



Office of the Information Commissioner

Freedom of information for Western Australia



ANNUAL REPORT 2021/22



We acknowledge the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past, present and emerging.

Contact Details

Office address

Albert Facey House
469 Wellington Street
PERTH WA 6000 ([map](#))

Telephone

(08) 6551 7888

Freecall for WA country regions

1800 621 244

Email

info@oic.wa.gov.au

Website

www.oic.wa.gov.au

This annual report and previous annual reports are published on the OIC website and are available in other formats on request.



1 December 2022

**SPEAKER OF THE LEGISLATIVE ASSEMBLY
PRESIDENT OF THE LEGISLATIVE COUNCIL**

ANNUAL REPORT TO 30 JUNE 2022

In accordance with section 63 of the *Financial Management Act 2006* I hereby submit my report for the reporting period ended 30 June 2022.

The annual report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the reporting requirements of the *Freedom of Information Act 1992* (WA).

A handwritten signature in blue ink that reads "Catherine Fletcher".

Catherine Fletcher
INFORMATION COMMISSIONER

Albert Facey House, 469 Wellington Street Perth WA 6000
Telephone: (08) 6551 7888
Freecall (WA country): 1800 621 244
Email: info@oic.wa.gov.au
Web: <http://www.oic.wa.gov.au>

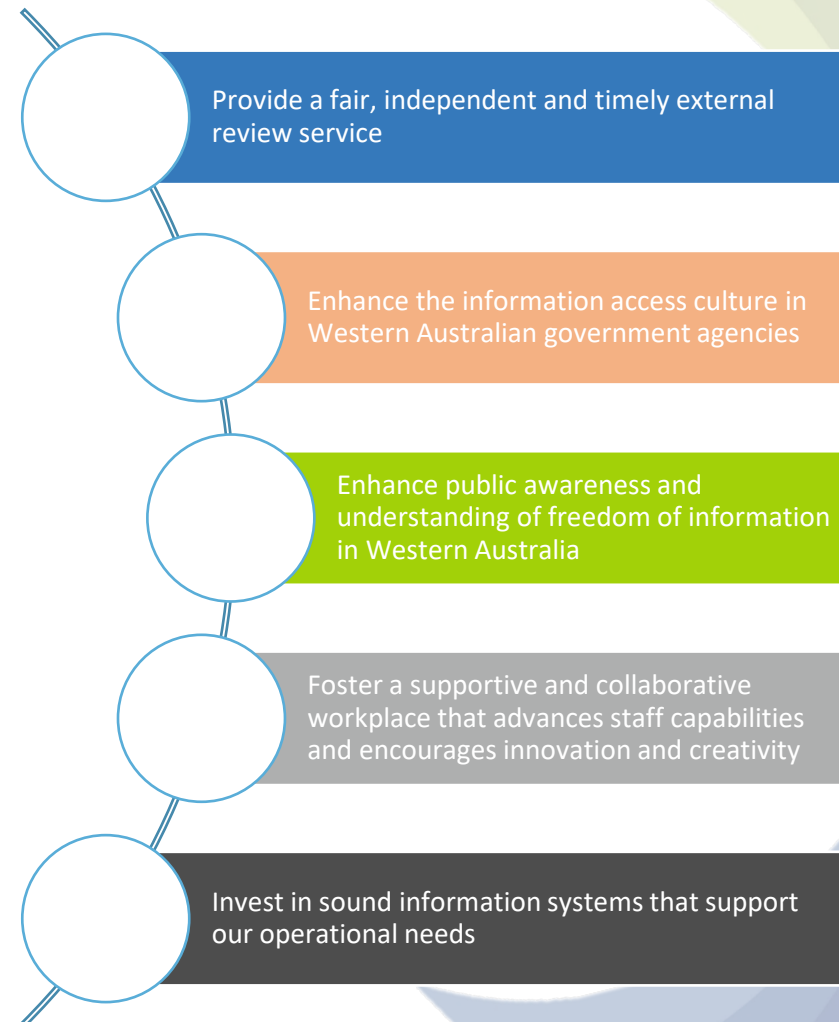
About this report

Welcome to the Office of the Information Commissioner's 2021/22 annual report.

The aim of this annual report is to give a comprehensive overview of our performance during the year, provide insight into the goals and operations of our office and the operation of the *Freedom of Information Act 1992 (WA) (the FOI Act)* in Western Australia. The services we deliver are designed to provide an outcome that gives the people of Western Australia access to documents held by WA State and local government agencies, as required by the law, and to provide a mechanism to ensure their personal information is accurate and up-to-date. We also educate agencies on their responsibilities under freedom of information (FOI) legislation and provide assistance to the community to help them understand their rights under FOI legislation.

The key message of FOI legislation mirrors the purpose of agency annual reports – greater accountability and transparency. We trust that this report on our activities and performance during the year provides valuable insight into our operations.

Strategic goals



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Overview

What is Freedom of Information?

A legislative right to access government information remains a hallmark of an open, transparent and accountable democracy. The FOI Act gives everyone a legally enforceable right to government documents in Western Australia.

The stated objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public. The FOI Act achieves this primarily by creating a general right of access to State and local government documents and requiring that certain documents concerning State and local government operations be made available to the public. Dealing with requests under the FOI Act is not merely an administrative process but a means of dispensing justice to the people of Western Australia.

In the absence of State privacy legislation in Western Australia, the FOI Act provides a limited mechanism for the protection of government-held personal information from disclosure under the FOI Act and also provides a means to ensure any such personal information is accurate, complete, up-to-date and not misleading.

The FOI Act is supported by the *Freedom of Information Regulations 1993 (WA)*.

How does it work?

Anyone has the right to lodge an FOI application to WA State and local government agencies and Ministers (collectively referred to as 'agencies') requesting access to documents, or to apply to have their personal information amended if it is incomplete, inaccurate, out-of-date or misleading. Agencies are then obliged to make a decision on access or amendment applications in accordance with the FOI Act.

Role of the Information Commissioner

The office of Information Commissioner (**the Commissioner**) is created by the FOI Act and is appointed by the Governor. The Commissioner is independent of executive government and reports directly to the Parliament and not to, or through, a Government Minister. The Attorney General is the Minister responsible for the administration of the FOI Act, but has no express role under the legislation.

The main function of the Commissioner is to provide independent external review of decisions made by agencies under the FOI Act in respect of applications for access to documents and amendment of personal information. Additional functions include ensuring that agencies and the public are aware of their responsibilities and rights under the FOI Act.

The Commissioner also recommends legislative or administrative changes that could be made to help the objects of the FOI Act be achieved.

Executive Summary

Information Commissioner's Report



I am pleased to present to Parliament and the community my report on the operation of the *Freedom of Information Act 1992 (WA)* (**the FOI Act**) across the West Australian public sector and my office's operations for the 2021/22 reporting period.

This is the 29th annual report of my office and my fourth report as Commissioner.

It is almost 30 years since my office commenced its operations and the FOI Act took effect. During its passage through the Parliament and upon enactment the FOI Act was, almost universally, considered a significant piece of legislation. It was part of a suite of measures to restore trust and accountability in government following the commercial scandals of the WA Inc period in the 1980s. It overturned the long-standing presumption of government secrecy that operated in most countries, even liberal democracies, well into the 20th century.

Changing citizen expectations about the need for government transparency and the information revolution brought about many critical governance and political reforms. FOI laws are an important part of that story.

Despite significant optimism that democracy would become the dominant universal political system, sadly we see that, once again, it is under threat and attack around the world, even in Australia, in ways we had not previously imagined. Misinformation, disinformation, decision-making secrecy and other information distortions all serve to undermine our freedoms and erode our trust in government. That trust is the essential ingredient in any democracy.

The effectiveness of a state's integrity institutions and frameworks is a key factor in whether that state is regarded as a safe place to live, work and invest.

As a robust democracy, that can also offer support to and engagement with emerging democracies in our region, all WA integrity institutions should be appropriately equipped with the necessary functions, powers and resources so they can continue to support the Parliament's work of holding the government to account. As the saying goes, the price of such freedoms is eternal vigilance.

Although it may not always be used to its full potential, or even sometimes misused, the FOI Act is a key integrity tool that enshrines important democratic safeguards. It provides for the public's right to know and the means for the public to participate more effectively in government. It is also aimed at making the persons responsible for State and local government more accountable to the public. I am deeply humbled to support the Parliament in this way.

As we enter the 30th year of operation of the FOI Act, in my view it is important to undertake a close examination of whether the FOI Act, and my office, is working and serving the

Parliament and the community as efficiently and as effectively as intended.

My office has begun that work. I will have more to say about that in next year's annual report which will benefit from, among other things: completed workforce and risk reviews; a proposed report examining recent and historical data about FOI in WA; more national data comparing the use of FOI laws around Australia; progress reports on a three year inter-jurisdictional research project examining the culture and practice of FOI in this and two other states; and recent surveys on community attitudes to information access across Australia.

Law Reform

Accountability, integrity and trust in government have, once again, been dominant themes throughout Australia in recent times. Across the country there have been concerns expressed about unwarranted or excessive government secrecy, and poor or inadequate management, or even misuse, of government-held personal information. Additionally, issues of insufficient resourcing and other more egregious action that impedes the functional responsibilities of independent integrity agencies have also attracted public comment.

With no substantive review of the FOI Act ever carried out in this state since it commenced in 1993, the FOI Act ought to be reviewed for possible modernisation and reform. As a critical integrity tool dealing with a much changed, and still changing, information landscape, this legislation could be future proofed

so as to ensure ongoing and enhanced transparency and accountability of government.

This year I presented a submission to the Attorney General aimed at encouraging reform to, among other things, place greater emphasis on mandatory proactive information disclosure to replace the current emphasis on reactive information disclosure (i.e. moving from a 'pull' model to a 'push' model).

This reform could go some way to modernising the FOI Act in line with developments in several Australian and other jurisdictions. The other benefits of reform could include a more effective and better equipped government information regulator, less compliance work for agencies and better access to information for citizens. The net effect would be to enhance trust in government and better support our democracy.

I look forward to working with the Attorney's office to progress this submission.

FOI in the Sector

In the year to 30 June 2022, a record number of FOI access applications were made to agencies across the sector, namely 21,171 applications which is a 4 per cent increase upon last year's 20,354 applications, and a 23 per cent increase over the 10 years since 2012/13. This upward trend translates into an increasing compliance burden for agencies which appears to be impacting both timeliness of agency decision and access to information for applicants. For the last five years, my office has collected data from agencies on the number of

FOI access applications dealt with within the permitted period under the FOI Act. Although the percentage of applications dealt with within the permitted period is higher this year than last year (increasing from 84.2% to 86.5%), both these numbers represent a decrease from four years ago (2017/18) when 90% of applications were dealt with within the permitted period. However, the overall average time for agencies to deal with access applications has fallen from 33.1 days last year to 24.9 days this year, which remains well within the 45 days provided in the FOI Act.

My office has also noted a considerable number of applications for external review being made based on agencies failing to make a decision within statutory timeframes, which is then taken to be a refusal of access, which triggers internal review rights.

A way to reduce that compliance burden for agencies is to become more pro-active in their information release, rather than re-active, thereby also providing enhanced and timelier access to information for the community. My office has recently published and publicised to the sector a new guide that assists and supports agencies to become more pro-active in this way.

Comparing WA to other information access jurisdictions

The National Dashboard of Utilisation of Information Access Rights compares certain statistics about the use of information access rights across the information access jurisdictions within Australia. In the seven years of national metrics data (2014/15 to 2020/21), WA consistently receives more FOI

access applications on a per capita basis than any other jurisdiction.

In addition, WA consistently records the smallest percentage of external review applications of agency decisions as a percentage of access applications received.

Yet across jurisdictions, WA has very high rates of disclosure of information in full or partial form, and correspondingly low rates of refused access.

This data also suggests, in my view, that agencies are directing too many requests for non-contentious information to formal FOI processes instead of utilising more pro-active information release processes. They could then reserve the formal and more protracted FOI access processes for particularly sensitive or contentious government-held information.

External review

An increase in the number of FOI access applications received by agencies has been accompanied by an increase in the number of applications for external review of agency decisions made to my office. This year my office received 194 applications for external review – a staggering 20.5% increase from last year. The number of external reviews received by my office in the last 10 years has grown by 50.4% (from 129 in 2012/2013 to 194 in 2021/22). While my office continues to explore ways to decrease the time taken to deal with external reviews, this trending increase in the number of external reviews received presents an ongoing and significant challenge to the timeliness of external reviews, particularly

when the resources of my office have remained largely static over the same period.

Without an urgent increase in resources for this work those delays cannot be effectively addressed which, in turn, could impact upon the morale and status of my office, support for the oversight functions of Parliament and public confidence in the FOI system.

Advice and Awareness activities

The advice and awareness service of my office continues to deliver an outstanding service to the sector and the community despite being only resourced for one dedicated officer servicing this function.

Through this service we encourage agencies to adopt more informal and proactive information release initiatives outside of the FOI Act. As indicated earlier, adopting such an approach has significant benefits for both the community and government, increases public trust through government transparency, and leads to better service delivery and citizen engagement.

Significantly, it can also reduce the information disclosure burden of formal FOI processes on agencies. This approach is an important focus for my office and for the other information access jurisdictions in Australia.

This is reflected in the joint statement published during the year that promotes 'Open by Design Principles', and the publication by my office of the guide, *Open by Design: FOI and information release under the FOI Act* in September

2022, which builds on the open by design principles in the WA context.

Other activities

During the reporting period, my office also engaged in a number of significant strategic projects to improve our operations and governance.

I commissioned independent reviews to look at workforce organisational issues and our risk management framework. We commenced preliminary work on a major and long overdue review of our ICT systems. These projects are critical to ensuring that we can meet the challenges of a highly digitised and information-rich public sector, meet community expectations about government accountability and transparency, and continue to effectively carry out our important statutory and governance obligations.

As previously reported, my office has committed to an inter-jurisdictional study by Monash University aimed at understanding the culture of FOI administration in agencies. This study will help inform my office's future advice and awareness activities.

My office also regularly contributes, usually by way of invitation, comments or submissions on government proposals on a wide range of matters where there are issues ranging from information access and privacy to government accountability, integrity and transparency.

I also personally participate in a number of cross-sector working groups aimed at better sector wide information

governance as well as my statutory role as an ex-officio State Records Commissioner.

I am also an active member of the Association of Information and Access Commissioners (**AIAC**) that has both Australian and New Zealand membership and an accredited member of the growing association known as the International Conference of Information Commissioners (**ICIC**). Working collaboratively with these bodies and other jurisdictions assists with the continuing improvement of information access processes in WA.

Acknowledgements

Finally, I thank my staff for their professionalism and outstanding dedication to keeping our office functioning effectively within current resources, and for their unwavering commitment to promoting the principles of accountability and transparency even when the workload is, at times, very demanding.

The strategic projects and collaborations outlined above, combined with the steep rise in external review matters and the ongoing demand for FOI guidance and assistance to the sector and from the public, results in a very busy office. However, we do it all willingly and with passion as we recognise the immense privilege of being able to contribute to an effective democracy by serving the Parliament, the public sector and the community.

I also thank many of my public sector colleagues, particularly those in the accountability agencies, whose dedication to service, as well as their support for me, make working in the public sector frequently joyful and always rewarding.



