



Office of the Information Commissioner

Freedom of information for Western Australia



ANNUAL REPORT 2020/21



Operational Performance

Snapshot of financial and operational performance indicators

	Target \$000	Actual \$000	Variation \$000
Total cost of services	2,358	2,341	(17)
Net cost of services	2,354	2,341	(21)
Total equity	717	682	35
Net increase/(decrease) in cash held	(128)	(44)	(84)

See the [Key Performance Indicators](#) and [Financial Statements](#) sections of this report for the OIC's full audited performance indicators and financial reports.

Outcome: Access to documents and observance of processes in accordance with the FOI Act

	Target ⁽¹⁾	Actual	Variation
Resolution of Complaints			
<i>Key effectiveness indicators:</i>			
Participants satisfied with complaint resolution and external review processes	85%	76%	(9%)
Applications for external review resolved by conciliation	70%	63%	(7%)
<i>Key efficiency indicator</i>			
Average cost per external review finalised	\$6,788	\$7,155	\$367
Advice and Awareness			
<i>Key effectiveness indicator</i>			
Agencies satisfied with advice and guidance provided	98%	100%	2%
<i>Key efficiency indicator</i>			
Average cost of service per application lodged	\$324	\$215	(\$109)

(1) As specified in the Budget Statements.

External Review

Strategic Goal: Provide a fair, independent and timely external review service

Provide an efficient and effective early resolution process

- Early Intervention Program further developed.
- 54 matters actioned and 72% finalised by conciliation within the Early Intervention Program.

Provide a fair, timely and effective formal external review process

- Priority templates identified and revised.
- New publication regarding procedural fairness published.
- External review guide updated.
- 21.6% increase in external reviews finalised.
- 63% external reviews finalised by conciliation.
- 76% participant satisfaction with external review process.
- 62% of external reviews finalised resulted in some kind of outcome benefit.

Provide clear decisions, with reasons, to best inform the public

- External review precedent information collated.
- 12 decisions published.
- Preliminary views issued to parties increased by 50.9%.

The main function of the Commissioner is to review decisions made by agencies under the FOI Act.

The performance of this service is measured in two ways: by the satisfaction of participants of an external review with the way in which the external review was conducted; and by the number of external review applications resolved by conciliation.

Detailed performance data on the number of external review applications received and completed, and the number currently on hand and their age, is updated monthly and published on our [website](#). [Table 5](#) provides detail on external review outcomes.

Conciliation

The Commissioner has powers to deal with an external review application in a number of ways including by conciliation, negotiation and compulsory conferences. These are in addition to the power to finalise an external review by issuing a binding determination. The OIC seeks to ensure that the conduct of external review proceedings is not unduly legalistic or formal.

The OIC prefers to negotiate a conciliated outcome between the parties rather than issuing a formal determination. However, the nature of the information requested and the various interests of the parties means that conciliation is not always achievable.

When a new external review is assessed and assigned to an officer (who acts on behalf of the Commissioner under certain delegated powers), consideration is given to any procedural options available to resolve the matter. Those procedural

options may be pursued in the Early Intervention Program or when a matter is otherwise assigned to an officer. In an effort to deal with an external review in a more timely manner, the extent to which those options are pursued may be limited. For example, in the last year it was decided not to convene any formal conciliation conferences.

However, conciliation remains an important element of the external review process and can result either in resolution of the matter or clarification or narrowing of the issues in dispute.

This year's conciliation rate was 63%, below our target of 70%, and 1% less than the rate of 64% achieved last year.

The annual conciliation rate of external reviews finalised is one of the OIC's key performance indicators. Details of the conciliation rate for the past five years are included later in this report.

Conciliation Case Studies

Agency accepts Commissioner's preliminary view and complainant accepts release of edited documents

The complainant applied to the agency for a copy of certain correspondence relating to him between the agency and another organisation. The agency gave the complainant access to most of the documents identified but refused access to two documents on the ground they were exempt under clauses 7(1), 8(1) and 8(2) of Schedule 1 to the FOI Act.

After considering all of the material before her, the Commissioner advised the parties of her preliminary view that the documents were not exempt as claimed by the agency. The agency accepted the Commissioner's preliminary view and gave the complainant access to an edited copy of the documents, claiming the deleted information was exempt under clause 3(1) of Schedule 1 to the FOI Act. The complainant accepted the edited access provided and the matter was resolved.

Complainant discontinues external review following preliminary assessment

The complainant applied to the agency for a copy of a particular submission made by the agency to another government agency. The agency refused access to the document on the ground that it was exempt under clause 6(1) of Schedule 1 to the FOI Act.

The OIC made preliminary inquiries with both parties and obtained further information from the agency in relation to its exemption claim.

After considering the material then before the Commissioner, one of the Commissioner's officers advised the complainant that it was the officer's preliminary assessment that the document was exempt as claimed by the agency. The officer noted that her preliminary assessment was not the Commissioner's final determination.

The complainant did not continue with the external review and the matter was resolved.

Negotiation with all parties

The complainant applied to the agency for all documents comprising the contract for the provision of services between the agency and a third party. The agency identified one document. However, the complainant considered there were additional documents that made up the contract.

The Commissioner considered that the documents relating to the provision of the service also came within the scope of the application. The third party objected to disclosure of those documents, claiming they were exempt under clause 4 of Schedule 1 to the FOI Act. The agency initially claimed that all of the documents were exempt, but subsequently reconsidered and withdrew its claims for exemption.

The complainant was invited to identify particular information in the documents to which it sought access. The OIC invited the third party to review its claims having regard to the particular information identified by the complainant. As a result, the third party provided the agency with an edited copy of the documents in a form it agreed could be given to the complainant. The complainant accepted the edited access to the documents provided and the matter was resolved.

Agency reconsiders the scope of the access application

The complainant applied to the agency for certain documents about named companies in a particular industry. The complainant excluded personal information, including prescribed details, from the scope of their application. When the documents were provided, the complainant did not accept that all of the information that had been deleted was outside the scope of the access application.

The Commissioner considered that some of the deleted information was within the scope of the application and invited the agency to reconsider its decision in relation to that information. The agency accepted that certain information was within scope of the access application and gave the complainant access to that information. As a result, the matter was resolved.

Both parties amend positions to resolve matter

The complainant applied for access to a document relating to an incident which had resulted in a fatality. The agency refused the complainant access to the requested document on the basis it was exempt under clause 3(1) of Schedule 1 to the FOI Act as it contained personal information relating to third parties. The agency also refused access on the basis that the document was exempt under clause 5(1)(d) of Schedule 1 to the FOI Act as disclosure could 'prejudice the fair trial of any person'.

