of	4	0	4	SMHS - Fremantle Hospital and Health Service	0	1	1
Great Southern Development Commission	1	0	1	SMHS - Royal Perth Hospital	3	0	3
Health, Department of	1	0	1	Transport, Department of	11	3	14
Heritage Office, Department of the State	1	0	1	University of Western Australia, The	2	0	2
Housing Authority	3	0	3	WACHS - South West	1	0	1
Landgate	0	1	1	Water, Department of	1	0	1
Lands, Department of	1	0	1	Water Corporation	1	0	1
Local Government and Communities, Department of	3	0	3	Western Australia Police	1	5	6
Main Roads Western Australia	3	0	3	Western Australian Land Authority (LandCorp)	1	0	1
Mental Health Commission	1	0	1	Western Power	1	1	2
Mines and Petroleum, Department of	3	0	3				
				<i>Sub-total: State Agencies</i>	87	19	106

AGENCY	COMPLAINTS	INVALID	TOTAL
Local Agencies:			
Albany, City of	1	0	1
Belmont, City of	1	0	1
Bunbury, City of	3	0	3
Canning, City of	2	0	2
Dardanup, Shire of	0	1	1
Denmark, Shire of	1	1	2
East Pilbara, Shire of	0	1	1
Joondalup, City of	4	1	5
Kojonup, Shire of	1	0	1
Manjimup, Shire of	1	0	1
Melville, City of	4	0	4
Mundaring, Shire of	2	1	3
Nedlands, City of	1	0	1
Perth, City of	2	0	2
Port Hedland, Town of	1	0	1
Rockingham, City of	1	0	1
South Perth, City of	1	0	1
Stirling, City of	2	0	2
Swan, City of	1	0	1
Victoria Park, Town of	1	0	1
Wanneroo, City of	0	1	1
York, Shire of	5	0	5
<i>Sub-total: Local Agencies</i>	35	6	41

AGENCY	COMPLAINTS	INVALID	TOTAL
Ministers:			
Energy, Minister for	2	0	2
Environment, Minister for	2	0	2
Health, Minister for	1	0	1
Planning, Minister for	1	0	1
Transport, Minister for	4	0	4
Water, Minister for	1	0	1
<i>Sub-total: Ministers</i>	11	0	11
Agency is Unknown	0	1	1
TOTAL	133	26	159

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)	EXTENSION OF TIME s.13(7)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL
Agriculture and Food, Department of	1						1
Attorney General, Department of the	1						1
Busselton, Shire of				1			1
Child Protection and Family Support, Department for	1						1
Corrective Services, Department of		2					2
Culture and the Arts, Department of		1					1
Dardanup, Shire of				1			1
Education, Department of	1						1
Fremantle, City of		2					2
Joondalup, City of	1	1	1				3
Main Roads Western Australia		1			1		2
Mines and Petroleum, Department of	1						1
Premier and Cabinet, Department of the						2	2
Public Sector Commission	1						1
Public Transport Authority		1					1
Victoria Park, Town of	1						1
WACHS - Wheatbelt	1						1
Water Corporation				1			1
Western Australia Police		3					3
TOTAL	9	11	1	3	1	2	27

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	1				2
Agriculture and Food, Department of	1					1
Attorney General, Department of the	1				2	3
Child Protection and Family Support, Department for		1			1	2
Commerce, Department of					1	1
Corrective Services, Department of	4		1			5
Culture and the Arts, Department of	3					3
Disability Services Commission	1					1
Education, Department of	1				1	2
Environment Regulation, Department of	2					2
Finance, Department of	1	1			1	3
Fisheries, Department of	4	1				5
Great Southern Development Commission	1					1
Health, Department of	2					2
Housing Authority	2	1				3
Lands, Department of	3					3
Landgate		1			1	2
Local Government and Communities, Department of	5					5
Main Roads Western Australia	1					1
Mental Health Commission					1	1
Mines and Petroleum, Department of	2				2	3