Catherine Fletcher

Information Commissioner

Office of the Information Commissioner (WA)

2021/22 highlights



194

*External reviews
received*



148

*External reviews
finalised*



103

*External reviews
resolved by
conciliation*



146

*External reviews on
hand at the end of the
period*



19

*Published decisions of
the Commissioner*



642

*Attendees at OIC
briefing, training or
education sessions*



959

*Enquiries answered
from the community*



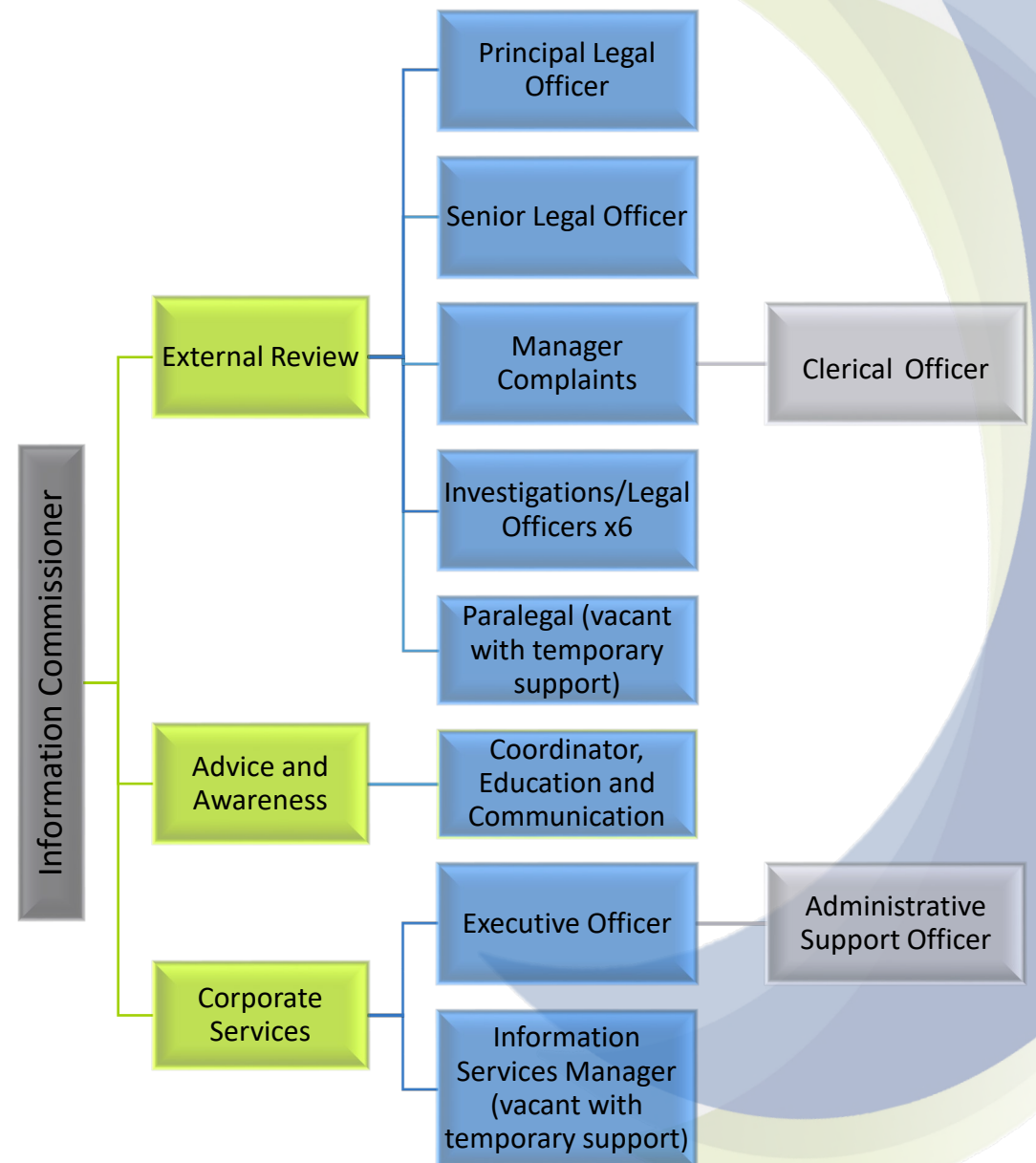
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*Enquiries answered
from local and State
Government*

About the Office of the Information Commissioner

As at 30 June 2022, the Commissioner was supported by 12 staff and three contracted officers in the Office of the Information Commissioner (**the OIC**). Three areas operate to assist the Commissioner in meeting the objectives of the FOI Act:

- The *Resolution of Complaints (External Review)* team provides an independent review and resolution process that strives to resolve applications for external review in a timely manner while balancing the competing needs and expectations of applicants, agencies and Parliament within the legislative requirements prescribed by the FOI Act.
- The *Advice and Awareness* team provides objective guidance and information to members of the public and agencies to assist in the proper lodgement and processing of applications under the FOI Act; proposes initiatives to enhance efficiency in agency administration when dealing with applications received; and provides briefings and training for agency staff and community organisations.
- *Corporate service* staff provide administrative, executive, information technology and governance support to the Commissioner and staff.



Performance management framework



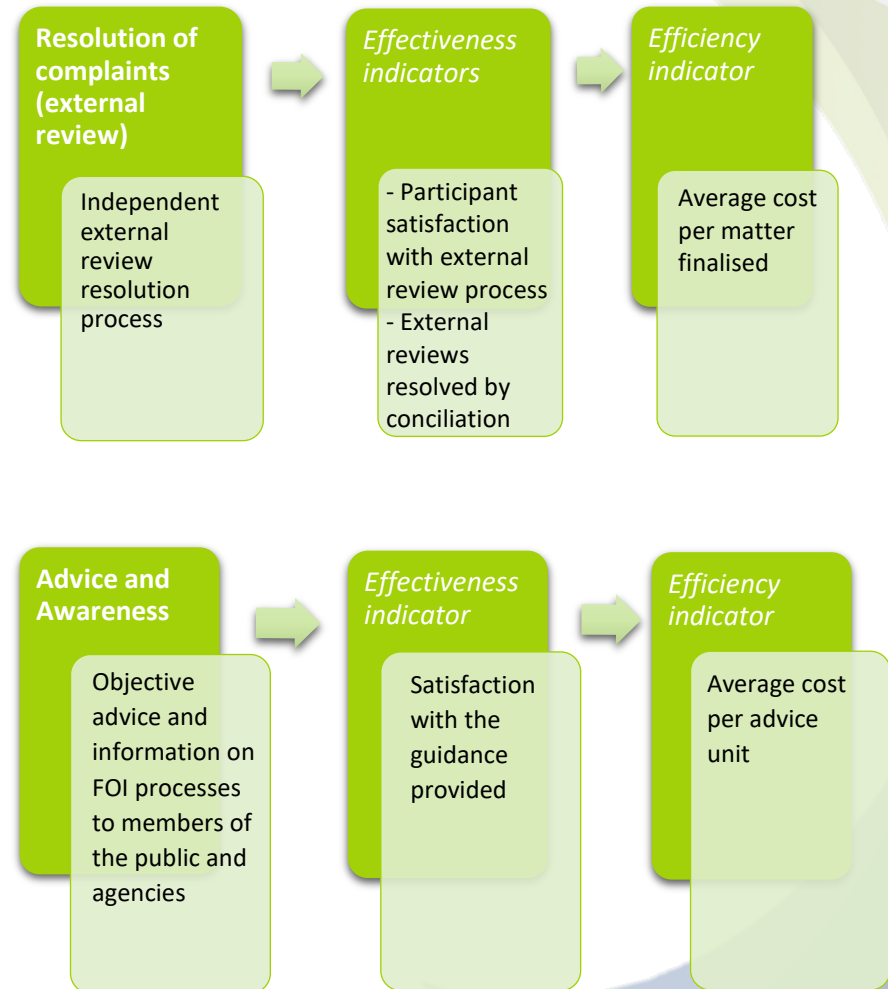
- 1. Resolution of complaints (external review)
- 2. Advice and Awareness

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

Safe, strong and fair communities: supporting our local and regional communities to thrive.

The objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies responsible for State and local government more accountable to the public. These objects promote transparency and accountability in government, a concept that contributes to the broader government goal of safe, strong and fair communities.

Outcome-based management framework



Resolution of complaints (external review)

Independent external review resolution process

Effectiveness indicators

- Participant satisfaction with external review process
- External reviews resolved by conciliation

Efficiency indicator

Average cost per matter finalised

Advice and Awareness

Objective advice and information on FOI processes to members of the public and agencies

Effectiveness indicator

Satisfaction with the guidance provided

Efficiency indicator

Average cost per advice unit

The Commissioner is an independent statutory officer. The OIC does not share any responsibilities with other agencies or receive any administrative or corporate support from any department or agency.

The audited performance indicators are described in more detail in the [key performance indicators](#) section of this report.

The relevant legislative framework for FOI legislation in Western Australia and other legislation that the OIC complies with can be found under the [Disclosures and Legal Compliance](#) section of this report.

Administered legislation

- *Freedom of Information Act 1992*
- *Freedom of Information Regulations 1993*

Other key legislation that impacts OIC's activities

- *Auditor General Act 2006*
- *Corruption Crime and Misconduct Act 2003*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Industrial Relations Act 1979*
- *Minimum Conditions of Employment Act 1993*

- *Occupational Safety and Health Act 1984*
- *Procurement Act 2020*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Salaries and Allowances Act 1975*
- *State Records Act 2000*
- *Work Health and Safety Act 2020*

Operational Performance

Snapshot of financial and operational performance indicators

	Target \$000	Actual \$000	Variation \$000
Total cost of services	2,384	2,612	228
Net cost of services	2,380	2,612	232
Total equity	709	388	(321)
Net increase/(decrease) in cash held	965	771	(194)

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

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%	80%	(5%)
Applications for external review resolved by conciliation	70%	70%	0%
<i>Key efficiency indicator</i>			
Average cost per external review finalised	\$7,016	\$9,674	\$2,658
Advice and Awareness			
<i>Key effectiveness indicator</i>			
Agencies satisfied with advice and guidance provided	98%	98%	0%
<i>Key efficiency indicator</i>			
Average cost of service per application lodged	\$219	\$331	\$112

(1) As specified in the Budget Statements.

External Review

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

Providing a fair, timely and effective formal external review process

- Additional templates revised and created
- Regular external review team and individual caseload meetings
- Ongoing review of external review processes to improve timeliness
- 148 external reviews finalised
- 69.6% of external reviews finalised by conciliation
- 80.4% participant satisfaction rate

Providing an efficient and effective early resolution process

- Assessment and prioritisation of all new matters
- Early intervention program (**EIP**) reviewed and refined
- Action completed in 84 matters within the EIP: 41 finalised as part of the EIP; and 43 reassigned for further external review

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

- 19 decisions published
- 48 preliminary views issued

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 and age of matters currently on hand, is updated monthly and published on our [website](#). [Table 6](#) provides detail on external review outcomes.

Dealing with external reviews

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. In accordance with section 70(2) of the FOI Act, the OIC seeks to ensure that the conduct of external review proceedings is not unduly legalistic or formal.

Conciliation

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.

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.

This year's conciliation rate was 69.6%, which meets our yearly target of 70% and is a 7% increase from last year. In total, 447 matters of all types were finalised by the OIC in 2021/22. However, of those 447 matters, 148 were valid external reviews. Of the 148 external reviews resolved in 2021/22, 103 were resolved by conciliation.

The annual conciliation rate of external reviews finalised is one of the OIC's key performance indicators, which are outlined in full further in this report and report the conciliation rate for the past five years.

The following case studies are examples of matters that were conciliated during the reporting period.

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.

Matter resolved after agency undertakes additional searches and located additional document

The complainant applied 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 requested documents could not be found or did not exist.

At the OIC's request the agency undertook further searches and identified one document within the scope of the access application. The agency claimed that the document was subject to parliamentary privilege and therefore exempt under clause 12(c) of Schedule 1 to the FOI Act.

The complainant did not dispute the exemption claim and the matter was resolved.

External review discontinued following initial assessment

The complainant applied to the agency for correspondence regarding action taken by the agency in relation to a particular issue. The agency gave edited access to three documents on the basis that a small amount of personal information was exempt under clause 3(1) of Schedule 1 to the FOI Act. The agency also deleted information it considered fell outside the scope of the access application.

The complainant applied to the Commissioner for an external review of the agency's decision. During the course of the external review, the issue in dispute was reduced to whether the agency had correctly identified information as being outside the scope.

The OIC made inquiries with the agency about the processes associated with the subject matter of the requested documents. After considering the advice provided by the agency, an officer of the Commissioner provided the complainant with their initial assessment that the agency had correctly identified the information as falling outside the scope of the access application.

The complainant accepted the initial assessment and discontinued the application for external review.

Parties agree to reduced scope of access application

The complainant applied for access to documents relating to the acquisition of land. The agency considered

that the scope of the request was too broad and attempted to negotiate with the complainant to narrow the scope. The parties were unable to agree on a reduced scope and the agency refused to deal with the access application under section 20 of the FOI Act on the basis that to do so would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

The complainant applied to the Commissioner for an external review of the decision on the basis that the agency did not provide sufficient assistance to narrow the scope of the access application and that the scope was not unreasonable.

At the request of the OIC, and in an effort to conciliate the matter, the agency provided further information to the complainant about the types of documents held by the agency and a summary of key events that occurred in relation to the acquisition of land.

With the assistance of the OIC, the parties agreed to a revised scope that the agency undertook to deal with in accordance with the FOI Act. As a result, the external review was resolved.

Agency provides further information and both parties accept initial assessment

The complainant applied for external review of the agency's decision to give edited access to documents relating to a workplace grievance involving the complainant. Some of the personal information that was

edited from the documents under clause 3(1) of Schedule 1 to the FOI Act related to third parties, including officers of the agency. The complainant also claimed that further documents existed.

The OIC asked the agency to provide information about the involvement of the officers of the agency, whose personal information was deleted from the documents. After considering the material then before the OIC, an officer of the Commissioner advised the agency that it was their initial assessment that some of the information about the officers of the agency who facilitated the grievance process, including names and positions, was unlikely to be exempt under clause 3(1) due to the limitation in clause 3(3). The agency accepted the initial assessment and gave the complainant access to an edited copy of the documents.

At the request of the OIC, the agency also conducted further searches and located an additional document. However, the complainant maintained that other documents existed. In relation to the existence of further documents, it was the officer's assessment that further documents either could not be found or did not exist.

Both parties accepted the initial assessment and the matter was resolved.

Access applicant accepts an edited document and the third party withdraws their external review

The complainant, a third party, applied to the Commissioner for external review of the agency's

decision to give access to a report which contained information that the complainant claimed was exempt under clause 4(1), 4(2) or 4(3) of Schedule 1 to the FOI Act.

The OIC made inquiries with the complainant and the agency and obtained further information in relation to the content of the report. After considering the material before the Commissioner, an officer of the Commissioner advised the parties that it was their initial assessment that access could be given to an edited copy of the report, with information that was exempt under clause 4(2) deleted.

The complainant accepted the initial assessment. After discussion with the OIC, the access applicant agreed to accept an edited copy of the report in line with the initial assessment.

As a result, there was nothing remaining in dispute for the Commissioner to determine and the matter was resolved.

Commissioner's preliminary view that documents are exempt under clause 5(1)(e)

The complainant applied to the agency for access to documents relating to an incident, including CCTV footage, photographs and notes. The agency refused access to two documents on the basis that they were exempt under clause 3(1) and clauses 5(1)(a), (f), (g) and (h) of Schedule 1 to the FOI Act. The complainant

applied to the Commissioner for an external review of the decision.

At the request of the OIC, the agency provided further material to support its claim that the disclosure of the documents could reasonably be expected to endanger the life or physical safety of any person.

The Commissioner provided the parties with her preliminary view of the matter, which was that the documents were exempt under clause 5(1)(e).

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

Access to documents by way of inspection

The complainant applied for access to documents relating to a governance review, including a report produced by a third party commissioned by the agency to conduct the review. After consulting with the third party regarding the disclosure of the requested documents, the agency decided to grant full access, edited access and refused access to various documents within the scope of the access application.

The decision was made by the principal officer of the agency and the complainant applied to the Commissioner for external review of the agency's decision with respect to three documents. The third party was joined as a party to the external review under section 69(3) of the FOI Act.

The Commissioner provided the parties with her preliminary view, which was that one of the documents was not exempt under clause 6(1) of Schedule 1 to the FOI Act. The Commissioner was of the preliminary view that the other two documents were subject to copyright and contained some matter that was exempt under clause 8(2) of Schedule 1 to the FOI Act. It was the Commissioner's view that access by way of inspection could be given to these two documents with exempt matter deleted.

The parties accepted the Commissioner's preliminary view and the agency gave the access applicant access in full to a copy of one of the documents and access to an edited copy of the other two documents by way of inspection, as giving access to a copy would infringe copyright.

Agency reconsiders its decision and gives access to an edited copy of a document

The complainant, a former employee of the agency, applied for access to documents in relation to their employment. The agency refused access to a document on the basis that it was exempt under clause 11(1)(c) of Schedule 1 to the FOI Act.

The complainant applied for external review on the basis that the document contained personal information about the complainant and that the agency had failed to establish that disclosure of the document would 'have a

substantial adverse effect on an agency's management or assessment of its personnel'.

An officer of the Commissioner provided their initial assessment of this matter to the agency, which was that the document was not exempt under clause 11(1)(c) and that the complainant could be given access to an edited copy with third party personal information deleted under clause 3(1) of Schedule 1 to the FOI Act.

The agency withdrew its exemption claim and gave the complainant an edited copy of the document with personal information about third parties deleted. The complainant was satisfied with the access provided and the matter was resolved.

Agency accepts initial assessment and complainant accepts release of edited documents

The complainant applied to the agency for documents relating to a report prepared by the agency for the Minister responsible for the agency. The agency initially refused access to the requested documents on the basis that they were exempt under clause 6(1) of Schedule 1 to the FOI Act. On internal review the agency decided that the documents were outside the scope of the access application altogether.

Preliminary inquiries were made with the agency regarding its claim that the documents were not within scope and in relation to its initial claim that the documents were exempt under clause 6.

After considering the material before the Commissioner, an officer of the OIC advised the agency that it was their initial assessment that the documents were within the scope of the access application and that the exemption claim under clause 6 did not appear to be justified.

The agency accepted the officer's initial assessment and gave the complainant access to an edited copy of the documents, deleting personal information from the documents. The complainant was satisfied with the access provided and the matter was resolved.

Agency agrees to conduct searches and gives access to documents

The complainant applied for documents relating to a Memorandum of Understanding (**MoU**) between the agency and a third party. The agency refused access under clause 6(1) of Schedule 1 to the FOI Act on the basis that the documents would reveal the agency's deliberative processes; however the agency did not identify or describe the documents that it had refused access to.

During the external review process, the agency conducted further searches and identified a number of documents within the scope of the access application. The agency also advised that the negotiations relating to the MoU had been finalised and therefore the agency no longer claimed the requested documents were exempt under clause 6(1).

After consulting with third parties, the agency gave the complainant full and edited access to a number of documents and refused access to other documents on the basis that they were exempt under clause 7 of Schedule 1 to the FOI Act.

The complainant did not dispute either the access provided or the agency's exemption claim under clause 7 and the matter was resolved.

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 as a trial in 2019/20, the EIP strategy was reviewed and refined during the last reporting period and again in 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.