Following inquiries by the OIC, both parties agreed to amend their positions. The agency withdrew the claim for exemption under clause 5(1)(d) as the relevant legal proceedings had concluded. The complainant agreed to the editing of personal information from the document. The complainant also gave the agency written consent from an appropriate relative to release the personal information of the deceased person to the complainant. As a result, the agency agreed to provide the complainant with an edited copy of the requested document.

The complainant was satisfied with the access provided and the matter was resolved.

Agency agrees to deal with access application

The complainant applied for external review of the agency's decision to refuse to deal with his access application under section 20 of the FOI Act on the ground that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

After considering all of the material before her, including submissions made by the parties, the Commissioner advised the parties that it was her preliminary view that the agency's notice of decision did not contain sufficient information as required by the FOI Act. The Commissioner also advised the parties that it was her preliminary view that the agency had not shown that it

had satisfied section 20(1) of the FOI Act which requires an agency to 'take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.' The agency accepted the Commissioner's preliminary view and undertook to deal with the complainant's access application in accordance with the FOI Act.

Agency undertakes further searches and locates documents within scope

The complainant applied to the Commissioner for external review of the agency's decision to refuse access to documents under section 26 of the FOI Act on the basis that the documents sought in the access application could not be found or did not exist.

One of the Commissioner's officers advised the agency that it was the officer's initial assessment, based on the material before the Commissioner, that the agency's decision did not appear to be justified as it was not clear that the agency had conducted sufficient searches to identify documents within the scope of the access application.

At the request of the Commissioner's officer, the agency undertook further searches and identified a number of documents that fell within the scope of the access application. Due to the number of documents identified by the agency, the parties agreed to suspend the external review, and to renegotiate the scope of the access application. Following these discussions, the agency

issued an amended notice of decision to the complainant and provided access to a number of documents. As a result, the matter was resolved.

Complainant discontinues external review following preliminary view

The complainant applied to the agency for copies of a number of documents relating to a tender. Discussions between the complainant and the agency to narrow the scope of the access application were unsuccessful and resulted in an expansion of the scope.

The agency refused to deal with the complainant's access application under section 20 of the FOI Act on the basis that to do so would divert a substantial and unreasonable portion of its resources away from its other operations.

At the OIC's request, the agency provided further information particularly about the workload of the agency at the time it was dealing with this application as well as the resources of the agency to deal with access applications generally.

After reviewing all of the information before her, the Commissioner advised the parties that it was her preliminary view that the decision of the agency under section 20 of the FOI Act was justified.

The complainant did not proceed with the external review and the matter was resolved.

Complainant discontinues external review following further searches by agency and preliminary view

The complainant applied to the agency for a copy of documents relating to a survey process. The agency refused access on the basis that the requested documents had previously been provided to the complainant or were publicly available.

The complainant sought internal review claiming that further documents exist. The agency confirmed its decision and refused access to further documents under section 26 of the FOI Act on the grounds that the documents could not be found or did not exist.

The Commissioner required the parties to attend a conciliation conference. At the conference the agency agreed to conduct further searches for the requested documents. Further documents were subsequently located and provided to the complainant. The complainant was not satisfied with the access provided and maintained that a further discrete set of documents existed.

The Commissioner required further information from the agency in relation to the searches conducted. In particular the Commissioner required information about the location of the requested documents.

After considering all of the material before her, the Commissioner advised the parties that it was her preliminary view that further documents either could not

be found or did not exist and therefore the decision of the agency under section 26 was justified.

The complainant did not proceed with the external review and the matter was resolved.

Cooperation by both parties reduces issues in dispute

The complainant applied to the agency for documents relating to the disposal of a property. The agency gave access to edited copies of documents and refused access to documents on the basis they were exempt under clauses 4(2) or 7(1) of Schedule 1 to the FOI Act.

One of the Commissioner's officers advised the parties that, in the officer's view, it was likely that the Commissioner would consider the agency's clause 7(1) exemption claims were made out. The complainant accepted the officer's view and did not pursue that aspect of the agency's decision.

After discussions with the Commissioner's officer and consulting with a third party, the agency withdrew its claim under clause 4(2) in respect of some of the documents.

The Commissioner advised the parties that it was her preliminary view that the remaining documents were not exempt as the agency had claimed. The agency accepted the Commissioner's preliminary view and gave

the complainant access to the documents and the matter was resolved.

Agency reconsiders exemption claim due to the public interest

The complainant applied to the agency for access to documents relating to a dog attack at a local park. The agency gave the complainant edited copies of four documents, deleting the name and address of the alleged owner of the offending dog on the ground that it was exempt under clause 3(1) of Schedule 1 to the FOI Act.

One of the Commissioner's officers informed the agency that the Commissioner considered that the disputed information was not exempt under clause 3(1) due to the public interest limitation in clause 3(6).

The Commissioner noted that the disputed information was required to pursue a civil remedy through the court system (namely, expenses incurred as a result of injuries to the complainant's dog) and that the complainant was otherwise unable to obtain the information. Therefore, non-disclosure of the disputed information was likely to result in the denial of justice to individuals seeking damages for injury to persons or animals.

Having weighed the competing public interests, the Commissioner considered that, in the particular circumstances, the factors favouring disclosure – to ensure the administration of justice – outweighed the

public interest in protecting the personal privacy of the third party.

In light of the Commissioner's view, the agency withdrew its exemption claim.

The agency complied with its third party obligations under section 32 of the FOI Act before releasing the disputed information to the complainant, and the matter was resolved.

Agency reconsiders whether documents are publicly available

The complainant applied to the agency for access to spreadsheets containing data, which was used to produce newsletters published on the agency's website.

The agency refused the complainant access to the requested documents on the basis that they were publicly available, pursuant to section 6 of the FOI Act, through the submission of a request form.

Following inquiries by the OIC and a review of the multiple request forms provided by the agency, the Commissioner formed the view that the requested documents were not publicly available, pursuant to section 6.

The Commissioner formed that view, in part, due to the terms of the request forms; the conditions that could be attached to the use of data; and the discretion that lay with the agency to refuse the complainant access to the

requested documents, notwithstanding their completion of the request forms. As a result, the Commissioner was not persuaded that the requested documents were available for free distribution to the public in accordance with section 6.

Following receipt of the Commissioner's view, the agency withdrew its claim under section 6 and provided the complainant with a copy of the requested documents, resolving the matter.

Early Intervention Program

The Early Intervention Program (**the EIP**) is designed to deal with external review matters more quickly and achieve resolution of matters informally, within the framework of the FOI Act. Implemented in the last reporting period, the EIP strategy was further refined during this reporting year. The matters to be dealt with by the EIP are selected on the basis of the issues in dispute between the parties; the types and numbers of exemptions claimed; and the complexity and sensitivity of the issues involved.