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
Murdoch University	1					1
NMHS - King Edward Memorial Hospital					1	1
NMHS - Sir Charles Gairdner Hospital	2				2	4
Environmental Protection Authority, Office of the	1					1
Parks and Wildlife, Department of	1					1
Planning, Department of	2		2			3
Premier and Cabinet, Department of the	3					3
Public Advocate, Office of the		1				1
Public Transport Authority	4			1	2	7
SMHS - Armadale Health Service		1			1	2
SMHS - Fiona Stanley Hospital					1	1
SMHS - Fremantle Hospital and Health Service	1				1	2
SMHS - Royal Perth Hospital	2	2			1	5
Sport and Recreation, Department of	1					1
State Solicitor's Office					1	1
Transport, Department of	4				7	11
University of Western Australia, The	2					2
WACHS - South West	1					1
Water, Department of	1					1
Water Corporation	1					1
Western Australia Police	2	2	1		8	13
Western Power					1	1
WorkCover Western Australia Authority (WorkCover WA)	1					1
<i>Sub-Total: State Agencies</i>	65 (56.0%)	12 (10.3%)	3 (2.6%)	1 (0.9%)	35 (30.2%)	116 (67.8%)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
Local Agencies:						
Albany, City of	1					1
Bunbury, City of	2					2
Canning, City of	1				1	2
Dardanup, Shire of	1		1		1	3
Denmark, Shire of	1				1	2
East Pilbara, Shire of					1	1
Esperance, Shire of	1					1
Joondalup, City of	2	1			2	5
Kojonup, Shire of	1					1
Melville, City of	2					2
Mundaring, Shire of	1				1	2
Nedlands, City of		1				1
Perth, City of	1					1
Port Hedland, Town of					1	1
South Perth, City of	1					1
Stirling, City of	1	1			1	3
Swan, City of	2					2
Wanneroo, City of					2	2
York, Shire of	6				1	7
<i>Sub-Total: Local Agencies</i>	24 (60.0%)	3 (7.5%)	1 (2.5%)	0 (0.0%)	12 (30.0%)	40 (23.4%)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
Ministers:						
Energy, Minister for	3					3
Environment, Minister for	3					3
Health, Minister for	1					1
Local Government, Minister for				1		1
Planning, Minister for	1					1
Transport, Minister for	4					4
Water, Minister for	1					1
<i>Sub-Total: Ministers</i>	13 (92.9%)	0 (0.0%)	0 (0.0%)	1 (7.1%)	0 (0.0%)	14 (8.2%)
Agency is Unknown					1	1
Totals	102 (59.6%)	15 (8.8%)	4 (2.3%)	2 (1.2%)	48 (28.1%)	171 (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. Twenty two of the complaints declined related to formal complaints and the remaining 26 declined related to informal/invalid complaints.

Table 6: Published decisions

Decision #	Complainant	Agency	Decision Date
D0132015	Stuckey	City of Nedlands	29/07/2015
D0142015	Seven Network (Operations) Limited	Western Australia Police	24/08/2015
D0152015	'K'	Office of the Public Advocate	26/08/2015
D0162015	'L'	Department for Child Protection and Family Support	21/09/2015
D0172015	Krieg	Minister for Local Government	24/09/2015
D0182015	McCauley	City of Stirling	1/10/2015
D0192015	Twiby	Western Australian Land Information Authority	12/10/2015
D0202015	Travers	Public Transport Authority	30/10/2015
D0212015	Ferguson	Shire of Dardanup	9/11/2015
D0222015	Mulrooney	SMHS Royal Perth Hospital	16/11/2015
D0232015	Alexander	Department of Fisheries	10/12/2015

Decision #	Complainant	Agency	Decision Date
D0012016	Papalia	Western Australia Police	29/01/2016
D0022016	Dacey	Western Australia Police	8/02/2016
D0032016	Sideris	City of Joondalup	17/02/2016
D0042016	Bowden	Department of Finance	14/03/2016
D0052016	'M'	SMHS - Armadale Health Service	21/03/2016
D0062016	Kimberley Community Legal Services Inc	Department of Aboriginal Affairs	30/03/2016
D0072016	'N'	SMHS - Royal Perth Hospital	11/05/2016
D0082016	Seven Network (Operations) Limited	Department of Corrective Services	30/05/2016
D0092016	Helm	Department of Planning	3/06/2016
D0102016	'O'	Housing Authority	16/06/2016