As was the case in the last reporting period, this year the primary approach of the EIP was to provide the parties with an

48.8% of matters completed by the EIP resulted in an outcome and did not require reassignment for further external review.

initial assessment of the issues in dispute. These were issued by an officer acting under delegated authority from the Commissioner, 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 proceeding becomes more formal.

In 2021/22, 84 matters had action completed within the EIP, with 41 matters finalised as part of the EIP and 43 matters reassigned for further external review. By comparison, in 2021/21, 54 matters had action completed within the EIP, with 43 matters finalised as part of the EIP and 11 matters reassigned for further external review.

Matters finalised by the EIP have 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.

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 external review application, decide not to deal with it, or 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 a decision on this basis 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. Where the Commissioner informs the parties in her preliminary view that an agency's decision is justified and 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 ten years.

	External reviews finalised	Section 67(1)(b) outcomes	
		#	%
2012/13	119	2	1.7%
2013/14	152	15	9.9%
2014/15	160	35	21.9%
2015/16	145	18	12.4%
2016/17	127	12	9.4%
2017/18	143	12	8.4%
2018/19	152	11	7.2%
2019/20	148	27	18.2%
2020/21	180	45	25.0%
2021/22	148	16	10.8%

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 decreased from the previous two years. This is likely to be due in part to the

decrease in the number of preliminary views issued in the three reporting periods, being 57 in 2019/20, 86 in 2020/21 and 48 in 2021/22.

Decisions made by the Commissioner

Where applications for external review remain unresolved after efforts are made 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 19 applications for external review were finalised by formal published decision of the Commissioner (which is seven more than last year), and a summary of those follow. The decisions are published on our [website](#).

Re Aldridge and City of Canning [2021] [WAICmr 7 \(PDF\)](#)

Personal information about officers of the agency – clause 3(1)

The complainant sought external review of the agency's decision to refuse access to an email sent by a councillor to the Chief Executive Officer of the agency. The agency claimed that the email was exempt under clauses 5(1)(b), 5(1)(e) and 8(1) of Schedule 1 to the FOI Act.

The Commissioner was of the view that the email contained personal information which is, on its face, exempt under clause 3(1) of Schedule 1 to the FOI Act. The Commissioner considered whether the limits on the exemption in clauses 3(3) and 3(6) applied. The

Commissioner concluded that most of the personal information in the email was not prescribed details and that clause 3(3) did not apply. The Commissioner was of the view that, on balance, the public interest factors against disclosure outweighed the public interests in favour of disclosure and, as a result, clause 3(6) did not apply.

In considering whether it would be practicable to give edited access to the email under section 24 of the FOI Act, the Commissioner concluded that the extensive editing required to delete all of the exempt personal information would render the document unintelligible.

The Commissioner varied the agency's decision and found that the email was exempt under clause 3(1).

Re Boulter and Department of Local Government, Sport and Cultural Industries [2021] [WAICmr 8 \(PDF\)](#)

Steps taken to locate documents – section 26

The complainant sought external review of the agency's deemed decision to refuse access to documents on the basis that the agency did not make an initial decision or an internal review decision within the required timeframes. During the external review, the agency made a decision on access and gave the complainant access to an edited copy of documents. The complainant claimed that additional documents should exist.

The Commissioner accepted that it was reasonable to expect that additional documents should exist within the

scope of the access application and required the agency to conduct further searches. No further documents were identified. The Commissioner acknowledged that there were deficiencies in the agency's record keeping systems. However, based on the information before her, the Commissioner was satisfied that the agency had taken all reasonable steps in the circumstances to locate documents within the scope of the access application.

Accordingly, the Commissioner confirmed the agency's decision to refuse access to additional documents under section 26 of the FOI Act on the ground that those documents either could not be found or did not exist.

Re Threadgold and Shire of Augusta-Margaret River [2021] [WAICmr 9 \(PDF\)](#)

Architectural plans subject to copyright – section 27(1)(a) and 27(2)(c)

The complainant sought external review of the agency's decision to give him access to documents comprising architectural plans for a property belonging to another individual by way of inspection only. The agency gave access by inspection on the ground that giving access to a copy of the plans would involve an infringement of copyright belonging to a person other than the State (section 27(2)(c)).

The complainant claimed that the builder had copied his plans and that the complainant was the owner of the copyright. The Commissioner considered that it was not her role to settle a dispute about the ownership of

copyright, but rather to determine whether the agency's decision regarding access is justified. The Commissioner accepted that the plans were prima facie the subject of copyright belonging to the entity whose name appeared as the copyright owner in the plans, and that giving the complainant a copy of the plan would involve an infringement of copyright belonging to a person other than the State.

Therefore, the Commissioner confirmed the agency's decision to give access to the plans by way of inspection only, pursuant to section 27(1)(a) of the FOI Act.

Re Polglaze and Office of the Public Trustee Western Australia [2021] [WAICmr 10 \(PDF\)](#)

Historical versions of agency policies – section 20

The complainant sought access to all versions of two particular policies/procedures since 1994 and all documents relating to the revisions or changes, including any internal or external communications or notifications to individuals, clients of the agency (as an executor), agencies or other organisations. The agency refused to deal with the access application under section 20 on the ground that dealing with it would divert a substantial and unreasonable portion of its resources from its other operations.

The Commissioner was satisfied that the agency had taken reasonable steps to assist the complainant to change the application to reduce the amount of work needed to deal with it, by informing him of the manner in

which the records were stored, the searches it had conducted and the potential diversion of resources to deal with the application. The Commissioner noted that there is also a corresponding obligation on access applicants to work cooperatively with an agency and, in this matter, the complainant was not willing to reduce the scope.

The Commissioner accepted that the work required to deal with the complainant's access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations. Among other factors, the Commissioner considered that the time period to which the application related (25 years), the location of the potential documents covered by the application and the nature in which those documents were stored by the agency, were all relevant factors.

The Commissioner confirmed the agency's decision to refuse to deal with the access application pursuant to section 20.

Re Onslow Resources Limited and Department of the Premier and Cabinet [2021] [WAICmr 11 \(PDF\)](#)

Documents relating to a mining tenement – clause 4(3)

The complainant applied to the agency for access to documents relating to a particular mining tenement lease held by a third party. The disputed document in the

external review was correspondence from the former Premier to the third party.

The agency decided to give the complainant edited access to the disputed document on the basis that the deleted information was exempt under clause 4(3) of Schedule 1 to the FOI Act. The third party was joined as a party to the external review. The exemption in clause 4(3) is concerned with protecting from disclosure information about the business, professional, commercial or financial affairs of a person.

The exemption consists of two parts and the requirements of both parts (a) and (b) must be satisfied in order to establish a prima facie claim for exemption. If the requirements of both parts (a) and (b) are satisfied, the application of the limit on the exemption in clause 4(7) – the public interest – must also be considered. Taking into account all of the information before her, the Commissioner was not persuaded that disclosure of the disputed information could reasonably be expected to have an adverse effect on the affairs of the third party or to prejudice the future supply of information of that kind to the Government or an agency. Therefore, the Commissioner found that the requirements of clause 4(3)(b) had not been met.

As a result, the Commissioner was not required to consider the limit on the exemption in clause 4(7) and she did not do so. The Commissioner set aside the agency's decision and found that the disputed information was not exempt under clause 4(3).

Re Onslow Resources Limited and DevelopmentWA
[2021] [WAICmr 12 \(PDF\)](#)

Correspondence between government agencies relating to a mining tenement – clause 6(1)

The complainant applied to the agency for access to documents comprising correspondence between Landcorp and the former Department of State Development, relating to particular mining tenements held by the complainant. The agency claimed that the documents remaining in dispute were exempt under clause 6(1).

Clause 6(1) provides that matter is exempt if its disclosure would reveal any opinion, advice or recommendation that has been obtained, prepared or recorded; or any consultation or deliberation that has taken place, in the course of, or for the purpose of, the deliberative processes of the Government, a Minister or an agency, and that such disclosure would, on balance, be contrary to the public interest. In the case of a claim for exemption under clause 6(1), the onus of establishing that disclosure would, on balance, be contrary to the public interest rests with the agency.

The Commissioner observed that the decision-making process in this instance had been completed in June 2015 and that the deliberations were therefore complete. The Commissioner was not persuaded that disclosure of the disputed information would adversely affect the decision-making processes of an agency or that

disclosure would, for some other reason, be demonstrably contrary to the public interest.

The Commissioner set aside the agency's decision and in substitution found that the disputed information is not exempt under clause 6(1).

Re Clark and Shire of Wyndham-East Kimberley
[2021] [WAICmr 13 \(PDF\)](#)

Charges for dealing with an application – sections 16(1) and 26, and regulations 3, 5 and 6

The complainant sought access to certain documents concerning her, as well as other documents which included certain position description documents, personnel records, file notes and correspondence. The agency gave access to full and edited copies of a number of documents. The agency imposed charges of \$372.50 for dealing with the access application.

The complainant sought review of, among other things, the charges imposed by the agency. The Commissioner acknowledged the difficulties that small (and remotely based) agencies encounter in the training, development and experience of staff in FOI matters, but did not consider it proportionate to pass that cost onto access applicants. To do so would have the potential effect of making access applications cost prohibitive to many people, which undermines the intent of the FOI Act itself. The Commissioner observed that it is not intended that

agencies apply a strict ‘user-pays’ approach to calculating charges under the FOI Act.

The Commissioner set aside the agency’s decision to impose charges in the amount of \$372.50 and, in substitution, decided that the agency could impose charges for dealing with the complainant’s access application in the amount of \$210.00.

Re Goiran and Department of Health [2021] WAICmr 14 (PDF)

Personal information about patients and medical practitioners – clauses 3(1) and 5(1)(e)

The complainant sought access to documents that included information about abortions carried out from 20 weeks gestation. The agency gave the complainant access to edited copies of documents with certain information deleted on the ground it was exempt under clauses 3(1) and 5(1)(e) of Schedule 1 to the FOI Act.

The Commissioner was satisfied that the disclosure of certain specific medical information about individual patients would disclose personal information that was prima facie exempt under clause 3(1). The Commissioner did not consider that the public interests in disclosing that personal information outweighed the public interest in the protection of the privacy of those individuals. Additionally, the Commissioner found that disclosure of the names and signatures of the medical practitioners, in the particular circumstances, could reasonably be expected to endanger the physical safety

of a person and was therefore exempt under clause 5(1)(e). The Commissioner noted the introduction of the *Public Health Amendment (Safe Access Zones) Act 2021* to create ‘safe zones’ around clinics and considered it demonstrated a recognition of the concerns for the safety of both staff and patients.

The Commissioner found that the disputed information was exempt under clauses 3(1) and 5(1)(e) and confirmed the agency’s decision.

Re Graham and Shire of Toodyay [2021] WAICmr 15 (PDF)

Employment contracts – clause 3(1) and section 24

The complainant applied to the agency for access to certain employment contracts of a former officer of the agency and of a current officer of the agency. Access was refused to the requested documents on the basis that they were exempt under clauses 3(1), 8(2) and 11(1)(c) of Schedule 1 to the FOI Act.

The Commissioner found that the disputed documents were not exempt in their entirety, as claimed by the agency. Instead, the Commissioner found that certain information in the disputed documents – comprising information about remuneration packages, residential addresses, superannuation contributions, housing allowances, relocation expenses, professional development fees, motor vehicles and signatures – was exempt under clause 3(1). The Commissioner considered that, under section 24 of the FOI Act, it was

practicable for the agency to give the complainant access to the disputed documents with the exempt information deleted.

The Commissioner set aside the agency's decision.

Re Onslow Resources Limited and Department of Jobs, Tourism, Science and Innovation [2021]
[WAICmr 16 \(PDF\)](#)

Access to notes from meeting with industry – clause 4(3)

The complainant applied to the agency for access to the notes of a particular meeting between the former Department of State Development and a named third party (**the third party**). The agency had previously given the complainant access to an edited copy of the document in response to an earlier access application, where the agency had deleted certain information on the basis that it was outside the scope of that access application. In the current matter, the agency decided to give the complainant access to an edited copy of the disputed document, claiming that the deleted information (**the disputed information**) was exempt under clause 4(3) of Schedule 1 to the FOI Act. The third party was joined as a party to the external review.

The Commissioner accepted that disclosure of the disputed information would reveal information about the business, professional, commercial or financial affairs of the third party. However, the Commissioner was not persuaded that disclosure of that information could reasonably be expected to have an adverse effect on the

affairs of the third party or to prejudice the future supply of information of that kind to the Government or an agency.

Therefore, the Commissioner set aside the agency's decision and, in substitution, found that the disputed information was not exempt under clause 4(3).

Re 'B' and Shire of Ravensthorpe [2021] [WAICmr 17 \(PDF\)](#)

Documents about termination of employment – clause 3(1)

The complainant sought access to documents relating to the termination of his employment. The agency decided to give access to four documents and to refuse access to a further seven documents. The agency claimed that the disputed documents were all exempt under clauses 6(1), 8(2) and 11(1) of Schedule 1 to the FOI Act and that some were also exempt under clause 3(1).

It was the Commissioner's preliminary view that the disputed documents were not exempt under clauses 6(1), 8(2) or 11(1) but that one document was exempt under clause 3(1). The Commissioner was also of the preliminary view that the remaining documents contained some personal information that was exempt under clause 3(1) but that it was practicable for the agency to give the complainant access to edited copies of those documents.

The agency accepted the Commissioner's preliminary view, but the complainant submitted it was in the public interest to give him access to the personal information about other individuals so that he could pursue the matter further. In considering the clause 3(6) limitation and the public interests for and against disclosure, the Commissioner considered that the public interest in the accountability of the agency had been satisfied by the information to which access had been given, and that pursuit of the matter was a private interest rather than a public interest.

The Commissioner confirmed the agency's decision that the disputed information was exempt under clause 3(1).

Re McLerie and City of Melville [2022] [WAICmr 1 \(PDF\)](#)

CCTV footage of a local government council meeting – section 26

The complainant applied for access to certain audio and visual (CCTV footage) recordings of a Council meeting held at the offices of the agency. In the course of dealing with the access application, and as part of the conciliation process undertaken by the Commissioner's office, the agency gave the complainant access to a copy of the audio recording and edited copies of CCTV footage. The complainant maintained that additional CCTV footage from three other cameras existed. The Commissioner considered whether the additional CCTV footage could

not be found or did not exist under section 26 of the FOI Act.

The Commissioner accepted that there were reasonable grounds to believe that further documents exist, or should exist. Inquiries were made with the agency to establish the searches undertaken. The agency conducted additional searches and provided a detailed explanation of its searches.

Having considered all of the information before her, and taking into account the further searches undertaken by the agency, the Commissioner was satisfied that the agency had taken all reasonable steps to locate all of the requested documents and that although additional documents (CCTV footage from three cameras) may exist, or may have existed for a period of time, they could not be found.

The Commissioner found that the agency's decision to refuse access to documents under section 26 on the ground that further documents either cannot be found or do not exist, was justified.

The Commissioner confirmed the decision of the agency.

Re Onslow Resources Limited and Department of Jobs, Tourism, Science and Innovation [2022] [WAICmr 2 \(PDF\)](#)

Correspondence relating to a mining tenement – clause 4(3)

The complainant applied to the agency for access to documents relating to a particular mining tenement lease held by Onslow Salt Pty Ltd (**the third party**). The documents identified by the agency included correspondence between the former Premier and the third party, and the Director General of the former Department of State Development and the third party.

The agency decided to give the complainant access to edited copies of the documents on the basis that the deleted information (**the disputed information**) was exempt under clause 4(3) of Schedule 1 to the FOI Act.

The third party was joined as a party to the external review. The third party consented to the disclosure of one document but maintained that the rest of the disputed information was exempt under clause 4(3).

The Commissioner accepted that the disputed information, if disclosed, would reveal information about the business affairs of the third party and that the requirements of clause 4(3)(a) had been met. Both the agency and the third party made general claims but did not explain how disclosure of the disputed information could reasonably be expected to have an adverse effect on the affairs of the third party. Additionally, as the disputed information was not information provided by the third party, but to the third party, the Commissioner was not persuaded that its disclosure could reasonably be expected to prejudice the future supply of information of that kind to the Government or an agency. Therefore, the

Commissioner found that the requirements of clause 4(3)(b) had not been met.

As a result, the Commissioner was not required to consider the limit on the exemption in clause 4(7) and she did not do so. The Commissioner set aside the agency's decision and, in substitution, found that the disputed information was not exempt under clause 4(3).

Re 'C' and Edith Cowan University [2022] [WAICmr 3 \(PDF\)](#)

Documents relating to misconduct allegations – clause 3(1)

The complainant sought access to documents relating to allegations of misconduct made against him. The agency gave the complainant access to edited copies of documents with certain information deleted on the ground it was exempt under clauses 3(1), 6(1) and 8(1) of Schedule 1 to the FOI Act (**the disputed matter**).

The Commissioner was satisfied that the disputed matter was exempt personal information under clause 3(1) and considered whether disclosure was in the public interest. The complainant submitted that the public interests in natural justice, accountability of officers and exposing corruption weighed in favour of disclosure. The Commissioner considered that the public interest in the accountability of public universities was satisfied by the documents released. The Commissioner was satisfied that the documents released to the complainant showed he was informed of the substance of the allegations

against him. Therefore, the Commissioner did not consider that the public interest in natural justice required the disclosure of the exempt matter.

The Commissioner was of the view that the public interest in protecting the privacy of individuals was strong. The Commissioner also considered that, in cases where individuals provided information to an agency in confidence, there was a real risk that disclosure of that information would dissuade individuals from volunteering information in similar situations in the future. On balance, the Commissioner found that the public interest in the protection of the privacy of individuals outweighed any public interests in favour of disclosure of the disputed matter.