This year the primary approach of the EIP was to provide the parties with a preliminary assessment of the issues in dispute. These were issued by an experienced officer usually by email and based on established precedent. This allows the affected party an opportunity to reconsider their position in a timely manner before the proceedings become more formal.

In 2020/21, 54 matters were actioned in the EIP. Of those, 43 were finalised as part of the EIP and 11 matters were reassigned for further external review. Of the 43 matters

finalised in the EIP, 39 had a conciliated outcome (90.7%) and four were finalised under section 67(1)(b) of the FOI Act. 72.2% of matters actioned within the EIP were resolved by conciliation.

The high rate of matters finalised by the EIP has provided a timelier outcome for the parties and reduced the number of matters referred for further review. This allows the more complex, resource intensive matters to be managed outside of the EIP.

During the year, we also consulted with other jurisdictions, which provided insight into the early intervention programs and practices of those jurisdictions. The OIC will continue to look at ways to sustain and improve the EIP.

External review outcomes under section 67(1)(b) of the FOI Act

Section 67(1)(b) provides that the Commissioner may, at any time after receiving an application for external review, decide not to deal with it, or to stop dealing with it, because it is frivolous, vexatious, misconceived or lacking in substance.

The Commissioner usually decides to stop dealing with an external review under section 67(1)(b) because it is lacking in substance. The Commissioner may make this decision after further assessment of the matter; because of action taken by the parties that addresses the issue(s) in dispute; or in certain circumstances after issuing her preliminary view of a matter. As noted in [last year's report](#), where the Commissioner informs the parties in her preliminary view that an agency's decision is justified, and if the complainant does not provide any

meaningful response by the specified date, the Commissioner may finalise the matter by deciding that, under section 67(1)(b), it is lacking in substance.

The following table details the number and percentage of external reviews finalised under section 67(1)(b) compared to the total number of external reviews finalised for the last five years.

As can be seen from the table, the number and percentage of times that the Commissioner has stopped dealing with an external review under section 67(1)(b) has increased in the last two years. This increase is likely to be due to a significant increase in the number of preliminary views issued by the Commissioner in the reporting period, from 57 in 2019/20 to 86 in 2020/21.

	External reviews finalised	Section 67(1)(b) outcomes	
		#	%
2016/17	127	12	9%
2017/18	143	12	8%
2018/19	152	11	7%
2019/20	148	27	18%
2020/21	180	45	25%

Decisions made by the Commissioner

Where applications for external review remain unresolved after the initial efforts to conciliate the matter, the Commissioner may need to finalise an external review by issuing a binding

final determination. Before doing so, the Commissioner may issue a written preliminary view to the parties involved in the external review.

The purpose of the preliminary view is to give the parties an opportunity to review the Commissioner's understanding of the matters in dispute; identify any factual errors; and provide new and relevant information or submissions for her final consideration. While there is no legislative requirement to provide a preliminary view, the FOI Act does provide that the parties to an external review are to be given a reasonable opportunity to make submissions.

The preliminary view is addressed in full to the party to whom the Commissioner's preliminary view is largely adverse, with a copy provided to the other parties. An abridged copy may be provided to a party to avoid the disclosure of potentially exempt matter. Based on the preliminary view of the Commissioner, each party is provided the opportunity to reconsider their position, as applicable, and may withdraw or provide additional material in support of their position.

If any matters remain in dispute after the preliminary view has been issued, the Commissioner will, after considering any further information and submissions, formally determine the issues in dispute between the parties.

The parties are informed in writing of the final decision and the reasons for it. The Commissioner is required to publish decisions in full or in an abbreviated, summary or note form, which are published on the OIC's website unless the decision is to stop dealing with a matter under section 67(1). It is the

usual practice to identify all of the parties to the external review in the published decision, except in certain circumstances.

During the reporting period 12 applications for external review were finalised by formal published decision of the Commissioner, and a summary of those follow. The decisions are published on our [website](#).

Re Brookes and Western Australia Police [\[2020\] WAICmr 9](#)

Documents relating to third party's past interactions with criminal justice system – section 23(2) and clause 3(1)

The complainant sought access to documents, including photographs, relating to a named individual's past interactions with the criminal justice system. The agency refused the complainant access to the documents pursuant to section 23(2) of the FOI Act on the ground that it was apparent from the nature of the documents as described in the access application that all of the documents are exempt documents.

The Commissioner found that it was apparent from the nature of the documents as described in the complainant's access application that, if any such documents exist, they would be exempt under clause 3(1) of Schedule 1 to the FOI Act and that there was no obligation on the agency to give the complainant access to an edited copy of those documents, pursuant to section 24 of the FOI Act.

The Commissioner confirmed the decision of the agency.

Re Deturt and Department of Mines, Industry Regulation and Safety [\[2020\] WAICmr 10](#)

Names of builders – clause 3(1) and 4(3)

The complainant sought access to certain individual house inspection compliance audit reports prepared by the agency. The agency gave the complainant access to the reports, deleting the names of the builders on the ground they were exempt under clause 3(1) of Schedule 1 to the FOI Act. The deleted information included the names of individuals as well as the names of building companies.

The Commissioner found that the names of individuals were exempt under clause 3(1). The Commissioner considered that the names of building companies generally is not personal information, as defined in the FOI Act, and was not exempt under clause 3(1). However, the Commissioner decided that information was instead exempt under clause 4(3) of Schedule 1 to the FOI Act.

The Commissioner accepted that disclosure of the names of the building companies would reveal information about the business, professional, commercial or financial affairs of a person and that its disclosure could reasonably be expected to have an adverse effect on those affairs.

In considering whether disclosure of that information would, on balance, be in the public interest pursuant to clause 4(7), the Commissioner noted that the objects of the FOI Act are to make the bodies that are responsible for State and local government more accountable to the public, whereas the complainant's submissions were more about the

accountability of the builders. The Commissioner considered that the information to which the complainant had been given access satisfied the public interest in the accountability of the agency and did not consider that disclosure of the names of the builders would further that public interest.

The Commissioner varied the agency's decision.

Re 'Y' and Department of Education [\[2020\] WAICmr 11](#)

Documents relating to child's disability funding allocation – clause 3(1) and section 26

The complainant sought access to various documents relating to the disability funding allocation for the complainant's child over a specific period of time. The disputed information consisted of the names of officers of the agency deleted from two documents that contained salary details of those officers. The agency claimed the disputed information was exempt under clause 3(1) of Schedule 1 to the FOI Act.

Having regard to the context of the disputed information and the details in the documents already disclosed, the Commissioner considered that disclosure of the disputed information would reveal more than prescribed details and that the limit on the exemption in clause 3(3) did not apply.