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)		EXTENSION OF TIME s.13(7)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL MATTERS FINALISED
	R	R	W	R	A	C	R	A	
State Agencies:									
Agriculture and Food, Department of	1								1
Attorney General, Department of the	1								1
Child Protection and Family Support, Department for	1								1
Corrective Services, Department of		1	1						2
Culture and the Arts, Department of		1							1
Education, Department of	1								1
Main Roads Western Australia		1					1		2
Mines and Petroleum, Department of	1								1
Premier and Cabinet, Department of								2	2
Public Sector Commission	1								1
Public Transport Authority			1						1
WACHS - Wheatbelt	1								1
Western Australia Police		3							3
Water Corporation						1			1
<i>Sub-total: State Agencies</i>	7	6	2	0	0	1	1	2	19
Legend: A=Approved; C=Conciliated; R=Refused; W=Withdrawn									

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)		EXTENSION OF TIME s.13(7)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL MATTERS FINALISED
	R	R	W	R	A	C	R	A	
Local Agencies:									
Bunbury, City of	1								1
Busselton, Shire of					1				1
Dardanup, Shire of						1			1
Fremantle, City of		2							1
Joondalup, City of	1	1		1					3
Victoria Park, Town of	1								1
<i>Sub-total: Local Agencies</i>	3	3	0	1	1	1	0	0	9
TOTAL	10	9	2	1	1	2	1	2	28

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

Table 8: Formal training and presentations

DATE	PRESENTATION STYLE	AUDIENCE
22 July 2015	Decision Makers Forum	Officers of State and Local Government
27 July 2015	FOI Briefing - Information Commissioner Speech	Victims of Crime Reference Group
12 August 2015	FOI Briefing	PSC Induction
19 August 2015	FOI Coordinators Workshop	Officers of State and Local Government
26 August 2015	FOI Briefing - Information Commissioner Speech	Governance Institute
10 September 2015	FOI Briefing	Officers of Royal Perth Hospital
16 September 2015	FOI Training	Officers of the City of Karratha
23 September 2015	FOI Training	Officers of the City of Karratha
24 September 2015	FOI Coordinators Workshop	Officers of State and Local Government
30 September 2015	FOI Briefing (non-government)	Health Consumer Council
20 October 2015	FOI Briefing for University Students	Guest lecture at University of Western Australia
21 October 2015	Decision Makers Forum	Officers of State and Local Government
4 November 2015	FOI Briefing	PSC Induction
5 November 2015	FOI Briefing	Officers of the Department of Planning, Mandurah
17 November 2015	FOI Coordinators Workshop	Officers of State and Local Government
9 December 2015	FOI Coordinators Workshop	Officers of State and Local Government
11 December 2015	Decision Makers Training	Officers of the Department of Lands
11 December 2015	FOI Briefing (non-government)	Community Legal Centres Inc
20 January 2016	Decision Writing Workshop	Officers of State and Local Government
28 January 2016	FOI Briefing for University Students	Guest lecture at University of Western Australia
9 February 2016	FOI Coordinators Workshop	Officers of State and Local Government
17 February 2015	Decision Makers Training	Officers of Department of Agriculture
23 February 2016	FOI Training	Officers of Nickol-Bay Hospital
2 March 2016	FOI Briefing	PSC Induction
2 March 2016	FOI Training	Legalwise training for legal practitioners
10 March 2016	FOI Coordinators Workshop	Officers of State and Local Government
17 March 2016	FOI Briefing	Officers of Curtin University
17 March 2016	FOI Briefing	Officers of Curtin University