During the external review, the complainant's agent applied to be joined to the matter under section 69(2) of the FOI Act. As none of the disputed matter related to the agent, the Commissioner determined that the agent was not a third party under section 32 of the FOI Act and that the agent would therefore not be joined.

The complainant identified issues with the documents he was given access to and alleged they were 'knowingly and deliberately falsified'. However, the Commissioner was satisfied that the issues with the documents were administrative errors.

The Commissioner found that the disputed matter was exempt under clause 3(1) and confirmed the agency's decision.

Re Gilbert & Tobin and Department of Jobs, Tourism, Science and Innovation [2022] [WAICmr 4 \(PDF\)](#)

Ministerial consents under mining legislation – clauses 4(2) and 8(1)

The complainant applied for access to certain ministerial consents from 2013 in relation to the *Mining Act 1904*, the *Mining Act 1978* and the *Collie Coal (Griffin) Agreement Act 1979*. The agency identified one document within the scope of the access application and gave access to an edited copy of that document, claiming the deleted information (**the disputed information**) was exempt under clauses 4(2) and 8(1) of Schedule 1 to the FOI Act.

Clause 4(2) provides that matter is exempt if its disclosure would reveal information that has a commercial value to a person and could reasonably be expected to destroy or diminish that commercial value. The Commissioner was of the view that the disputed information of itself was not valuable for the purposes of carrying out the commercial activities of a person; that the information was out of date; and that it was not likely that another party would be prepared to pay for the information. The Commissioner was not persuaded that the disputed information was exempt under clause 4(2).

Clause 8(1) provides that matter is exempt matter if its disclosure would be a breach of confidence for which a legal remedy could be obtained. The agency did not provide any information to support its claim that a contractual obligation of confidence existed. Therefore

the Commissioner was not persuaded that the exemption applied.

The Commissioner set aside the agency's decision and found that the disputed information was not exempt under clauses 4(2) or 8(1).

Re Humphrys and State Administrative Tribunal [2022] WAICmr 5 (PDF)

Limited access to documents of a tribunal – section 23(1)(b) and clause 5 of the Glossary

The complainant sought access to documents regarding certain matters that had been heard by the State Administrative Tribunal (**the SAT**). The SAT refused access to the requested documents under section 23(1)(b) of the FOI Act, which provides that an agency may refuse access to a document if it is not a document of the agency.

To determine whether the requested documents were 'documents of the agency,' the Commissioner considered clause 5 of the Glossary to the FOI Act, which provides that a document relating to a court is not regarded as a document of a court unless it relates to matters of an administrative nature. The Commissioner considered, firstly, whether the SAT was a 'court' for the purposes of the FOI Act, and secondly whether the requested documents related to matters of an administrative nature.

The Commissioner applied the decision of the Supreme Court of Western Australia in *Salaries and Allowances*

Tribunal v West Australian Newspapers Ltd [2008] WASC 39 which relevantly held:

- 'the word 'tribunal' is used in the [FOI] Act to connote a body which performs judicial or quasi-judicial functions which are analogous to those performed by a court'; and
- documents 'of an administrative nature' mean 'documents which relate to the administration of the court' and include documents relating to the caseload and efficiency of the court, but not documents relating to individual cases before the court, such as documents or evidence filed by parties.

The Commissioner found that the SAT was a 'court' for the purposes of the FOI Act and that the requested documents related to certain proceedings before the SAT and were not of an administrative nature. Therefore, the Commissioner found that the requested documents were not 'documents of the agency' under section 23(1)(b) of the FOI Act and confirmed the decision of the agency.

Re Onslow Resources Ltd and Department of Jobs, Tourism, Science and Innovation [2022] WAICmr 6 (PDF)

Information about the business affairs of a third party – clauses 4(3), 6(1) and 8(2)

The complainant applied for access to a list of documents that contained information about a third party. The agency decided to refuse access to three documents,

give access to two documents and to give access to an edited copy of the remaining 36 documents, claiming that the deleted information (**the disputed information**) was exempt under clauses 4(3), 6(1) and 8(2) of Schedule 1 to the FOI Act.

The Commissioner considered that, as the disputed information was required for the purpose of obtaining approvals to carry out works, it was not open to the third party, or other individuals, to refuse to provide the information. Accordingly, the Commissioner was not persuaded that disclosure of the disputed information could reasonably be expected to prejudice the future supply of information of that kind to the Government or an agency.

Further, given the age and the nature of the disputed information, and the fact that the site to which it related was leased by the third party, the Commissioner was not persuaded that disclosure of the information would advantage a competitor. Taking into account all of the information before her, the Commissioner was not persuaded that disclosure of the disputed information could reasonably be expected to have an adverse effect on the affairs of the third party. Therefore, the Commissioner found that the disputed information was not exempt under clause 4(3).

In relation to the agency's exemption claims under clause 6(1), the Commissioner considered that the limit in clause 6(4) – which provides that matter is not exempt if at least 10 years have passed since it came into existence –

applied to the disputed information in two of the documents. The Commissioner considered that the disputed information in the remaining document was of an instructive or administrative nature and that it was not contrary to the public interest to disclose such information. Therefore, the Commissioner found that the disputed information was not exempt under clause 6(1).

Although the Commissioner accepted that the disputed information may be of a confidential nature, she was not persuaded that its disclosure could reasonably be expected to prejudice the future supply of information of that kind to the Government or to an agency. Therefore, the Commissioner found that the disputed information was not exempt under clause 8(2).

The Commissioner set aside the agency's decision.

Re McLerie and Western Australia Police [2022]
[WAICmr 7 \(PDF\)](#)

Documents relating to the investigation of a complaint against a third party – clause 3(1) and section 23(2)

The complainant applied for access to documents relating to the agency's interaction with a named third party, and the third party's lawyer, in relation to the investigation of a complaint lodged by the complainant against the third party. The complainant also applied for access to certain documents relating to charges against the third party.

The agency refused access to the requested documents under section 23(2) of the FOI Act on the ground that it

was apparent from the nature of the documents, as described in the complainant's access application, that they would all be exempt under clause 3(1) of Schedule 1 to the FOI Act.

The Commissioner expressed the view that the requirement in paragraph 23(2)(a) that 'all of the documents are exempt documents' indicates that it is not sufficient that all of the documents would be prima facie exempt. In her view, where an exemption clause has limits on the exemption, before an agency can find that all documents would be 'exempt documents' under section 23(2), it must consider whether any relevant limits on the exemption apply.

The Commissioner considered the limitations on the exemption in clause 3(1), including the public interest limitation in clause 3(6), and was satisfied that none of them applied.

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

The Commissioner confirmed the agency's decision to refuse access to the requested documents under section 23(2) of the FOI Act.

Re McLerie and City of Melville [2022] [WAIComr 8 \(PDF\)](#)

Request for documents about neighbouring property – section 26

The complainant applied to the agency for access to documents about a neighbouring property. The agency gave the complainant access to a number of documents but he claimed that additional documents should exist. That was, in effect, a claim that the agency had refused access to documents pursuant to section 26 of the FOI Act.

In dealing with section 26, the Commissioner considers that the questions to be answered are whether there are reasonable grounds to believe that the requested documents exist or should exist and are, or should be, held by the agency; and, if those questions are answered in the affirmative, whether the agency has taken all reasonable steps to find those documents. If the Commissioner is not satisfied that there are reasonable grounds to believe that additional documents should exist, the onus is on the complainant to provide the Commissioner with material to establish this claim.

The Commissioner considered that the manner in which the agency had dealt with the complainant's access application in this case made it difficult to ascertain the exact progress of the matter and the documents to which access had been given. However, after considering all of the information before her, including the complainant's submissions, the Commissioner did not consider that it

was reasonable to believe that additional documents existed within the scope of the complainant's access application.

Accordingly, the Commissioner confirmed the agency's decision to refuse the complainant access to further documents pursuant to section 26 on the ground that those documents either cannot be found or do not exist.

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 6](#)). 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 that process, are described in published formal decisions and case studies of conciliated matters outlined 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 during the external review.

For example, a formal published decision may state that an agency's decision is confirmed in relation to any issues that remain 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 aforementioned legislative outcomes of an external review. In some cases, more than one benefit can be achieved per external review.

105 additional
outcome benefits
were recorded from
148 external reviews
finalised

For each external review finalised, case officers are required to identify whether:

- access to additional documents or parts of documents was given to the complainant;
- additional action was taken by the agency during the external review resulting in more information being provided to the applicant;
- the scope of the external review was reduced by a party; or
- no additional benefits were attributed to a party to an external review.

In the first year recording this information (2019/20) 148 external reviews were finalised. In the second reporting period (2020/21) 180 external reviews were finalised. In the third (current) reporting period (2021/22) 148 external reviews were finalised. The following table outlines the outcome benefits recorded from the finalised external reviews for all three years.

	2019/20		2020/21		2021/22	
	#	%	#	%	#	%
Additional documents or parts of documents released to the complainant	45	30.4	42	23.3	45	30.4
Additional action taken by the agency	53	35.8	61	33.9	50	33.8

	2019/20		2020/21		2021/22	
	#	%	#	%	#	%
Reduction in scope	8	5.4	15	8.3	10	6.8
No additional benefit	55	37.2	69	38.3	50	33.8

External review activity over the last 10 years

In the last ten years the OIC has received a total of 1,522 external reviews (average of 152.2 per year) and finalised a total of 1,474 (average of 147.4 per year).

Period	Rec'd	Avg per year	Finalised	Avg per year
2012/13 – 2016/17	660	132.0	703	140.6
2017/18 – 2021/22	862	172.4	771	154.2
	+202	+40.4	+68	+13.6
	↑30.6%		↑9.7%	

By assessing each five year period, it is clear that although the OIC has increased the number of external reviews finalised by 9.7% over the last five years there has been a significant corresponding increase of 30.6% in the number of external reviews received. This increase has contributed to the current position of the OIC in respect of the number of external reviews on hand and the time it takes to finalise them.

Timeliness of external review

Timeliness of the external review process is an ongoing challenge, particularly managing significant increases in the number of external reviews received within current resources.

The OIC consistently monitors the age of external reviews on hand. The manner in which external reviews are dealt with is subject to a number of factors that will influence the priority for being assigned and the manner in which the external review proceeds.

We continue to review our processes to find efficiencies wherever practicable, without compromising the integrity of the external review process.

The following tables outline the percentage of external reviews finalised by age for the last ten years and the percentage of external reviews on hand at the end of each reporting period by age for the last ten years.

Percentage of external reviews finalised by age

	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2021/22	48.0	33.8	18.2
2020/21	35.6	38.3	26.1
2019/20	46.6	34.5	18.9
2018/19	60.5	34.2	5.3
2017/18	63.6	25.2	11.2
2016/17	66.1	24.4	9.5

	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2015/16	67.6	19.3	13.1
2014/15	68.8	18.8	12.5
2013/14	39.5	38.1	22.4
2012/13	26.9	44.5	28.6

Percentage of external reviews on hand by age

	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2021/22	54.1	28.1	17.8
2020/21	64.0	23.0	13.0
2019/20	44.9	35.6	19.5
2018/19	68.0	30.0	2.0
2017/18	86.9	11.8	1.3
2016/17	61.1	16.7	22.2
2015/16	66.7	19.3	14.0
2014/15	66.7	23.2	10.1
2013/14	51.6	22.6	25.8
2012/13	57.0	28.0	15.0

Advice and Awareness

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

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

- Responded to 338 phone and written enquiries from agencies
- New format for the FOI Newsletter launched in September 2021, now at 306 subscribers

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

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

Identified and recommend changes to legislation and administrative practices that will facilitate improved information access practices across the State

- Recommendations published in annual report
- Submission made to the Attorney General regarding a review of the FOI Act
- Information access principles promoted

Explored opportunities for collaboration to champion the principles of open government

- Participated in events with the Association of Information Access Commissioners
- Participated in the International Conference of Information Commissioners
- Launched a draft publication for comment providing guidance about Open by Design principles

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. Training and briefings are provided to State and local governments as part of those activities.

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

Ensured we provided the community with accessible, inclusive and user-friendly information

- Responded to 959 in-person, phone and written enquiries from members of the public

Promoted community understanding about the role of the Commissioner

- The Commissioner has spoken at a number of events to promote an understanding of her role

Increased community awareness of freedom of information rights

- International Access to Information Day promoted.
- Animation created in collaboration with other information access jurisdictions to promote an understanding of the right to access documents and added to website

The OIC 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 non-government groups as part of those activities.

FOI training for FOI Coordinators and decision-makers

In March 2021 the OIC launched an online course that agency staff can access at any time, at their own pace: the [FOI Fundamentals Series](#). The series consists of eight online modules aimed at State and local government officers dealing with FOI in their agency. The series includes the material that was previously covered in the FOI Coordinator's Workshop.

The FOI Fundamentals Series covers the following topics:

- FOI Basics (module 1);
- dealing with an access application (modules 2 and 3);
- the exemptions (modules 4 and 5);
- third parties (module 6);
- notices of decision and review rights (module 7); and
- other requirements of the FOI Act, including a series summary (module 8).

Completion of all modules will assist participants 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 that includes a PowerPoint presentation and material from the FOI Coordinator's Manual.

To facilitate the ability to award a certificate for completing all the modules for the FOI Fundamentals series, assessment questions have been developed that will allow participants to demonstrate their understanding of the concepts covered in each module. Work is now required to input and test these questions in the Learning Management System that houses the FOI Fundamentals Series. A process for awarding a certificate of completion of the series on satisfactory completion of all the module questions will be developed.

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

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

FOI Wednesday webinars

In March 2022, the OIC commenced a program of FOI Wednesday Webinars. The webinars are available to agency officers and are conducted on the fourth Wednesday of each month. Primarily presented by OIC officers, the 50 minute seminars provide an opportunity to reflect on various FOI topics relevant to officers working in information access.

The topics covered during the year were:

- Dealing with third parties
- FOI in WA in 2021 - How did we fare?
- Open by Design principles
- Section 20 of the FOI Act – refusing to deal with an access application

The webinars are recorded and made available for viewing in the month following the delivery of the webinar. Links to the recordings are also available on request. Recorded seminars can be viewed as a group, providing an opportunity for officers to discuss how the material covered is relevant to their particular agency.

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.

Online resources

The majority of the OIC's publications 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 common FOI Act exemptions and external review procedures.

The [FOI Coordinator’s Manual](#) is a key resource for anyone seeking to understand 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 online FOI Fundamentals Series available for agency officers.

The OIC drafted a new publication: ‘*Open by Design – FOI and Information Release in WA*’. Published in May 2022, readers were invited to provide feedback on the draft by the end of July

2022. More information about this draft publication is outlined under [Open By Design](#) further in this report.

The review of our existing OIC publications is ongoing and will continue into the next reporting period.

A full list of the publications on the OIC website is available at [Table 10](#).

FOI Newsletter

The OIC published four newsletters during the reporting period in [September 2021](#), [November 2021](#), [February 2022](#) and [May 2022](#).

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.

In September 2021, the OIC launched a new format for the newsletter. At the end of the reporting period, there were 306 subscribers: 52.9% of subscribers to the newsletter identify as being from WA State government agencies; 22.2% from local government; and 10.1% as members of the public.

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

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 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.

Subscription to receive email notifications of newly published decisions of the Commissioner is available on our [website](#).

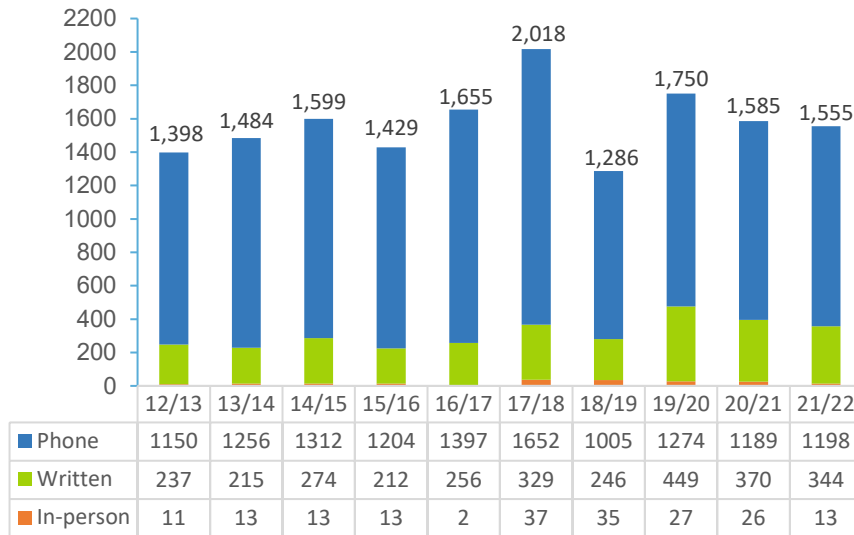
Responding to enquiries

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 provided: contact information for the relevant agency; encouragement to contact the relevant agency to check whether a formal access application is required; and information about their review rights if they are dissatisfied with an agency's decision under the FOI Act.

This year the OIC dealt with 1,555 written, phone and in-person requests for guidance or advice, and misdirected requests. This is only 30 less than the 1,585 requests received last year.

Responding to enquiries over 10 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 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 three 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.

The members of the AFRG provided valuable feedback regarding the draft publication ‘*Open by Design – The FOI Act and Information Release in WA*’ before it was more widely circulated to the sector for comment.