In balancing the competing public interests, the Commissioner was of the view that the public interests favouring disclosure were not sufficient to outweigh the

public interest in the protection of personal privacy of the officers. Accordingly, the Commissioner found that the disputed information was exempt under clause 3(1).

The complainant also claimed that certain documents had not been included in the documents released by the agency. The Commissioner was satisfied that the agency had taken all reasonable steps to locate the further documents and that they either did not exist or could not be found. Therefore, the Commissioner found that the agency's decision to, in effect, refuse the complainant access to the further documents under section 26 of the FOI Act was justified.

The Commissioner confirmed the agency's decision.

Re 'Z' and the City of Subiaco [\[2020\] WAICmr 12](#)

Documents relating to allegations about conduct of councillors – clause 3(1)

The complainant sought external review of the agency's decision to give access to personal information about the complainant contained in a document. The requested document related to allegations about the conduct of local government councillors at the agency. The agency decided that the information about the complainant was prescribed details, as set out in clause 3(3) of Schedule 1 to the FOI Act, and therefore not exempt under clause 3(1).

The Commissioner considered that disclosure of the disputed information would reveal more than prescribed details and that the limit on the exemption in clause 3(3) did

not apply. In considering the limit on exemption in clause 3(6), the Commissioner was not persuaded that the public interest in disclosing the personal information about the complainant outweighed the public interest in protecting the privacy of the complainant. Accordingly, the Commissioner found that the disputed information was exempt under clause 3(1) and set aside the agency's decision.

Re 'A' and the City of Subiaco [\[2020\] WAICmr 13](#)

The Commissioner's decision in this matter is substantially the same as described in *Re 'Z' and the City of Subiaco* [\[2020\] WAICmr 12](#) above.

Re Mineralogy Pty Ltd and Department of Mines, Industry Regulation and Safety [\[2020\] WAICmr 14](#)

Correspondence relating to a State Agreement – clauses 3(1), 4(3) and 8(2)

The complainant sought external review of the agency's decision to give access to edited copies of certain documents and to refuse access to certain documents that included correspondence between the agency and another corporate entity relating to the Iron Ore Processing (Mineralogy Pty Ltd) Agreement Act 2002 (WA). The agency claimed that the disputed documents were exempt under clauses 3(1), 4(3) and 8(2) of Schedule 1 to the FOI Act.

A third party was joined as a party to the external review. The Commissioner considered that parts of one document were outside the scope of the access application, that other documents were exempt under clause 4(3) and that certain information was exempt under clause 3(1). The Commissioner did not accept that the disputed documents were exempt under clause 8(2).

The Commissioner varied the agency's decision.

Re Onslow Salt Pty Ltd and Department of Jobs, Tourism, Science and Innovation [\[2021\] WAICmr 1](#)

Environmental reports – clause 4(3)

The complainant sought external review of the agency's decision to give an access applicant access to certain environmental reports submitted by the complainant in accordance with the requirements of the Onslow Solar Salt Agreement Act 1992. The complainant claimed that the reports contained information that was exempt under clause 4(3) of Schedule 1 to the FOI Act. The complainant also claimed that some information was outside the scope of the access application.

The Commissioner accepted that disclosure of the disputed information would reveal information about the business affairs of the complainant, but not that its disclosure could reasonably be expected to have an adverse effect on the affairs of the complainant, or prejudice the future supply of information of that kind to the government or an agency, as required by clause 4(3). Accordingly, the Commissioner

found that the disputed information was not exempt under clause 4(3). The Commissioner also noted that a complainant's right, as a third party, to seek review of the agency's decision was limited to whether information is exempt under clause 3 or clause 4 of Schedule 1 to the FOI Act.

The Commissioner confirmed the agency's decision.

Re Onslow Salt Pty Ltd and Department of Mines, Industry Regulation and Safety [\[2021\] WAICmr 2](#)

Environmental reports – clauses 4(2) and 4(3)

The complainant sought external review of the agency's decision to give an access applicant access to various environmental reports submitted by the complainant, in accordance with the requirements of the Onslow Solar Salt Agreement Act 1992. The complainant claimed that the reports contained information that was exempt under clauses 4(2) and 4(3) of Schedule 1 to the FOI Act.

As the Commissioner was not persuaded that the disputed information had a commercial value, she found that information was not exempt under clause 4(2). The Commissioner accepted that disclosure of the disputed information would reveal information about the business affairs of the complainant, but not that its disclosure could reasonably be expected to have an adverse effect on the affairs of the complainant, or prejudice the future supply of information of that kind to the government or an agency, as required by clause 4(3). Accordingly, the Commissioner

also found that the disputed information was not exempt under clause 4(3).

The Commissioner confirmed the agency's decision.

Re Toohey and School Curriculum and Standards Authority
[\[2021\] WAICmr 3](#)

Names of markers of ATAR examinations – clause 11(1)(a)

The complainant sought access to documents that showed the names of markers, and the chief marker, for a particular unit of the Australian Tertiary Admission Rank (ATAR) course examination for 2019.

The agency refused access to two documents on the basis that they were exempt under clause 11(1)(a) of Schedule 1 to the FOI Act. Matter is exempt under clause 11(1)(a) if its disclosure could reasonably be expected to impair the effectiveness of any method or procedure for the conduct of tests, examinations or audits by an agency. Matter is not exempt under clause 11(2) if its disclosure would, on balance, be in the public interest.

The Commissioner accepted that disclosure of the names of the markers would undermine the recruitment of the many markers needed for the ATAR system to work effectively, and therefore impair the effectiveness of the agency's procedures for the conduct of examinations, as described in clause 11(1)(a).

The Commissioner weighed the public interests for and against disclosure of the disputed documents. Weighing

against disclosure, the Commissioner recognised public interests in the maintenance of both personal privacy and the integrity and effectiveness of the agency's methods and procedures for the conduct of examinations. In favour of disclosure, the Commissioner considered that there was a public interest in the accountability of the agency in carrying out its marking processes and had regard to the mechanisms that were in place and the information that was already available. The Commissioner found that, on balance, the public interest factors weighing against disclosure of the disputed documents outweighed those in favour and, as a result, that the clause 11(2) limitation did not apply.

The Commissioner found that the disputed documents were exempt under clause 11(1)(a) and confirmed the agency's decision.

Re Flatman and Main Roads Western Australia [\[2021\] WAICmr 4](#)

Information of a commercial value to a third party – clause 4(2)

The complainant sought external review of the agency's decision to refuse him access to documents containing information about testing carried out on a third party's asphalt mix, to assess whether it complied with the agency's Asphalt Mix Design. The agency claimed the disputed information was exempt under clause 4(2) of Schedule 1 to the FOI Act.