DATE	PRESENTATION STYLE	AUDIENCE
18 March 2016	FOI Briefing for University Students	Guest lecture at Edith Cowan University
31 March 2016	Training for legal practitioners (non-government)	Legalwise -Why Don't People Read What I Send Them? 7,584 Unread Electronic Messages
4 April 2016	Decision Writing Workshop	Officers of State and Local Government
8 April 2016	FOI Briefing - Information Commissioner Speech	John Curtin Institute of Public Policy - Freedom of Information – Will government ever embrace a culture of transparency?
19 April 2016	Decision Makers Training	Officers of the Town of Port Hedland
19 April 2016	FOI Briefing	Officers of the Town of Port Hedland
19 April 2016	FOI Briefing	Elected Members from the Town of Port Hedland
20 April 2016	FOI Briefing	Officers of Port Hedland Health Campus
20 April 2016	FOI Training	Officers of Port Hedland Health Campus
20 April 2016	FOI Training	Officers of Port Hedland Health Campus
21 April 2016	FOI Briefing	Officers of City of Karratha Executive
21 April 2016	Decision Makers Training	Officers of State and Local Government in Karratha
21 April 2016	FOI Briefing	Officers of Nickol Bay Hospital
21 April 2016	FOI Training	Officers of Nickol Bay Hospital
4 May 2016	FOI Briefing - Information Commissioner Speech	Legal officers from Australian Federal and State Governments
11 May 2016	FOI Coordinators Workshop	Officers of State and Local Government
19 May 2016	FOI Briefing (non-government)	Members of the Public as part of a Law week information session
25 May 2016	Decision Makers Training	RSPCA
1 June 2016	FOI Briefing	Public Sector Induction
9 June 2016	FOI Coordinators Workshop	Officers of State and Local Government
21 June 2016	FOI Briefing	Officers of the Health and Disability Services Complaints Office
21 June 2016	FOI Briefing - Information Commissioner Speech	Australasian Study of Parliaments Group

Table 9: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	MINISTERIAL STAFF	PUBLIC	TOTAL
FOI Coordinators Workshops (8)	100	40	2	1	143
Decision-makers Forums (2)	20	3	0	0	23
Decision Writing Workshops (2)	26	4	0	0	30
				<i>Sub-total:</i>	196
BRIEFINGS (No.)					TOTAL
FOI Briefings and Training at agency offices (26)					463
Non-Government FOI Briefings (3)					41
Other speeches by the Information Commissioner (8)					641
				<i>Sub-total:</i>	1145
GRAND TOTAL (ATTENDEES)					1341

Table 10: Misdirected applications (received & dealt with)

Year	Department of Corrective Services	Western Australia Police	Other	Total
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
2015/2016	2	5	19	26

Table 11: OIC publications

Information Sheets for members of the Public	Information Sheets for Agency officers
Amendment of personal information.	Amendment of personal information.
Can I get everything I want under FOI?	Calculating charges.
Can others access information about me or my business?	Consulting third parties.
Can the agency refuse to deal with my application?	Flowchart - Dealing with an FOI application.
Children and people with intellectual difficulties.	Key FOI principles for agencies.
How long should it take to deal with an access application?	Key questions for decision-makers to consider.
How much does it cost?	How long should it take to deal with an access application?
Is FOI my best option?	Information Statements and other required publications.
Requirements for a valid access application.	Large, complex or time-consuming applications.
Review of agency decisions.	Making submissions to the Information Commissioner.
Role of the Information Commissioner.	Releasing documents that may be technically exempt.
Steps for access applicants.	Repeated requests and unreasonable conduct.
The public interest.	The exemptions.
What documents can I ask for?	Thinking outside the FOI box.
What happens in an external review?	Training for agencies.
What if the agency says it doesn't have the documents?	What if the documents cannot be found?
What is personal information?	What if there are many third parties to consult?
Who do I contact to ask for documents?	What is personal information?
	What happens in an external review?
	Writing a notice of decision.

Information about the External Review Process	Information about the FOI Process	Guides to Exemptions under the FOI Act
Complaints procedure - guide for parties	Accessing Government documents in Western Australia.	Clause 4(2) – Information that has a commercial value.
Producing documents to the Information Commissioner – guide for agencies	Third parties and their rights - guide for the public.	Clause 4(3) – Business, professional, commercial or financial affairs.
Preparing for a conciliation conference - guide for parties	Calculating time and days guide.	Clause 6 – Deliberative processes of Government.
Understanding the conciliation process - guide for parties	Consulting officers of agencies as third parties - guide for agencies.	Clause 7 – Legal professional privilege.
Consulting with third parties during external review - guide for agencies	FOI Coordinators Manual.	Clause 8 – Confidential communications.
Decisions of the Information Commissioner – guide for access applicants	Dealing with requests for documents related to an ‘exempt agency’.	
Decisions of the Information Commissioner – guide for agencies		

Table 12: Injury management targets

Measure	Actual		Results against target	
	2013/14	2015/16	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 and/or disease severity	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%	