Information Awareness Month – May 2022

The theme for Information Awareness Month (**IAM**) in 2022 was ‘Building Trust in Information’. IAM is a collaborative event between various bodies within the records, archives, library, knowledge, information and data management communities. The OIC promoted IAM events in its May newsletter. The Commissioner spoke at the Records and Information Management Association (RIMPA) Virtual Conference held on 31 May 2022, which marked the closure of IAM. The theme for the conference was ‘Impactful Information: Recognising the Importance of Information’. The Commissioner spoke about the role that the FOI Act plays to support information access as part of accountable and transparent government, which can build integrity and trust.

International Access to Information Day 28 September 2021

International Access to Information Day (**IAID**) – formerly 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.

The IAID theme for 2021 was ‘Open by Design’, highlighting the importance of governments considering how to make information accessible from the start – building information access considerations into policy development, projects and service delivery and seeking opportunities to proactively release information.

The Association of Information Access Commissioners (**the AIAC**) issued a [Joint Statement of Principles](#) to support proactive disclosure of government-held information.

The AIAC collaborated to produce a 60 second animation to promote the importance of open government and access to government held information. That video is now featured on the OIC’s website.

‘Open by design’ promotes the development of systematic and well-understood processes for the appropriate release of government-held information

The OIC screened the 2021 Solomon lecture as part of IAID celebrations. The Solomon lecture is an annual lecture organised by the Office of the Information Commissioner Queensland. This year the lecture was delivered by Professor Beth Simone Noveck and entitled ‘Solving Public Problems with Data’. The OIC screening of the 2021 Solomon lecture was followed by an FOI Q&A session with the Commissioner. The OIC screening event was attended by 38 WA State and local government officers.

The OIC also promoted on its website virtual events held by other information access jurisdictions as part of IAID celebrations.

Open by Design Principles

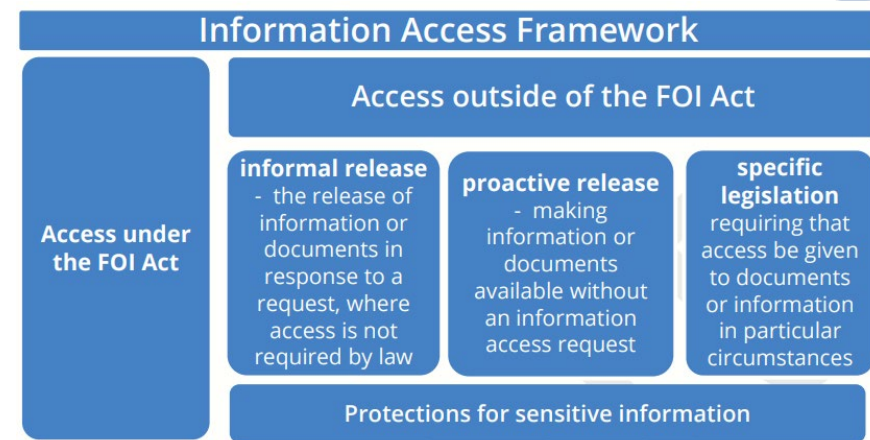
In this reporting period the OIC has particularly encouraged agencies to consider the ways that they can give access to information outside of the formal provisions of the FOI Act.

As already noted, as part of IAID celebrations the Commissioner joined with Information and Access Commissioners from other jurisdictions to produce a [Joint Statement of Principles](#) to support proactive disclosure of government-held information. Our office has developed a publication, ‘Open by Design – FOI and Information Release in WA’, intended to assist and encourage agencies to create appropriate open by design policies and processes to facilitate effective information release beyond the formal access procedures outlined in the FOI Act.

This was published as a draft in May 2022, with feedback sought regarding its usefulness and effectiveness. After considering the feedback received, it will be finalised and published in late September 2022.

The following are some of the key points noted in the publication.

- Systematic and well understood processes for appropriate release of government-held information promotes open government and advances our system of representative democracy.
- Since the enactment of the FOI Act, WA Information Commissioners have encouraged WA State and local government agencies to consider the benefits of releasing information either proactively or informally (outside of the formal processes of the FOI Act) and reminded them that formal processes of the FOI Act should be used as a last resort.
- Agencies should use their knowledge of the information they hold, and the sensitivities associated with that information, to assess the kinds of information that is suitable for proactive release and informal/administrative release.
- Agencies are encouraged to create and publish an Information Access Framework that clearly outlines the various pathways by which information and documents held by the agency can be accessed by the public: see the following model.



The publication includes a table that contrasts and highlights some of the differences between access rights under the FOI Act and access via agency proactive and informal or administrative release.

FOI services for Indian Ocean Territories

The Australian Government has responsibility for the external territories of [Christmas Island](#) and the [Cocos \(Keeling\) Islands](#), collectively known as the Indian Ocean Territories (IOT). Through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**DITRDCA**), the Australian Government facilitates the delivery of services normally expected from a State government.

State-type services are delivered through Service Delivery Arrangements (**SDAs**) with the WA Government, directly by the private sector under contract, or by the DITRDCA. Information about the SDAs existing in the Indian Ocean Territories is available on the DITRDCA [website](#).

As a result of an SDA negotiated during the reporting period, as of 1 July 2022 the Commissioner will provide independent merit review of decisions made by WA Government agencies and IOT local governments on access applications and requests to amend personal information under the FOI Act.

The Commissioner will also assist WA Government agencies, IOT local governments and community members to understand their rights and obligations under the FOI Act.

Online FOI access application form

The online FOI access application 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 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.

As at 30 June 2022, the form is able to be used to make access applications to ten agencies and to all WA Ministers.

Freedom of Information (FOI) Access Application

All fields marked with * are required and must be filled.

Agency

Your application should be made to the agency that you think holds the documents you are seeking. Complete a separate request for each agency from which you are seeking documents.

Use the online FOI access application to submit your application to one of the Western Australian government agencies listed below.

When it receives your application, the agency will assess whether you have made a valid FOI access application. It will advise you if further information is required.

For other WA government agencies select 'Agency NOT listed'. You will be given information about how and where to send your written FOI access application.

Which agency are you requesting information from? Make one request per agency. *

Please select one agency

Our workplace

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

Ensured that our organisational structure promotes open lines of communication

- Coordinated a review of OIC's structure and organisation
- Appointment made to senior position following vacancy

Cultivated a positive organisational culture that supports personal wellness

- Continued support of a Mental Health First Aid Officer
- Updated training provided to the Occupational Health and Safety representative
- Promotion of the Employee Assistance Program

Explored flexibilities that enhanced working arrangements and professional development

- Working from home policy reviewed
- Approval given for staff to engage in external secondments
- Opportunities provided for staff to act in higher level positions
- Recognition of staff undertaking additional duties
- Supporting continuing professional development (CPD) requirements for legal staff
- Approval given for staff to attend training, events and other development opportunities (105 registrations)

Strategic Goal: Sound information systems that support our operational needs

Used technology to improve efficiency and accessibility to our services

- Replacement of desktop computers with laptops
- Development of a secure virtual private network connection for remote access
- Arrangements made for a vulnerability assessment of network infrastructure and programs
- Participation in an IT audit by the Office of the Auditor General

Implement a case management system that meets our reporting needs / Transition to an electronic records management system to better manage our record-keeping obligations

- Preliminary research undertaken

Organisational review

The last review of the OIC's organisational structure was in 2004. It has been acknowledged in current and past strategic plans that a review of the OIC's structure was required to ensure there is a clear and functional reporting structure and that all aspects of the OIC's functions and processes are being managed efficiently.

The Commissioner engaged consultants, The Nexus Network (**Nexus**), to conduct an organisational review in early 2022.

At the time of reporting, preliminary outcomes have been provided by Nexus for comment before their report and recommendations are finalised. Thorough consideration of the recommendations will occur during 2022/23.

Flexible working arrangements

As reported last year, the OIC's Working From Home Policy was reviewed and revised in September 2021. The opportunity to work remotely continues to be an option for staff after due consideration by the Commissioner on the merits of each request.

In December 2021, the effectiveness of the OIC's remote working processes and systems were tested with an arrangement for all staff to work remotely simultaneously for one day. The trial was successful and provided reassurance in early 2022 when the infection rates of COVID-19 increased in Western Australia, directly impacting our staff.

In the coming year, new laptops that were purchased in the previous period will be fully functional with a new virtual

private network (VPN) facility installed to further enhance security and direct remote access to the OIC's network.

Career development

Due to the small size of the OIC, there is limited scope for career development within the organisation. It is recognised that this can pose a risk to job satisfaction and staff retention.

During the year, there was continued opportunity for staff to gain experience through higher duties arrangements and allocating special projects.

In addition, early in the period two staff members were given approval to commence six and three month secondment arrangements with external agencies. Long-term absences can be difficult to cover in a small agency where there is limited scope to cover or share the workload internally. However, serious consideration is always given to each secondment request due to the restricted opportunities in-house.

Information technology

The OIC has for some time been aware of the need to update our information technology infrastructure and vital programs. This is reflected in the 2020-2023 strategic plan where a new strategic goal was added: *invest in systems that support our operational needs*. There are four objectives under this goal:

1. Use technology to improve efficiency and accessibility to our services.
2. Implement a case management system that meets our reporting needs.

3. Transition to an electronic records management system to better manage our record-keeping obligations.
4. Refine, review and improve our knowledge management system.

These are major initiatives that will have a high impact on the OIC's operations. Allocating resources to work on these projects has been challenging, particularly during the peaks of COVID-19. Nevertheless, preliminary work has begun to source a suitable replacement for the case management system and an electronic document management system, with finalisation of these two projects scheduled for the end of 2023.

In preparation for these changes and to further enhance secure remote working arrangements, laptops were purchased during the year to replace desktop PCs. The OIC has also been working with our GovNext cloud and internet gateway providers, Datacom, to set up secure virtual private network access from the new laptops to the network.

During the reporting year, two assessments of the OIC's IT systems and processes were conducted: a vulnerability assessment by the Office of Digital Government (**ODG**); and an information systems audit by the Office of the Auditor General (**OAG**). These reviews have provided a framework that will ensure the necessary policies, procedures and security measures are in place prior to the planned upgrades to key information technology infrastructure.

The assistance and continued support provided by the ODG and the OAG during and after each of these reviews has been helpful and very much appreciated.

Vulnerability assessment by the Office of Digital Government

As reported last year, the OIC liaised with the ODG to improve the security of OIC's systems. ODG performed a vulnerability assessment of our operating system and networks to identify deficiencies and make recommendations for their improvement. A scan was performed on workstations and servers and the results were provided in July 2021. Recommendations included the replacement of the current case management system and moving to cloud-based software solutions.

A follow up assessment is scheduled early in 2022/23 to review progress on the recommendations made last year.

Information Systems Audit by the Office of the Auditor General

In February 2022 the OIC was selected by the OAG to be audited in their annual audit of information technology controls in agencies. Their audit focussed on policies and procedures; management of IT risks; information security; business continuity; change control; and physical security.

The OIC will focus on all the matters raised in the audit in the coming year. Advice and resources have been provided by the OAG and the ODG to assist with these projects.

Occupational safety and health

The Commissioner is committed to providing a safe and healthy work environment and maintaining the safety and health of all staff, contractors and visitors. Workplace safety and health is about making sure staff, contractors and the community feel safe and supported when at work and when visiting the office. The OIC's OSH Commitment statement reflects this and was last updated in 2020.

The OIC has a fully accredited Health and Safety Representative who was nominated by election. Additional training was provided during the year to ensure this officer was familiar with provisions in the new *Work Health and Safety Act 2020* (WA). The OIC also supports a staff member to maintain their accreditation as a Mental Health First Aid advocate.

A standing agenda item at monthly staff meetings for workplace health and safety matters provides the opportunity for issues to be discussed and concerns to be raised by staff.

Injury management

The OIC has injury management documentation in place that requires review. Updated injury management information was requested and provided by the Insurance Commission of WA during the year. A review will be finalised in the coming year to update current documentation and ensure the OIC's injury management system remains relevant and compliant.

No injuries have occurred at the OIC since 2008. The required injury management and performance table is under the [OIC Statistics](#) section.

Risk management

The OIC has an established Risk Management Steering Committee (**RMSC**). During the year, the following outcomes were achieved.

Compulsory vaccination policy

Following the mandatory vaccination policy issued by the Government in October 2021, the OIC developed an in-house policy regarding staff attendance to the office in the event of a lockdown. The OIC did not have any staff that were subject to mandatory staff vaccination. However, vaccination was required if a staff member was to attend the office during a Government issued lockdown. While there are no dedicated positions within the OIC that strictly required attendance and all possible efforts have been made (and continue to be made) to ensure staff can work remotely, there is always the potential for the requirement to physically attend the office. The OIC's policy stipulates that, on any occasions that it was necessary for a staff member to attend the office, the staff member must provide the required vaccination information to the Commissioner.

Cybersecurity

As reported previously, in July 2021 a [vulnerability assessment](#) was conducted by the ODG on the OIC's workstations and servers. The RMSC considered that the technical aspects of the findings would require additional expertise to work through. A temporary IT support officer was contracted in November 2021 to assist with the

implementation of the ODG's recommendations and to attend to other IT matters.

Test of whole of office remote working

The RMSC decided it was important to regularly test the remote working capability of the office by scheduling a whole of office remote working day (noted elsewhere in this report). This is intended to refresh the capability of staff to work remotely, particularly for those who do not do so regularly. It also provides an opportunity for the RMSC to receive feedback and remedy any shortfalls to the remote working arrangements in place.

A remote working test was successfully carried out in December 2021.

Review of the OIC's risk management framework

As reported last year, the RMSC agreed that the OIC's risk management framework required review. External consultants, Nexus, were engaged to review the OIC's management of risk and make recommendations for improvement to ensure compliance and best practice.

Nexus provided their report including recommendations in June 2022. The RMSC are committed to addressing these recommendations in the coming year.

Compliance audits

Internal audit

The OIC engaged Assurance Advisory Group to conduct the annual internal audit of the OIC's finance and human resource processes and controls for the reporting year.

The final report indicated a satisfactory result, with progress being made in several areas identified in the previous years' audit. Some of the previous recommendations are yet to be progressed or finalised, which will be a focus for the coming year.

Internal Audit Committee

The OIC's Internal Audit Committee was formed in 2021 and consists of two members of OIC staff and is chaired independently by a suitably qualified officer from an agency external to the OIC. The Committee met twice during the reporting year to review the OIC's previous internal audit results – and the progress towards the recommendations – and to finalise the Audit Committee Charter.

External audit

The audit opinion from the Auditor General identified no reportable issues in the financial statements, key performance indicators or controls for 2021/22.

Significant Issues

Recommended legislative and administrative changes

The Commissioner is required under section 111(4) of the FOI Act to include in the annual report to Parliament any recommendations as to legislative or administrative changes that could be made to help the objects of the FOI Act be achieved.

Previous recommendations for legislative amendment

As noted in last year's report, in past annual reports the Commissioner has made recommendations for amendments relating to the following issues.

- Appointment of staff by the Commissioner (highlighted as a priority amendment in the OIC's 2020 annual report).
- Outdated reference to 'intellectually handicapped persons'.
- Public health facilities operated by non-government operators.
- Consultation with officers of government agencies.
- Refusal to deal with amendment applications.
- Refusal to deal with repeat applications.
- Not confirming the existence of documents that are exempt under clause 14(5) of Schedule 1.

- Reference to closest relative.

None of the above amendments were made to the FOI Act during the reporting period. The Commissioner maintains the need for all of these amendments.

Review of the FOI Act

The FOI Act is now 30 years old and has been in operation for 29 of those years. With both the passing of time and the significant technological developments over the past three decades, it is now well overdue for review.

No substantive amendments have been made to the FOI Act since it came into operation in 1993. The FOI Act has not been reviewed since its initial implementation review in 1996 as required under section 113. During the same period, there have been significant advancements in the way information is created, used and stored. Substantial amounts of records and data are now readily available to agencies electronically and the publication of such information is now possible with minimal cost. As the public is able to access a wider range of information freely, the public desire to access government information has also increased (see NSW Ombudsman ['Opening up Government: Review of the Freedom of Information Act 1989'](#), February 2009 at page 19).

There has been significant growth in the number of access applications made to agencies since the FOI Act commenced. In the first eight months of the access provisions of the FOI Act (November 1993 to June 1994), there were 2,128 access

applications made to WA State and local government agencies. For the 2001/02 reporting period, 6,890 access applications were made. 20 years later, in the 2021/22 reporting period 20,354 access applications were made – representing an almost three-fold increase in access applications made to Western Australian State and local government agencies over two decades.

Further, cultural and political change throughout the world, together with greater awareness of the importance of openness and accountability of government, has reinforced the crucial nature of freedom of information in achieving these principles (see '[Report by the FOI Independent Review Panel, The Right to Information: Review Queensland's Freedom of Information Act](#)', 2008, (**the 2008 RTI Report**) at page 13).

In Australia, open government reform has come in two waves. The first wave came with the implementation of FOI legislation around Australia, which generally granted a right of access in response to a request for access (often referred to as the 'pull model'). The second wave, which involves legislative and cultural reform to encourage the proactive release of government information and enable more public scrutiny and participation, is still developing throughout Australia. This is often referred to as the 'push' model.

Some jurisdictions (including WA) are still using the original reactive approach to FOI – the 'pull' model – which primarily involves responding to individual FOI applications as they are received. Other jurisdictions have moved to the 'push' model of access to information (see the 2008 RTI Report at page 16). This model primarily requires an agency to proactively

disclose different types of government information to the public and use access requests as a last resort.