The Commissioner accepted that disclosure of the information about the results of the tests on particular components of the asphalt mix has a commercial value to the third party as it is valuable for the purposes of carrying on the commercial activities of the third party. The Commissioner considered that disclosure could reasonably be expected to destroy or diminish that commercial value, taking into account the competitive nature of the industry and that the mixture could be back-calculated; the information is not publicly available; and the mixture may be used on future projects.

The Commissioner, therefore, found that the disputed information was exempt under clause 4(2) and confirmed the agency's decision.

Re Hollands and City of Belmont [\[2021\] WAICmr 5](#)

CCTV footage – clause 3(1)

The complainant applied for access to certain CCTV (**the disputed document**) footage of the agency's foyer area following a council meeting on a particular date.

The agency refused access to the CCTV footage on the ground it was exempt under clause 3(1) of Schedule 1 to the FOI Act.

Having considered documents submitted by the complainant, which she asserted were consent forms from individuals in the disputed document, the Commissioner was not satisfied that all individuals in the disputed document

consented to the disclosure of their personal information and did not consider that the limit on the exemption in clause 3(5) applied.

The Commissioner recognised that there was a public interest in ensuring the accountability of the agency for actions taken in relation to a dispute between private individuals arising at the agency's offices. However, the Commissioner considered that this public interest was satisfied by a complaint made by the complainant to an oversight body which made inquiries into the agency's actions.

In balancing the competing public interests the Commissioner was not persuaded that the public interests favouring disclosure were sufficient to outweigh the strong public interest in the protection of personal privacy of other individuals. Accordingly, the Commissioner found that the disputed document was exempt under clause 3(1).

The Commissioner considered whether it was practicable for the agency to give the complainant access to an edited copy of the disputed document, pursuant to section 24 of the FOI Act, but decided in this matter that the extensive editing required would render the document unintelligible. The Commissioner observed that it may be appropriate for agencies, which capture CCTV footage for security and safety purposes, to have software capable of editing the footage in order to satisfy requests made under the FOI Act.

The Commissioner confirmed the agency's decision.

Re Hollands and City of Belmont [\[2021\] WAICmr 6](#)

Complaint by a third party – clause 3(1)

The complainant applied for access to a copy of a complaint lodged by a resident regarding her conduct at a council meeting. The agency gave the complainant access to an edited copy of the disputed document, claiming that the information deleted from the document was outside the scope of the complainant's application.

Having considered the material before her, the Commissioner was of the view that the disputed information was exempt under clause 3(1) of Schedule 1 to the FOI Act. The Commissioner considered that disclosure of the disputed information would do more than reveal personal information about the complainant, as the complainant's information was inextricably interwoven with personal information about other individuals.

The Commissioner recognised that there are public interests in local government agencies being accountable for actions they take in response to allegations made; and in individuals, who have had allegations made against them, being informed of the nature of the allegations, being given the opportunity to respond and being informed of any action taken by the agency.

Having considered the edited copy of the disputed document provided to the complainant, along with a letter from the agency informing her of the complaint against her, the Commissioner considered these public interests were satisfied. The Commissioner also considered that the

complainant's complaint to an oversight body about the agency, resulting in inquiries into the agency's actions, further satisfied the public interest in the agency being accountable for its actions. The Commissioner did not consider that disclosure of the disputed information would further that public interest.

In balancing the competing public interests the Commissioner was not persuaded that the public interests favouring disclosure of the disputed information were sufficient to outweigh the strong public interest in the protection of privacy of other individuals.

Accordingly, the Commissioner varied the agency's decision and found that the disputed information was exempt under clause 3(1).

External review outcome benefits

When an external review is finalised by the OIC the outcome is recorded as one of four types of legislative outcome (see [Table 5](#)). The FOI Act outlines the basis on which an external review can be finalised as follows:

- By formal published decision under section 76(2) where the Commissioner formally determines any issues remaining in dispute and makes a decision that either confirms, varies or sets aside the agency's decision and makes a decision in substitution.
- By decision under section 67(1)(a) where the Commissioner decides to stop dealing with the matter because it does not relate to a matter the Commissioner has power to deal with.

- By decision under section 67(1)(b) where the Commissioner decides to stop dealing with the matter because it is frivolous, vexatious, misconceived or lacking in substance.
- By conciliation where the external review is finalised on the basis that there are no issues remaining in dispute that the Commissioner is required to determine.

Summary details of the external review process, which may include some outcomes achieved for the parties during the external review process, are described in published formal decisions and selected case studies of conciliated matters reported in this report. However, those summaries do not necessarily describe the full extent of the benefits to a party, particularly the complainant, which are achieved in the external review process.

For example, a formal published decision may state that an agency's decision is confirmed in relation to any issues that remained in dispute at the end of the external review process. However, it is often the case that a significant amount of what was in dispute at the *commencement* of the external review is resolved during the external review process, meaning the Commissioner was not then required to formally determine those issues.

In order to better reflect and record all outcomes achieved, from 1 July 2019 the OIC has recorded benefits to a party that may not otherwise have been reflected when only using one of the four legislative outcomes of an external review, as outlined above. Some matters may have more than one benefit to a party.

For each external review finalised the case officer is required to identify whether:

- access to additional documents or parts of documents was given to the complainant;
- additional action was taken by the agency while the matter was on external review which resulted in more information being provided to the applicant;
- the scope of the external review was reduced by a party; or
- no additional benefit was attributed to a party to an external review.

In the first year recording such information (2019/20) 148 external reviews were finalised. In the current reporting period (2020/21) 180 external reviews were finalised. The chart below summarises the outcome benefits of external review applications for both last year and the current year:

	2019/20		2020/21	
	#	%	#	%
Additional documents or parts of documents released	45	30	42	23
Additional action taken by the agency	53	36	61	34
Reduction in scope	8	5	15	8
No additional benefit	55	37	69	38

Timeliness of external review

The timeliness of the external review process is an ongoing challenge for the OIC. During the reporting period a further review of our processes took place, which resulted in a greater focus being given to older unresolved matters. This is reflected in the chart below, with a significant increase in the finalisation of external reviews that were on hand for greater than 12 months. We will continue to review our processes wherever practicable without compromising the integrity of the external review process.

	Percentage of external reviews finalised in time periods		
	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2016/17	66%	24%	10%
2017/18	64%	25%	11%
2018/19	61%	34%	5%
2019/20	47%	34%	19%
2020/21	36%	38%	26%

Multiple external reviews by complainants

Each year the OIC receives more than one external review from a number of individual complainants (access applicants and third parties). The chart below shows a comparison between the number of external reviews received and the total number of complainants over the last five years.