Submission to the Attorney General

As stated at page 38 of last year's [annual report](#), the OIC committed to preparing a submission to be provided to the Attorney General regarding a review of the FOI Act. That submission was provided to the Attorney General on 30 June 2022.

As well as drawing attention to the information set out above, the Commissioner submitted that a review of the FOI Act should consider the approaches to proactive disclosure of information in other jurisdictions, as a step forward from the existing first generation 'pull' model of the FOI Act.

The submission also referred to a [Key Features Table](#) developed in 2019 by Information Commissioners and Ombudsmen across Australia (including the OIC), which outlines the optimal or key features of FOI/Right to Information legislation. To assist with a review of the FOI Act, our submission summarised the key features that are either missing from, or could be enhanced in, the FOI Act and provided examples of equivalent provisions in other jurisdictions.

The [full submission](#) is available on the OIC website.

Consultation with the Commissioner about amendments to FOI legislation

Proposed amendments to the FOI Act are usually submitted through the Attorney General as the Minister responsible for the administration of FOI legislation. However, it is government policy that government agencies are required to consult the Commissioner in respect of any proposed amendments to FOI legislation they intend to submit to the Attorney General.

In general, and in keeping with the objects and intent of the FOI Act, the Commissioner does not support additional exemptions from access to information under the FOI Act, or the exclusion of the operation of the FOI Act, except in very limited circumstances. The Commissioner's view is that, firstly, it must be demonstrated that the particular documents for which exemption or exclusion from the operation of the FOI Act is sought are of a kind that require protection from disclosure. Secondly, the Commissioner must be satisfied that the current provisions in the FOI Act, including the existing range of exemptions, are not adequate to protect such documents from disclosure.

During the reporting period, the Commissioner was consulted about various proposed amendments to the FOI Act and the FOI Regulations, including consequential amendments arising from proposed amendments to other legislation.

Supreme Court appeals

An appeal can be made to the Supreme Court on any question of law arising out of a decision made on an external

review by the Commissioner. An appeal on a question of law is not a further full merits review and there is no appeal to the Supreme Court in relation to decisions on a deferral of access, imposition of charges, or the payment of a deposit. The Commissioner is usually not a party to the appeal.

This year, there has been no new appeal to the Supreme Court from a decision of the Commissioner.

As noted in last year's report, on 31 August 2021, the Court of Appeal delivered its judgment on the appeal against the decision of Archer J in *Lee v Department of Justice* [2020] WASC 105 (Archer J dismissed an appeal against a decision of the Commissioner to stop dealing with an external review pursuant to section 67(1)(b) on the ground that it was lacking in substance). The Court of Appeal dismissed the appeal: see *Lee v Department of Justice* [2021] WASCA 152. A summary of the Court of Appeal's decision is available in our [September 2021 newsletter](#).

As also noted in last year's report, at the end of the previous reporting period, there was one outstanding appeal before the Supreme Court arising out of the Commissioner's decision in *Re Mineralogy Pty Ltd and Department of Mines, Industry Regulation and Safety* [2020] WAICmr 14. There was no hearing of this matter or judgment of the Court. Instead, by consent of the parties, on 18 January 2022 Her Hon Justice Smith made orders setting aside the Commissioner's decision and remitting the matter to the Commissioner for reconsideration.

Links to all Supreme Court decisions relating to decisions of the Commissioner are available on our [website](#).

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 following table shows a comparison between the number of external reviews received and the total number of complainants over the last ten years.

	Number of external reviews received	Total number of complainants
2012/13	129	106
2013/14	107	83
2014/15	167	105
2015/16	133	95
2016/17	124	88
2017/18	165	103
2018/19	176	118
2019/20	166	127
2020/21	161	112
2021/22	194	144

On average over this ten year period, approximately 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.

Information Access Study 2021

Jurisdictional comparisons

Information Access Commissioners and the Commonwealth Ombudsman released the findings of their second cross-jurisdictional study of community attitudes on access to government information on 30 September 2021.

The research provides a broad insight into citizens' views and experiences of the right to access information. Key findings include:

- The importance of the right to access information is consistently recognised by respondents in each jurisdiction (ranging from 85% to 90% in 2021, consistent with 85% to 93% in 2019).
- The majority of respondents in each jurisdiction were aware that they had the right to access information from government departments/agencies (73% to 83% in 2021, consistent with 77% to 85% in 2019).
- The majority of respondents were aware of their right to access information from State government agencies and local councils, consistent with 2019.
- On average 3 in 10 respondents had contacted at least one government agency in the past three years to obtain government information.
- In general, citizens were able to obtain information successfully in each jurisdiction (61% to 88% in 2021, consistent with 60% to 91% in 2019).

The research findings are available on the OIC [website](#). The joint media statement from the Information Access Commissioners and the Commonwealth Ombudsman is also published on the OIC [website](#).

The Western Australia results

The Information Access Study 2021 for WA provides particular information on community attitudes to information access in WA. The results of the 2021 WA study are available on the OIC [website](#).

It is noteworthy that WA was the jurisdiction with the highest rate of success when people sought access to information. In the 2021 study, of the people who had tried to access information from WA government agencies in the last three years, 88% were successful in part or in full.

Approximately half of all respondents felt that their right to access government information was very important and more than one-third felt it was quite important, which was similar to 2019.

The success rate for access to information was highest for public universities, local governments and hospitals.

Consistent with the 2019 results, going to the agency website continued to be the most commonly identified method of accessing State-held information. Participants were asked about the types of government agency information and/or assistance they would like to access online.

There was a significant increase in the proportion of respondents who wanted to access online information regarding decision-making, statistics and finance.

The 2019 and 2021 responses to the question about the type of information participants would like to access online are summarised in the following table.

	2019 (350 responses)	2021 (354 responses)
Information about decision-making processes affecting the community	50	62
Policies and procedures	60	60
Statistics and datasets	36	54
Being directed to online action, for example, obtaining a service or conducting a transaction online	54	51
Financial information, for example, expenditure, procurement and contracts	39	49

FOI research project

The culture of implementing freedom of information in Australia

In partnership with Monash University, the Office of the Victorian Information Commissioner and the South Australian Ombudsman, the OIC is participating in a research project led by Monash University on Information Access Culture in Australia – The Promise and Practice of Freedom of Information in the Digital Age.

The project will run for three years from 2021 and aims to:

- capture and analyse how FOI officers view information access, and the factors that shape their attitudes towards implementing FOI;
- determine the factors that play a key role in determining FOI cultures within agencies;
- identify and develop practical measures that can be implemented by regulators to improve these cultures; and
- identify any additional measures that may be required to improve the interface between records management and FOI practice.

It is intended that the research findings will provide an increased understanding of the culture of administering FOI and inform the OIC's training and awareness programs to increase the functionality of FOI in Western Australia. A well-functioning access to information system is crucial both for good governance and participation in the digital economy.

The OIC will contribute \$38,000 to the research project over three years. In April 2021, the project was also granted substantial funding by the Australian Research Council.

In April 2022 the Commissioner invited 30 WA agencies to participate in the culture research study. Those 30 agencies were selected by Monash University to represent a broad mix of large, small, metropolitan and regional organisations from sectors including health, local government, large departments, and statutory authorities. Ministers of the selected agencies were also separately invited to participate in the research.

The study included completion of short online surveys and participation in interviews with Monash researchers.

While the invitation to participate was extended by the Commissioner, agencies were requested to advise Monash University whether they wished to participate in the project in order to maintain the anonymity of the agencies.

The research project has been designed to provide anonymity for participating agencies and individual participants. While the researchers will engage with the participants, the research sponsors will not be provided with any identifying information. The content of responses and data collected by Monash University will not be attributed to any particular agency or individual in the final report or any preliminary findings, and the research sponsors will not have access to responses provided to Monash University, although anonymous quotes from responses may be included in the final report and scholarly publications.

It is intended that the final report will be published in 2024.

Updates about the research project are available on the Monash University [website](#).

Agencies not dealing with access applications within statutory timeframes

For some time the OIC has observed an increase in the number of applications for external review being lodged with the OIC without the agency having made either or both an initial decision or an internal review decision within the relevant statutory timeframe.

An agency is required to deal with a valid access application within the timeframes outlined in the FOI Act, including providing a notice of decision within those timeframes.

Engaging in early and meaningful dialogue with applicants can clarify the scope of an application and may help to identify the documents the applicant really wants. This reduces unnecessary work for the agency.

Initial decision

An agency has to deal with the access application as soon as is practicable and, in any event, within the 'permitted period'.

The permitted period is:

- 45 days after the access application is received;
- such other period as is agreed between the agency and the access applicant; or
- such other period as is allowed by the Commissioner.

If an access applicant does not receive the agency's decision within the permitted period, the agency is taken to have refused access to the requested documents and the applicant is taken to have received written notice of that refusal on the day the period ended. That is, the agency is deemed to have refused access.

An access applicant then has the right to seek internal review of an agency's deemed refusal decision, in the same manner had the agency given the applicant a notice of decision and advised the applicant of the right to internal review.

Internal review decision

An agency is required to give an access applicant (or a third party seeking internal review) written notice of its internal review decision within 15 days of receiving a valid internal review application, or such longer period as is agreed between the agency and the access applicant.

If a notice of decision is not provided within the time allowed under the FOI Act, the agency is taken to have confirmed the agency's initial decision. That is, the agency is deemed to have confirmed the decision under review.

External review

An access applicant (or a third party that has sought internal review) may seek external review by the Commissioner of an agency's deemed decision to confirm the initial decision, in the same manner had the agency given a notice of decision and advised the applicant or third party of the right to seek external review by the Commissioner.

In the reporting period, 11 of the 194 (5.7%) external reviews received by the OIC were made where either or both the initial decision or the internal review decision had not been made by the agency within the relevant statutory period.

In the absence of a substantive decision having been made by an agency, the OIC is required to undertake additional preliminary inquiries to establish the scope of the issues in dispute that the Commissioner is required to deal with. Any additional time required to be spent on external reviews when they are first received places a further burden on the already heavy workload of the OIC.

In 2017/18 a new question was added to the statistical information requested from agencies about decisions made outside the statutory timeframe. In the first year of reporting, 91% of applications received by agencies were reported as having had a decision made within the statutory timeframe. In 2021/22 the percentage has decreased to 87%. In five years

the percentage of access applications not dealt with within the statutory timeframe has increased from 9% to 13%.

The OIC's [2018/19 annual report](#) at page 36 included a related article titled 'Information about review rights when an agency does not make a decision within the time allowed under the FOI Act'. That year the OIC also added to its website the publication '[What if the agency delays making a decision?](#)'

There appears to be a significant ongoing issue with agencies not being able to deal with all access applications within the statutory period, which is a concerning trend. To assist agencies to deal with applications within the statutory timeframe and to reduce the work involved, the OIC encourages agencies to attempt early and reasonable negotiations with an applicant for the purpose of clarifying and, if possible, reducing the scope of the access application. In addition, agencies are encouraged to ask access applicants to agree to extend the time for the agency to deal with an access application where necessary. There will be occasions that some applicants will not agree. However, a reasonable extension of time when an agency is genuinely unable to deal with the application within the statutory timeframe is generally in everyone's interest.

Dealing with a sudden influx of applications and/or frequent access applicants

From time to time, agencies contact the OIC for advice about how to deal with a perceived unreasonable burden caused by a spike in the number of access applications received or multiple requests from a single applicant.

The FOI Act requires agencies to give effect to the legislation in a way that, among other things, assists the public to obtain access to documents and allows access to documents to be obtained promptly and at the lowest reasonable cost. There is nothing in the FOI Act that prohibits a person from making multiple access applications, including applications for the same information or documents.

While agencies should commit appropriate resources to meet their obligations under the FOI Act and to facilitate the disclosure of information generally, the OIC acknowledges that dealing with a large number of access applications can prove very challenging for agency resourcing.

When an agency is dealing with *any* access application under the FOI legislation, it should comply with the requirements set out in the FOI Act. To reduce the impact of this on agencies, the OIC suggests that careful attention should be given to the following issues, particularly when an agency is dealing with multiple applications from the same applicant.

Is each access application valid?

If an access application made to an agency is general or broad, it may be difficult for the agency to identify precisely what documents an applicant is seeking access to. Engaging early, meaningfully and constructively with an access applicant can result in matters being dealt with more expeditiously, resulting in benefits for the agency and the access applicant. For example, discussion should take place with an access applicant to agree and record the scope of an access application, where it is unclear or ambiguous. If, after taking reasonable steps to assist an access applicant, the agency is still unable to identify the precise documents requested by the access application, it is open to the agency not to accept the application as a valid access application.

Agencies should avoid immediately dealing with an access application in circumstances where the scope is unclear or the agency is unable to identify the precise documents requested by the access applicant. Work done to ensure clarity should ultimately require less work for the agency in dealing with a valid application.

A formal access application does not prevent agencies from early communication with an applicant with a view to finding an outcome that meets their needs.

Keep records for each application

It is important to retain clear records in relation to each FOI application, including information about the steps taken by the agency to deal with each access application and the documents to which an access applicant has been given access. While it is not a requirement of the FOI Act to provide a schedule of documents, the Commissioner considers that it is good practice for an agency to do so. This can also assist an access applicant to better understand the reasons why access to particular documents may have been refused, either in full or in part.

Consider what access can be provided outside of the FOI Act

Agencies are encouraged to give access to as much information as possible, where it can properly be done (section 3(3) of the FOI Act). It is important to keep a record of what information has been provided outside of the provisions of the FOI Act.

If an agency receives multiple applications for the same kind of document, the agency could consider creating a process for dealing with those kinds of applications outside of the FOI Act by proactive disclosure or informal/administrative release processes – see our publication [Open by Design – The FOI Act and Information Release in WA](#).

Can the scope of the application be reduced by agreement with the applicant?

Meaningful dialogue with an applicant may assist to reduce the scope of the access application. For example, the applicant may agree to reduce the number of documents requested and/or exclude personal information or business information about third parties, which removes the potential need to consult those third parties. For repeat applications, the agency may suggest that the applicant agree to exclude documents that have already been provided to them. This requires clarity and potentially agreement about what documents have already been disclosed.

For multiple access applications from the same access applicant, consider whether section 20 is applicable

Consider whether the work involved in dealing with the totality of the access applicant's access applications would divert a substantial and unreasonable portion of the agency's resources away from its other operations: see, for example, *Re Mineralogy Pty Ltd and Department of Industry and Resources* [2008] WAICmr 39 and *Re Caffery and Department of Culture and the Arts* [2015] WAICmr 12.

Before refusing to deal with an access application, or access applications, under section 20, the agency must take reasonable steps to help the applicant change the application(s) to reduce the amount of work needed to deal with it/them.

Effective information access processes should ensure that as much information as possible is available outside the FOI Act. If those processes are in place, agencies can assist the public to obtain access to documents and help to ensure that dealing with FOI requests does not take away from the core business of the agency.

Accountability Agencies Collaborative Forum

The Commissioner is a member of the Accountability Agencies Collaborative Forum (**the AACF**), which consists of a number of small independent accountability agencies. The AACF meet three times yearly to discuss opportunities to collaborate, share ideas and provide mutual support. This benefits members by providing a collegial environment to communicate on matters unique to small agencies with accountability functions.

The Commissioner was chair of the AACF for 2021 and the beginning of 2022, before the role was handed over to the Director of the Health and Disability Services Complaints Office.

National Dashboard of Utilisation of Information Access Rights

The National Dashboard of Utilisation of Information Access Rights compares certain statistics regarding the utilisation of information access rights across access jurisdictions within Australia. In 2017, Australian Information Access Commissioners and Ombudsmen released the inaugural

dashboard of metrics on public use of freedom of information access rights, which fulfils a commitment made in the first [Open Government National Action Plan](#). The [dashboard](#) now includes seven years of data up to the 2020/21 reporting period.

The metrics for each jurisdiction reflect current available data that is reasonably comparable across jurisdictions. The metrics for Western Australia are compiled from the statistical data provided by agencies to the OIC each year.

What the data says about information access in WA in 2020/21

The data from the 2020/21 dashboard indicates, amongst other things, that Western Australia:

- receives the highest number of access applications received per capita;
- has the fourth highest percentage of access provided in full or in part (92%);
- has the lowest rate of external reviews received as a percentage of the total number of access applications received by agencies; and
- agencies reported that 86% of access applications were dealt with within the statutory timeframe provided by the FOI Act.

The National Metrics are not all directly comparable to the statistical data published about agency applications in the OIC annual report. The raw data from the statistical returns is used to calculate each metric in such a way as to link like

applications and outcomes that are reasonably comparable across the various jurisdictions. For example, in the National Metrics, the reported number of access applications where access is refused in full does not include applications where there is a decision made under section 26 of the FOI Act to refuse access on the basis that the documents cannot be found or do not exist. This is because not all jurisdictions have the equivalent of a section 26 decision available in their legislation.