	Number of external reviews received	Total number of complainants
2016/17	124	88
2017/18	165	103
2018/19	176	118
2019/20	166	127
2020/21	161	112

On average, over this five year period, 70% of external reviews received were where a complainant lodged a single external review and 30% of external reviews received were where a complainant lodged multiple external reviews.

Advice and Awareness

Strategic Goal: Enhance the information access culture in Western Australian government agencies

Provide clear, accurate, relevant and timely advice to agency staff to enhance their understanding of their responsibilities under the WA FOI Act

- Responded to 445 phone and written enquiries from agencies.
- Four newsletters published.

Ensure our resources, tools and training services support information access competency within agencies

- Online FOI Fundamentals Series launched.
- FOI briefings and training provided.
- Liaison with the FOI Agency Reference Group.
- Review of all of current publications commenced.

Identify and recommend changes to legislation and administrative practice that will facilitate improved information access practice across the State

- Recommendations published in annual report.
- Information access principles promoted via the CEO Gateway.

Explore opportunities for collaboration to champion the principles of open government

- Participated in the Association of Information Access Commissioners events.
- Participated in the International Conference of Information Commissioners.

Strategic Goal: Enhance public awareness and understanding of freedom of information in Western Australia

Ensure we provide the community with accessible, inclusive and user-friendly information

- Responded to 1,140 in person, phone and written enquiries from members of the public.
- Publications specifically targeted at members of the public provided.

Increase community awareness of freedom of information rights

- Webinar for advocacy groups delivered.
- International Access to Information Day promoted.

Promote community understanding about the role of the Information Commissioner

- Articles published and speaking events held by the Commissioner.

The OIC seeks to ensure that agencies and their staff value FOI as part of an agency's operations and that FOI Coordinators, decision-makers and principal officers are aware of their responsibilities under the FOI Act. An understanding of agency obligations under the FOI Act should form part of any public sector employee's competency.

The OIC also provides information for members of the public and those who may advocate for or assist members of the public to understand the rights and processes outlined in the FOI Act. Training and briefings are provided to State and local governments and to non-government groups as part of those activities.

A list of the training, briefings and workshops provided by the OIC is available at [Table 9](#).

FOI Training for FOI Coordinators and decision makers

For a number of years, the OIC has offered an FOI Coordinator's Workshop and FOI Decision Writing Workshop as face-to-face training for agency officers, presented at OIC facilities. The FOI Coordinators Workshop was a full day course and had between 10 and 25 attendees at each workshop. The Decision Writing Workshop was a half day course and had a similar number of attendees. Generally, during a three month period, the OIC would offer two FOI Coordinator's Workshops and one Decision Writing Workshop.

During the second half of 2020, in response to the COVID-19 pandemic, the OIC delivered the two interactive workshops remotely. The remote sessions were generally 90 to 120

minutes long and attendance was similar in number to those attending face-to-face training.

In early 2021, the OIC developed an online course that agency staff can access at any time, at their own pace. As a result, in March 2021, the [FOI Fundamentals Series](#) was made available. The series consists of eight online modules, as set out below, and is aimed at State and local government officers dealing with FOI in their agency. The series includes the material that was covered in the face-to-face training offered by the FOI Coordinator's Workshop.

- Module 1 – FOI Basics
- Module 2 – Dealing with an access application – Part 1
- Module 3 – Dealing with an access application – Part 2
- Module 4 – The exemptions – Part 1
- Module 5 – The exemptions – Part 2
- Module 6 – 'Third parties'
- Module 7 – Notices of decision and review rights
- Module 8 – Other requirements of the FOI Act and series summary

Completion of all modules will assist participants to understand an agency's obligations when dealing with access applications under the FOI Act and learn strategies to deal with access applications efficiently and effectively.

Each module consists of a video, including a PowerPoint presentation, and material from the FOI Coordinator's Manual.

Assessment questions are being developed, which will allow participants to demonstrate their understanding of the concepts covered in each module and receive a certificate of participation.

Registration for the FOI Fundamentals Series is available at our [website](#).

A second series of modules based on the Decision Writing workshop is currently in development.

Briefings for community groups

The OIC will consider invitations from non-government groups to provide briefings about rights under the FOI Act. Priority is given to groups that support individuals to understand or exercise their rights under the FOI Act. During the year the OIC provided an FOI briefing for participants completing the Piddington Society's Practical Legal Training.

This year, as part of International Access to Information Day celebrations, the OIC also delivered an online webinar aimed at not-for-profit agencies to assist advocates to understand how to use FOI effectively on behalf of their clients.

A key message for community groups seeking to assist individuals to access documents or to amend their personal information is to contact the relevant agency before making a formal application. This early contact can be useful in reducing the work required for both the applicant and agency.

Community groups are referred to our publication [Is FOI my best option?](#) together with other relevant OIC publications to ensure advocates are informed of effective strategies for exercising rights under the FOI Act.

FOI Newsletter

The newsletter provides an opportunity for the OIC to address current or recurring FOI and information access issues. While the information contained in the newsletter is primarily aimed at agency staff, it includes information that may be of interest to members of the public. Subscribers to the newsletter also receive alerts when new decisions of the Commissioner are published on our website.

Over 300 subscribers received the four newsletters published during the reporting period in [July 2020](#), [November 2020](#), [February 2021](#) and [May 2021](#).

Subscription to the newsletter is available on our [website](#).

Online resources

The majority of the OIC's written resources are published on our website. These include:

- guides for members of the public and agencies;
- Commissioner's decisions;
- annual reports;
- FOI Coordinator's Manual; and
- FOI newsletters.

The OIC maintains a suite of online guides for agencies and members of the public. Agency guides assist agencies to meet their obligations under the FOI Act. Guides for members of the public provide guidance about making FOI access and

amendment applications and understanding the FOI process. While the guides are created with a particular audience in mind, they are accessible by all who access our website.

Short guides on common issues or questions regarding FOI are available from our home page with drop-down menus for members of the public and for agencies. These short publications are available as printable PDFs using a link on the webpage of each publication. More detailed publications are available from our [Publications](#) page, which is accessible from our home page under 'Other Resources'. The [OIC guidance](#) page provides detailed information about FOI processes, some FOI Act exemptions and external review procedures.

The [FOI Coordinator's Manual](#) is a key resource for anyone seeking to understand the FOI processes in greater detail. It is a comprehensive reference tool for FOI Coordinators and is intended to be an evolving resource. It is also a resource used in the newly developed online *FOI Fundamentals Series* available for agency officers.