A summary of the WA data contributed to the National metrics over the last five years

Metric 1: *Count of formal applications by type of applicant*

2016/17	2017/18	2018/19	2019/20	2020/21
17,306	17,258	19,258	18,392	20,354

Metric 2: *Formal applications received per capita*

2016/17	2017/18	2018/19	2019/20	2020/21
6.7	6.7	7.3	6.9	7.6

Metric 3: *Percentage of all decisions made on formal applications where access was granted in full or in part*

2016/17	2017/18	2018/19	2019/20	2020/21
97%	96%	94%	91%	92%

Metric 4: *Percentage of all decisions made on formal applications where access was refused in full*

2016/17	2017/18	2018/19	2019/20	2020/21
3%	4%	6%	9%	8%

*Metric 5: *Percentage of all decisions made within the statutory timeframe*

2016/17	2017/18	2018/19	2019/20	2020/21
-	91%	90%	87%	86%

Metric 6: *Percentage of applications received which are reviewed by the jurisdiction Information Commissioner/ Ombudsman*

2016/17	2017/18	2018/19	2019/20	2020/21
1.0%	0.8%	0.7%	1.0%	0.9%

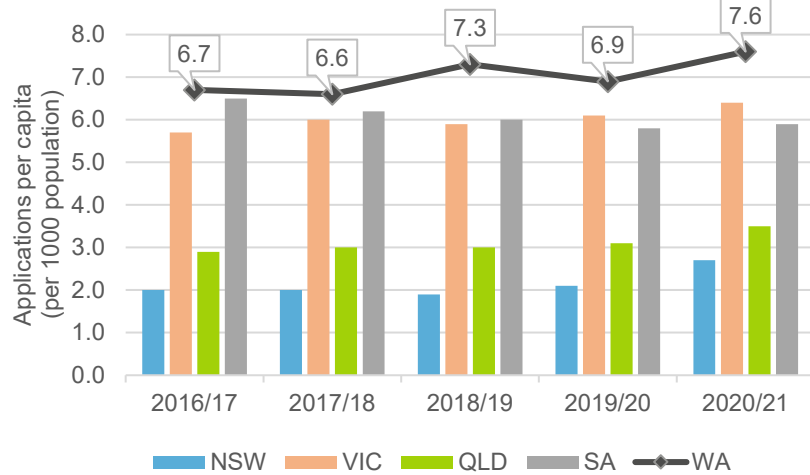
*The OIC has only been able to report about decisions made within the statutory timeframe since adding a new question in the agency statistical returns in 2017/18. The statutory timeframe in WA is 45 days or as agreed between the access applicant and the agency or allowed by the Commissioner (note that statutory timeframes vary across jurisdictions).

Considering the National Metrics across jurisdictions over the last five years

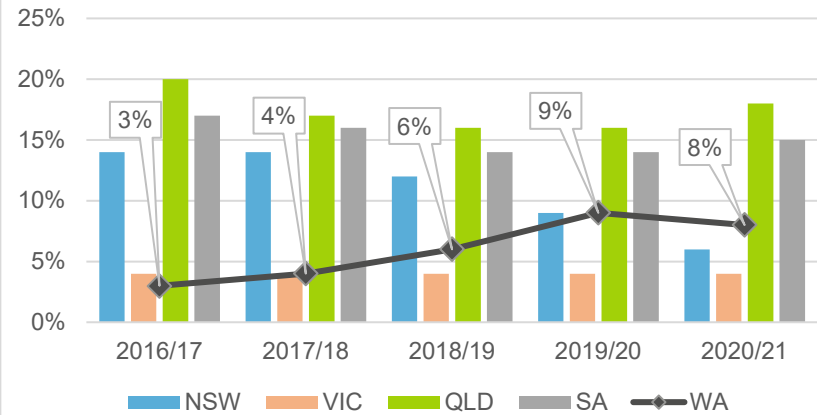
The following charts for metrics 2-6 show how WA compares with four other State jurisdictions over the last five years. Excluding Tasmania, Northern Territory and Commonwealth provides a closer comparison of similar jurisdictions that receive the highest number of applications.

The full dashboard of FOI metrics can be found on the NSW Information and Privacy Commissioner's [website](#).

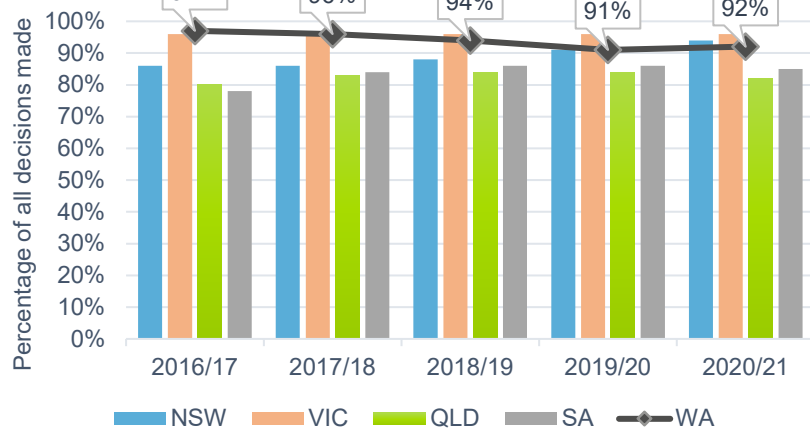
Metric 2: Formal applications received per capita 2016/17 to 2020/21



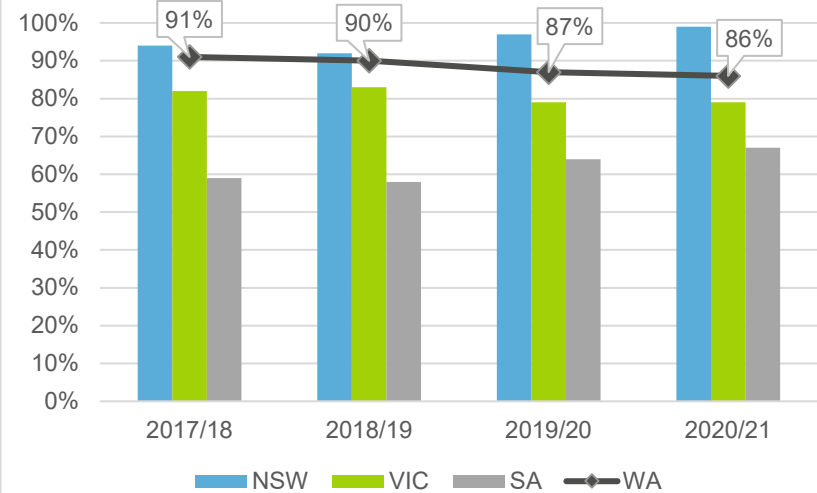
Metric 4: Percentage of all decisions made on formal applications where access was refused in full 2016/17 to 2020/21

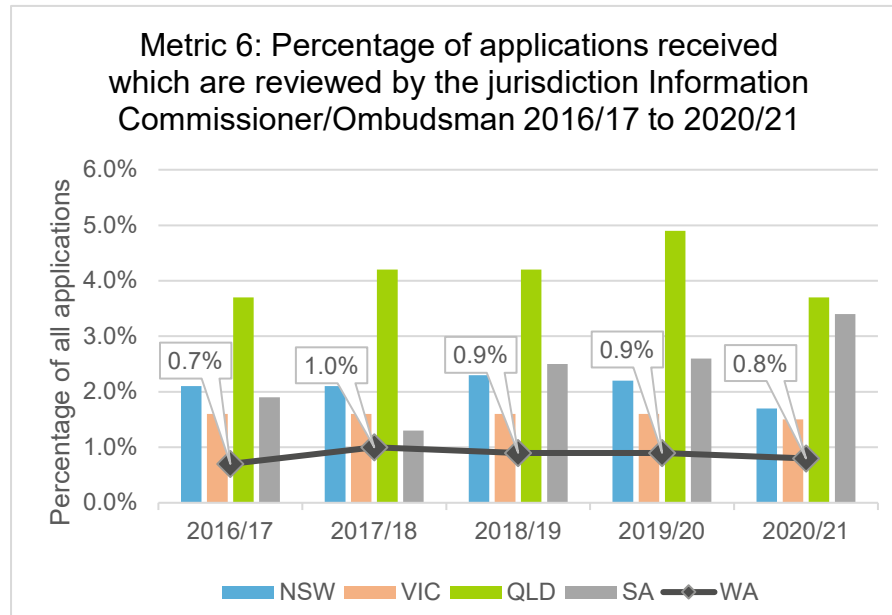


Metric 3 - Percentage of all decisions made on formal applications where access was granted in full or in part 2016/17 to 2020/21



Metric 5 - Percentage of all decisions made within the statutory time frame





WA Local Government Association (WALGA) Local Government Convention

The OIC joined with the State Records Office to host an information booth at the 2021 WALGA Local Government Convention for local government officers held on 19-21 September 2021 at the Crown Convention Centre. The stand in the conference exhibition hall gave attendees the opportunity to discuss State Records and FOI issues with staff from both offices.



Catherine Fletcher, Information Commissioner, Lena Stekyl, State Records Office, and Vivien Akerstrom, Investigations Officer, OIC, at the WALGA Local Government Convention.

Privacy and responsible information sharing (PRIS)

As noted in last year's report, in August 2019 the Department of the Premier and Cabinet (DPC) released the Privacy and Responsible Information Sharing (PRIS) for the Western Australian Public Sector Discussion Paper and invited public comment. The [PRIS Consultation Summary Report](#) was published by the DPC in September 2021. Among other

things, that report stated that the WA Government is committed to introducing PRIS legislation.

During the reporting period, we have provided further feedback to the DPC in relation to the proposed PRIS legislation.

Submissions and consultations

During the reporting period, the Commissioner was formally consulted or requested to make a submission on a number of matters. The following submissions were made in respect of legislative proposals or administrative practices affecting the FOI Act, the OIC or information disclosure more generally.

Senate Finance and Public Administration Legislation Committee inquiry – COAG Legislation Amendment Bill 2021

In September 2021, the Office of the Australian Information Commissioner (**OAIC**) provided a submission to the Senate Finance and Public Administration Legislation Committee's inquiry into the *COAG Legislation Amendment Bill 2021 (the COAG Bill)*. The submission was supported by the Commissioner and the other Australian State and Territory Information Commissioners and Ombudsmen.

The COAG Bill seeks to expand the 'Cabinet exemption' in section 34 of the *Freedom of Information Act 1982 (Cth) (Cth FOI Act)* to include the National Cabinet and its committees. The effect of the amendment would be to:

[R]emove public access to all National Cabinet documents falling within that exemption until the open

access periods in the Archives Act 1983 have elapsed, without consideration of the public interest in access to those documents.

The OAIC submitted that the existing provisions of the Cth FOI Act:

[P]rovide an adequate framework to balance the need, in appropriate circumstances, to maintain the confidentiality of opinions, advice, recommendations and deliberations that occur as part of government decision making – including by National Cabinet – with the public's interest in and right to access government-held information.

In the event that Parliament considers that a non-conditional exemption for documents relating to National Cabinet and its committees is necessary, the OAIC suggested the inclusion of a legislative requirement to publish specific National Cabinet documents in a timely way.

Further information regarding the COAG Bill, including a full copy of the OAIC's submission, can be found on the Parliament of Australia's [website](#).

Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021

The Commissioner was invited to comment on the *Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021* before it was introduced (and passed) in the WA Parliament. During [parliamentary debate](#) on the bill on 17 June 2021 it was noted that the Commissioner had been 'consulted in the

development of [the] bill' and was 'happy with the bill in totality'.

On 4 August 2021, [a correction was provided](#) to the Legislative Council which clarified that the Commissioner 'was consulted on an early draft of the bill and provided feedback on the draft without indicating her happiness or otherwise'.

Australian Government's proposed digital identity legislation

As noted at page 45 of last year's report, in July 2020, the OIC provided feedback on a scoping paper in relation to the Australian Government's proposed digital identity legislation.

As part of a subsequent public consultation phase, in July 2021, the OIC provided a brief submission, within her statutory constraints, to the Digital Transformation Agency, in response to the Australian Government's [Digital Identity Legislation Position paper](#).

The Commissioner noted that digital identity legislation should provide strong privacy protections and effective oversight mechanisms; privacy protections should be enshrined in primary legislation; that, as WA does not currently have State privacy laws or a State privacy oversight body, consideration should be given to ensuring that the proposed digital identity legislation contains provisions that enable states such as WA to 'opt out' of coverage by the Commonwealth *Privacy Act (1988)* (where they have opted in) and to 'opt-in' or revert to coverage by the applicable State privacy laws if and when State privacy laws are enacted; and that significant weight and consideration should be given to submissions made by

privacy oversight bodies around Australia, including but not limited to the Office of the Australian Information Commissioner.

Association of Information Access Commissioners (AIAC)

The AIAC was established in 2010 and consists of the statutory officers in each Australian and New Zealand jurisdiction responsible for FOI and information access.

The purpose of the AIAC is for members to exchange information and experience about the exercise of their respective oversight responsibilities and to promote best practice and consistency in information access policies and laws.

Cooperation between jurisdictions allows the sharing of information, which in turn assists each jurisdiction to more effectively utilise their own resources based on the learning and work of other jurisdictions.

The September 2021 AIAC meeting was hosted by the Queensland Information Commissioner's office, which the Commissioner attended remotely.

The April 2022 AIAC meeting was hosted by the NSW Information and Privacy Commission, which the Commissioner attended in person.

International Conference of Information Commissioners

The Commissioner is a member of the [International Conference of Information Commissioners \(the ICIC\)](#). The ICIC is comprised of Information Commissioners and Ombudsmen from across the globe, who meet to discuss issues related to the protection and promotion of the right to public information for the benefit of citizens. The Information Commissioners of Australia, Queensland, New South Wales and Victoria are also members of the ICIC.

In June 2022 the Commissioner attended remote sessions of the 13th International Conference of Information Commissioners, held in the City of Puebla Mexico. The theme of the conference was *Access to information, participation and inclusion in the Digital Age*.

The conference produced a [statement](#) entitled 'Access to information as a milestone of the digital age to guarantee human rights, the inclusion of groups in situations of vulnerability and the strengthening of democratic institutions in the 21st century'.

A number of the public sessions from the ICIC conference are available on the ICIC [YouTube channel](#).

Western Australian Information Management Framework Working Group

Following Cabinet approval for the development of an Information Management Framework (**IMF**) for Western Australia, the IMF working group was established in 2022. The IMF will be coordinated by the State Records Office and aims to provide support to the sector in the development of consistent and compliant information management practices.

The Commissioner has joined with other agency representatives to form the working group, which supports the work of the State Records Office in the development of the IMF.

Western Australian Information Classification Policy Working Group

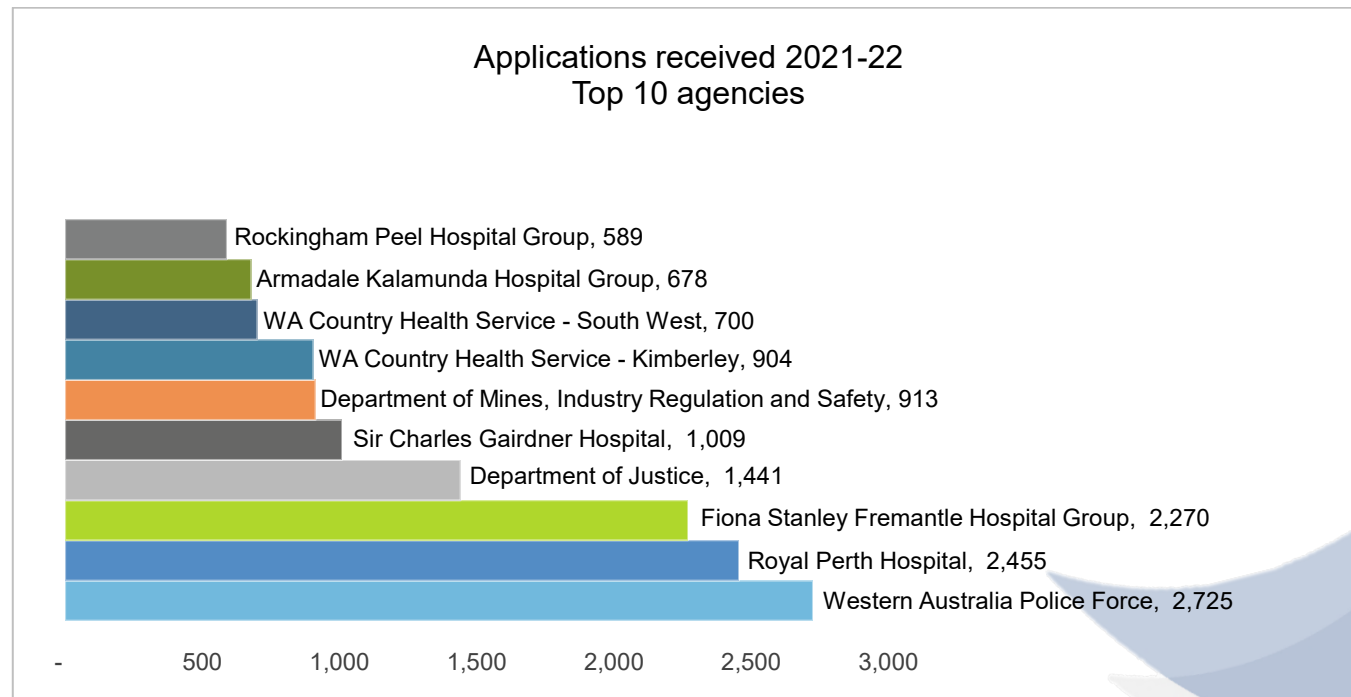
In August 2020, the government launched the WA Information Classification Policy (**the WAICP**). The WAICP provides a common language for agencies to identify risks and apply appropriate sensitivity labels that will assist agencies to protect, store and share their information assets.

During the year, the OIC continued its involvement with the Information Classification Working Group in the development of toolkits, guides and templates that will assist agencies in their implementation of the WAICP.