New publications and publication updates

After considering the recommendations made by the Standing Committee on Public Administration in its November 2020 report, ['Consultation with Statutory Office Holders' \(Report No 34\)](#):

- the OIC created and published a new publication – [Exchange of submissions and procedural fairness - External review guide for parties](#); and

- amended its existing publication – [External Review Procedure - guide for parties](#).

Further detail regarding the Committee's report is outlined on [page 44](#) of this report.

Also in this reporting period, the OIC amended the existing publication – [Who do I contact to ask for documents?](#)

A full list of OIC web publications is available at [Table 11](#).

This year the OIC began a review of our publications with input provided by the Agency FOI Reference Group: see page [32](#) of this report for further details. This review is an important initiative towards fulfilling the OIC's 2020-2023 Strategic Goals.



Online decision search tool

Decisions of the Commissioner made under section 76 of the FOI Act are published on the OIC's website as soon as practicable after being handed down and provided to the parties. A comprehensive search facility is available for full decisions whereby users can search for specific exemption clauses, sections of the FOI Act or words and phrases found in the decisions. For these criteria, the facility will search the catchwords found at the beginning of each full decision as per the following example:

FREEDOM OF INFORMATION – refusal of access – lease of premises commonly known as 'Indiana Tea House' – section 30(f) – the requirements of a notice of decision if the decision is to refuse access – section 102 – burden of proof – section 33 – safeguards for affected third parties – clause 4(3) – adverse effect on business affairs – clause 4(7) – public interest – clause 8(1) – breach of confidence – clause 8(2) – information of a confidential nature obtained in confidence.

The Commissioner may issue a decision note, which is not as comprehensive as a full decision but is still captured by the search facility when searching by agency or complainant name, selecting decisions between dates, or a particular outcome.

A Google search is also available that will search the full text of all published decisions.

The decision search facility is a very helpful tool for FOI practitioners to search for precedents relevant to matters with which they are dealing. The Commissioner's decisions are also available and searchable on the Australasian Legal Information Institute (**AustLII**) [website](#) under Western Australia case law. AustLII provides a free online database of Australasian legal materials.

People can subscribe to receive notifications of newly published decisions of the Commissioner at our [website](#).

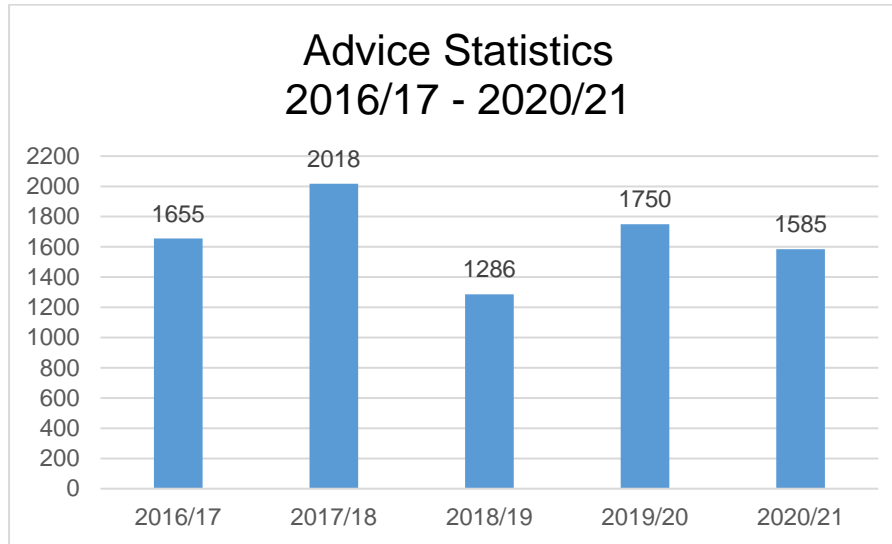
Responding to enquiries

The OIC provides general assistance to members of the public and agency staff regarding FOI issues. The information provided is intended to ensure that members of the public are aware of their rights to access documents under the FOI Act and of the options available to seek access to documents outside of formal FOI processes where appropriate. Agency officers are assisted to understand their obligations under the FOI Act.

Members of the public sometimes misdirect their requests for documents held by particular agencies to the OIC. For example, each year the OIC receives a number of access applications for medical records. People who misdirect their request are advised that under the FOI Act, access applications should be made directly to the agency that holds the documents. Requestors are given: contact information for the relevant agency; encouragement to contact the relevant agency to check whether a formal access application is required; and information about review rights if they are dissatisfied with an agency's decision under the FOI Act.

This year the OIC dealt with 1,585 written, phone and in-person requests for guidance or advice, and misdirected requests. This is a 9.4% decrease from the 1,750 requests for advice received last year. It is also a return to closer to the numbers received in previous years.

The OIC does not provide legal advice and does not provide specific rulings on particular issues or sets of facts when the matter is not before the Commissioner on external review. The resources outlined in this report provide information to support agencies and the community to understand their rights and obligations under the FOI Act.



Agency FOI Reference Group

The Agency FOI Reference Group (**AFRG**) is made up of key staff of the OIC and FOI practitioners from 14 agencies that are representative of the different agency types in the sector. The number has been expanded from ten to seek a greater cross section of input.

The purpose of the AFRG is to promote and advocate for good FOI practice in agencies. Meetings of the group continue to provide an opportunity for the OIC to hear directly about current

issues facing agencies relating to FOI. These discussions are an important contributing factor to the advice and awareness activities of the OIC.

The AFRG met four times during the reporting period. Members of the AFRG are encouraged to share information from meetings with their staff and similar agencies, and to feed information back from those sources to the group.

During the second half of the reporting year the OIC began a process to review the publications currently available on the OIC website. Members of the AFRG were asked to provide feedback about the OIC publications in a staged process.

Each AFRG member was allocated a number of publications to review; and each document was reviewed by three to five people within the AFRG.

The members provided feedback about the OIC's *For the Public* and *For Agencies* publications.

Members were asked to consider the following in relation to each publication:

- Is the reason for the publication clear?
- Will the publication assist the relevant audience?
- Do you have questions arising from the publication? Could they be addressed in this publication or another publication?
- Would you provide this publication to a member of the public or another officer when relevant?

- Are there additional matters you think should be included in this publication?
- Do you have concerns about any of the statements made in the publication or about the way that they may be interpreted?
- Do you have any suggestions for improvement?

The feedback provided by the AFRG members will play an important role in informing the rollout of updated publications in the next reporting period.

International Access to Information Day 28 September 2020



International Access to Information Day (**IAID**) – formally known as Right to Know Day – is celebrated on 28 September each year and recognises citizens’ rights to access information and reinforces the importance of transparency in building trust in government.

In 2020 a working group of officers from the various information access jurisdictions in Australia and New Zealand, comprising

the Association of Information Access Commissioners (**the AIAC**), cooperated to develop a joint logo and theme to celebrate IAID in Australia.

The AIAC also issued a [joint statement](#) celebrating IAID and acknowledging the importance of access to information laws and the community’s right to know. Events held by the individual AIAC jurisdictions were cross-promoted.

As part of the IAID celebrations, the OIC held three online seminars to promote and discuss information access and rights under the FOI Act:

- **Accessing government documents in WA** – this session was aimed at not-for-profit agencies to assist advocates understand how to use FOI effectively on behalf of their clients.
- **Information Access and Local Government in WA** – this session featured a panel discussion between the Commissioner, the CEO of the City of Gosnells and the CEO of the City of Perth about the importance, role and challenges of information access in local government. It was well attended by both local and State government officers.
- **Comparing the ‘push’ and ‘pull’ approaches of FOI and RTI legislation** – this session featured a discussion between the Commissioner, the Queensland Information Commissioner; and the Queensland Right to Information Commissioner about ‘push’ and ‘pull’ models in FOI and Right to Information legislation.

Information Awareness Month – May 2021

Building Trust – Adaptability and Capabilities was the theme for Information Awareness Month (IAM) held in May 2021. IAM is a collaborative event between various bodies within the records, archives, library, knowledge, information and data management communities. The OIC promoted IAM events on its website and the Commissioner issued a [joint statement](#) with the Director of the State Records Office, which promoted IAM and the role that timely access to information can play in building trust between the community and government.

Online FOI access application form

As reported last year, the OIC has worked with a number of agencies to develop an online FOI access application form, which was launched on the WA.gov.au website in August 2020. This form allows members of the public to submit an online access application to the State government agencies that have their website hosted on the WA.gov.au site.

While a form is not required to make a valid access application under the FOI Act, it can be preferred by applicants because it provides a structure to their access application. An online form also provides an easy way to lodge the FOI access application with the appropriate agency.

The online form is preceded by information to assist applicants to understand their rights under the FOI Act. Applicants are encouraged to contact the relevant agency before lodging their application because in many cases a formal FOI access application may not be necessary – in some cases, the documents to which access is being sought may be available

outside the FOI process. The relevant FOI contact for each agency is also provided.

The online form is structured to allow applicants to provide the information needed to make a valid access application under the FOI Act, while also allowing and encouraging the applicant to provide additional information to assist agencies to clearly identify the documents requested – and the information that the applicant does not want – so that the application can be dealt with effectively and efficiently.

Lonnie Awards for annual reporting

The Lonnie Awards – organised and hosted by the Institute of Public Administration Australia – provides an independent review of WA State government annual reports each year. The purpose of the awards is to encourage excellence in annual reporting, which is an important tool in accountability and transparency.

The judging panel for 2019/20 annual reports across the sector awarded the OIC's annual report the gold award for agencies with less than 100 FTEs.

Our workplace

Strategic Goal: Foster a supportive and collaborative workplace that advances staff capabilities and encourages innovation and creativity

Ensure that our organisational structure promotes open lines of communication

- Proposal for an organisational review to be undertaken drafted.

Explore flexibilities that enhance working arrangements and professional development

- Working from Home Policy reviewed.
- Ongoing working from home arrangements approved.
- Opportunities for career development provided.

Cultivate a positive organisational culture that supports personal wellness

- Accredited Mental Health First Aid advocate supported.
- Mental Health First Aid Officer Workplace Policy developed.
- Participation in Mental Health Awareness Week.
- Monthly OIC staff walking group established.

Strategic Goal: Sound information systems that support our operational needs

Use technology to improve efficiency and accessibility to our services

- Online FOI training modules to replace in-person training developed.

Implement a case management system that meets our reporting needs

- Advice sought from consultants and other agencies in preparation for project planning.

Transition to an electronic records management system to better manage our record-keeping obligations

- Liaised with other small agencies in preparation for project planning.

Response to COVID-19

In early 2020 the COVID-19 pandemic required significant effort to manage the impacts on our working environment and the health and safety of our staff. This year we continued to encourage safe practices and ensure our policies and procedures remain relevant.

Staff have been invited to provide feedback on their experience working remotely: what worked for them; what did not; and whether they had the necessary resources to work effectively. With this information, the following documents have been drafted and/or reviewed:

- action plans which outline the actions to be taken and resources to be used to facilitate the continuation of critical business activities in the event that the OIC is required to operate remotely for an extended period;
- safe work practice guides;
- a policy on the uniform treatment, storage and disposal of confidential documents submitted by agencies during the course of the external review process;
- a policy on the use of electronic signatures; and
- a remote working policy.

As reported last year, our strategic plan for 2020-2023 includes updating systems to assist with our response to future crises and to improve our efficiencies. During the year we used the feedback provided by staff to develop a gap analysis outlining what is currently available to facilitate staff working remotely

and what is still needed, particularly during a full office lockdown. As a result, and as the OIC's desktop computers are due for replacement in 2021, laptops will be purchased later this year that staff may use remotely.

Wellbeing and Mental Health Awareness

The OIC encourages the physical and mental health of staff. Initiatives include:

- supporting an employee to become an accredited Mental Health First Aid advocate;
- developing a Mental Health First Aid Officer Workplace Policy;
- maintaining awareness of the ongoing Employee Assistance Program that provides free counselling;
- maintaining information about responding to threats of self-harm or harm to others;
- participating in Mental Health Awareness Week;
- establishing a monthly OIC staff walking group;
- encouraging participation in fundraising activities for the Law Access Walk and the Push Up Challenge; and
- a staff funded social club that organises events during the year.

Flexible working arrangements

Workplaces around the world are acknowledging that the COVID-19 pandemic has potentially changed the traditional working environment. The future of the workplace is now more inclusive of remote working for staff on an ongoing basis.

The requirement for OIC staff to work from home for periods during the pandemic provided the opportunity to develop a more robust Working from Home Policy, which ensured the proper management of processes, protocols, resources and technologies.

During the year, seven staff members have been given approval to work from home on a regular basis at varying degrees of regularity. Staff are also able to seek approval to work from home on a more adhoc basis. This arrangement benefits the office by allowing staff to continue their work, where previously they may have needed to make leave arrangements.

Given the success of these arrangements, a review of the Working from Home Policy is underway. Other flexible working arrangements that might be suitable for the OIC are also being explored.

Career development

Due to the small size of the OIC, there is limited scope for career development within the organisation. This fact has always been recognised as an issue, and that it poses a risk to staff retention.

During the year, an opportunity for staff to gain experience in higher level positions was created by dedicating an officer to other special projects, which provided higher duties openings for two staff members.