Disclosures and legal compliance

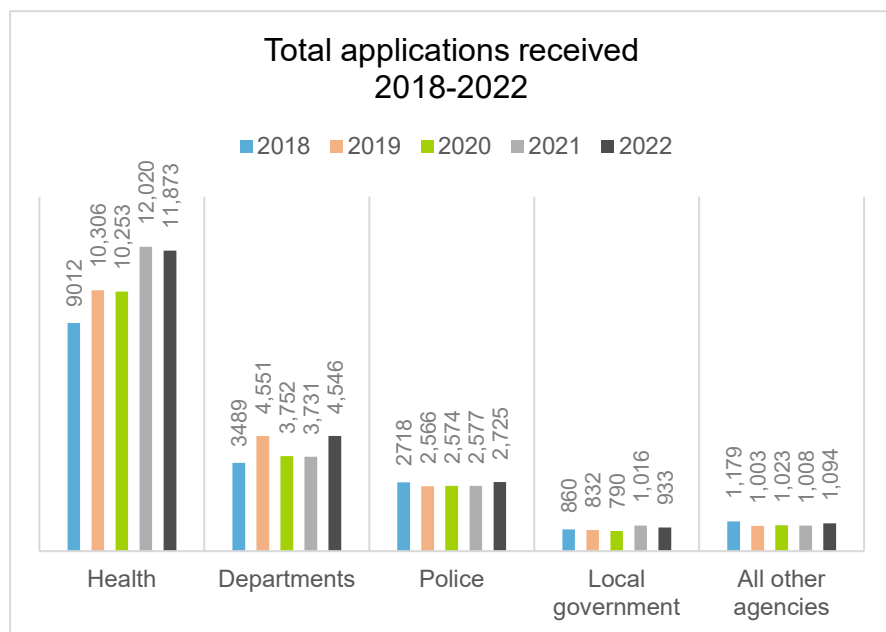
FOI in the sector

Section 111 of the FOI Act requires that the Commissioner's annual report to Parliament is to include certain specified information relating to the number and nature of applications dealt with by agencies under the FOI Act during the year. To enable that to occur, agencies are required to provide the Commissioner with the specified information. That information for 2021/22 is set out in detail in the statistical tables in the [Agency Statistics](#) chapter of this report. The following is an overview of key points.



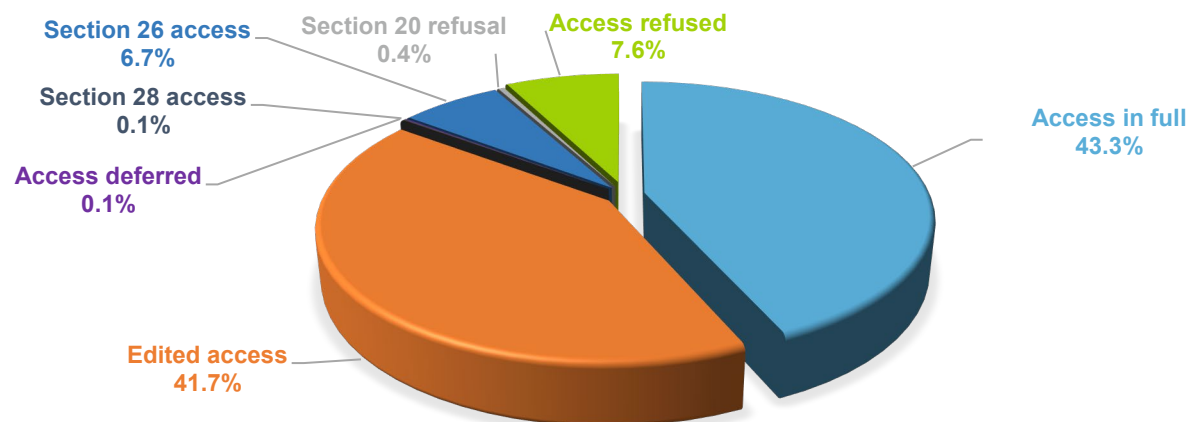
Valid access applications received by agencies

Agency category	2021/22
Health-related agencies	11,873
Departments (except Police and Health-related agencies)	4,546
Police	2,725
All other agencies (Boards, Committees, Commissions, Authorities, Corporations; Ministers; and Universities):	1,094
Local government	931
TOTAL	21,169



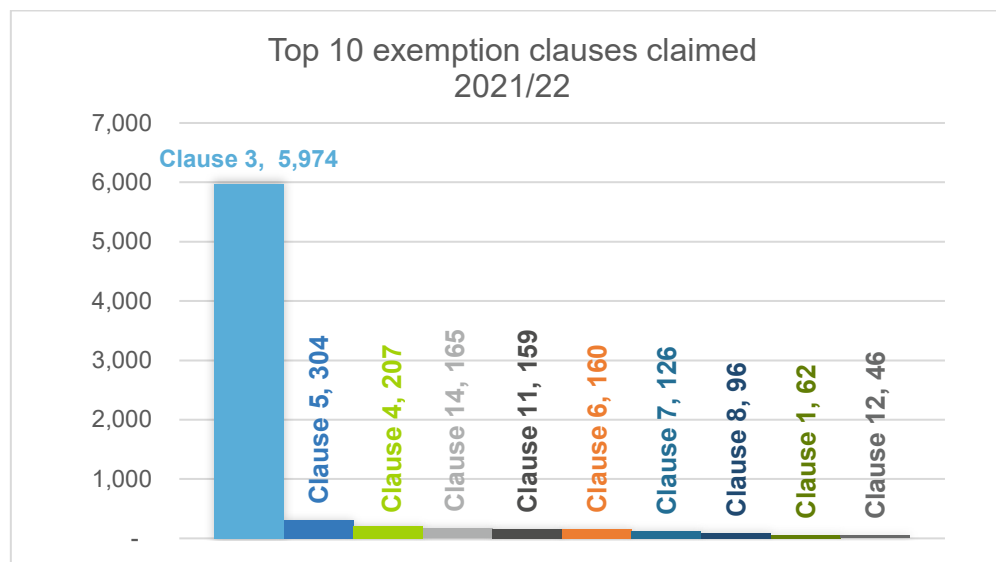
Agency decisions

- 19,370 decisions were made by agencies in response to access applications during the year, a 6.3% increase from 2021-21.
- A further 1,376 applications were withdrawn.
- 85.3% of decisions resulted in the applicant receiving some form of access, whether in full; in part; by way of deferred access under section 25 of the FOI Act; or through a medical practitioner in accordance with section 28 of the FOI Act.
- 14.7% of decisions were to refuse access to documents in full, either under section 26 of the FOI Act on the basis that the documents could not be found or did not exist; because the documents were exempt in full; or because the agency refused to deal with an access application under section 20 of the FOI Act on the ground that it would divert an substantial and unreasonable portion of the agency’s resources away from its other operations.
- This is the first year agencies have been required to report section 20 decisions separately. These types of decisions have previously been counted under ‘access refused’. 31 agencies reported a total of 78 decisions were made under section 20 during the reporting period.



AGENCY CATEGORY	GIVE ACCESS				REFUSE ACCESS/ REFUSED TO DEAL		
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	s.20 No. (%)	Refused No. (%)
Boards, Committees, Commissions, Authorities, Corporations	366 (40)	471 (51.4)	2 (0.2)	1 (0.1)	43 (4.7)	6 (0.7)	27 (2.9)
Departments (except Police and Health related agencies)	923 (23.7)	1,889 (48.5)	7 (0.2)	5 (0.1)	761 (19.5)	30 (0.8)	281 (7.2)
Health-related Agencies	6,617 (57.4)	4,448 (38.6)	9 (0.1)	11 (0.1)	368 (3.2)	15 (0.1)	58 (0.5)
Local Governments	92 (10.7)	659 (77)	5 (0.6)	0 (0)	58 (6.8)	9 (1.1)	33 (3.9)
Ministers	17 (22.4)	33 (43.4)	1 (1.3)	0 (0)	18 (23.7)	6 (7.9)	1 (1.3)
Police	378 (18.3)	552 (26.8)	0 (0)	0 (0)	48 (2.3)	10 (0.5)	1,072 (52)
Universities	0 (0)	35 (79.5)	2 (4.5)	0 (0)	2 (4.5)	2 (4.5)	3 (6.8)
TOTAL	8,393	8,083	26	17	1,298	78	1,475
Percentage	43.3%	41.7%	0.1%	0.1%	6.7%	0.4%	7.6%
GRAND TOTAL	19,370						

Exemptions



AGENCY CATEGORY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Boards, Committees, Commissions, Authorities, Corporations	7	1	271	20	0	5	93	28	19	0	13	1	13	0	0	0
Departments (except Police and Health related agencies)	36	7	1,674	117	0	119	33	46	51	1	14	150	14	0	163	0
Health Related Agencies	0	2	2,696	5	1	5	11	1	6	0	0	3	1	0	0	0
Local Governments	1	3	523	60	0	42	11	28	14	0	1	0	0	0	0	0
Ministers	15	3	25	3	0	1	0	11	0	0	0	0	15	0	0	0
Police	3	0	752	0	0	132	4	3	1	0	0	3	1	0	2	0
Universities	0	0	33	2	0	0	8	9	5	0	5	2	2	0	0	0
TOTAL	62	16	5,974	207	1	304	160	126	96	1	33	159	46	0	165	0

Fees and charges imposed by agencies

No fees or charges apply for applications that are limited to personal information about the applicant only. However, if the applicant is seeking more than their own personal information (a non-personal application), an application fee of \$30 is required to make a valid access application under the FOI Act. If it is a non-personal application, the agency may also impose charges for dealing with the application in accordance with the FOI Act and FOI Regulations. However, agencies are not *required* to impose charges.

- A total of \$185,844 in access application fees was collected by agencies in the reporting period.
- \$28,385 in charges was imposed by agencies, an average of \$4.47 per application for non-personal information. However, in the majority of cases, no charges were reported as charged.

Information about the fee for making a non-personal access application and the charges that an agency may impose in relation to a non-personal access application is available in the OIC publication – [How much does it cost?](#)

Agency timeframes for dealing with access applications

An agency is required to deal with an access application as soon as is practicable; and in any event, within the permitted period. The permitted period is 45 days after the access application is received or such other period as is agreed

between the agency and the access applicant, or such other period as is allowed by the Information Commissioner.

The average time for dealing with access applications in the reporting period was 24.9 days (33.1 days last year), which remains within the 45 days provided in the FOI Act.

Decisions made outside the permitted period

Agency type	# of agencies	# of matters
State government (not including health services)	36	360
Health services	14	2180
Local government	15	68
TOTAL	65	2,608

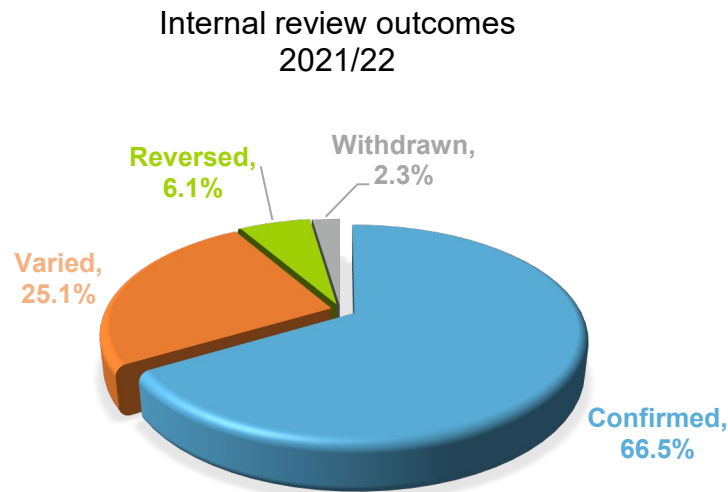
Of the 19,370 decisions made by agencies during the year, 13.5% were not dealt with in the permitted period compared to 15.8% in the previous year.

62.4% of agencies that dealt with a valid access application during the reporting period dealt with all their access applications within the permitted period.

Information about timeframes under the FOI Act is available in the OIC publication – [How long should it take to deal with an access application?](#)

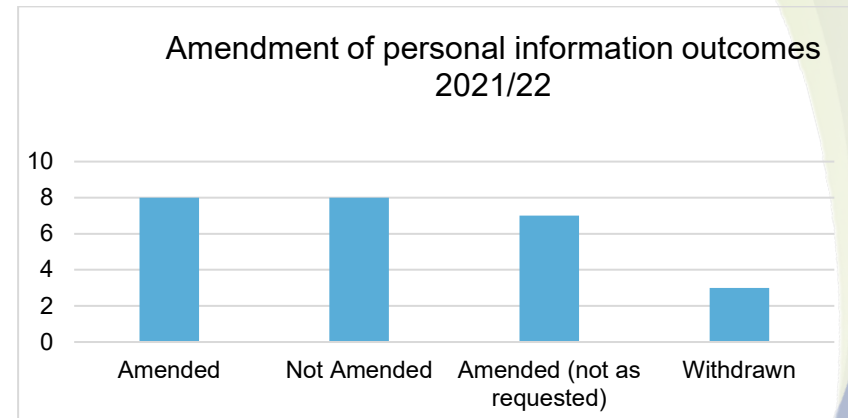
Internal review

- Agencies received 350 applications for internal review of decisions relating to access applications. This represents 1.7% of all decisions made.
- 108 (31.2%) internal review applications finalised during the reporting period resulted in the initial decision being varied or reversed.



Amendment of personal information

- 22 applications for amendment of personal information were received and 26 applications were finalised.
- 7 applications for internal review of amendment decisions were received and 12 decisions were made, 83.3% of which were to confirm the initial decision.



Financial disclosures

Fees and charges

The external review services provided by the OIC are free of charge. The fees and charges prescribed by the FOI Act for making an FOI application are paid directly to the agency receiving the application.

Workers' compensation

There were no workers' compensation claims made during the reporting period.

Corporate credit card

There were no instances of a corporate credit card being used for private expenses

Asset replacement

The OIC's strategic asset plan approved for 2019/20 includes expenditure to invest in a document management system. These funds were carried over into 2020/21 and again into 2021/22.

As outlined earlier in this report, research into a fit for purpose document management system commenced during the year and is ongoing.

Employment and industrial relations

Staff profile

The following profile show the staff numbers as at 30 June of each year indicated.

	2022	2021
Full-time permanent	6	7
Full-time contract (incl secondment)	3	1
Part-time contract	0	1
Part-time measured on a FTE basis	2.25	3

The OIC also has contracted three full-time temporary staff at 30 June 2022.

Staff movements

- In September 2021 a six month secondment arrangement to Lotterywest was approved for the Senior Legal Officer. By agreement the officer returned in February 2022.
- In November 2021 a secondment arrangement to the Department of Fire and Emergency Services was approved for an Investigations/Legal Officer, initially for a term of three months that was subsequently extended and finally made permanent in February 2022.
- In December 2021, a six month contract appointment was made to the Senior Legal Officer position.
- In January 2022, the Principal Legal Officer position became vacant; an Investigations/Legal Officer commenced 12 months parental leave; and two six month secondments were arranged from the Department of Transport and the Department of Local Government, Sport and Cultural Industries.

- In May 2022 a recruitment process commenced to permanently fill the Principal Legal Officer position. From February 2022 the role had been filled in-house through an acting arrangement. An appointment was made in early July 2022.

Staff development

Continuing Professional Development (CPD)

The OIC employs legal practitioners who, under section 36(3) of the *Legal Profession Act 2008*, are taken to hold local practising certificates. Those legal practitioners maintain and broaden their legal knowledge by obtaining CPD points in accordance with the *Legal Profession Rules 2009*. The OIC maintains a register of CPD points attained by each legal staff member.

The *Legal Profession Uniform Law Application Act 2022* was passed in Parliament in April 2022, which will repeal the above laws as of 1 July 2022. This will mean that the government lawyers employed by the OIC will no longer be taken to hold a practising certificate (although this is subject to transitional arrangements). Instead, they will be required to apply for, and hold, a practising certificate to engage in legal practice and compliance with CPD obligations will be a condition on their practising certificates. The OIC will continue to support those officers with their CPD.

Other professional development

Staff are encouraged to attend various learning opportunities that arise. During the period, 105 events were attended by

staff members during the year. The availability of webinars and online training has increased opportunities for staff to attend more events.

In addition to seminars and workshops, when relevant the OIC provides the opportunity for staff to achieve qualifications that promote skills development and career progress.

Governance disclosures

- No senior officers, or firms of which senior officers are members, or entities in which senior officers have substantial interests, had any interests in existing or proposed contracts with the OIC other than normal contracts of employment service.
- The OIC has no boards or committees, and therefore no remuneration costs in this regard.

Expenditure on advertising, market research, polling and direct mail

No expenditure was spent on advertising agencies, polling organisations, direct mail organisations or media advertising organisations.

Conflicts of interest

The OIC maintains a Conflicts of Interest Register. During the reporting period, one conflict was registered by the officer concerned and appropriate measures were put in place to manage that potential conflict.

Gifts register

The OIC has a gifts policy that has been modelled on the practice guide published by the Integrity Coordinating Group. This policy requires the maintenance of a gifts register, which is published on our [website](#). Small gifts for services provided (predominantly for briefings or speaking engagements) are generally accepted and shared within the office. Gifts that are promoting services or where a discretionary authority exists with the gift recipient (e.g. purchasing discretion), are declined.

During the reporting year, there were no gifts registered as accepted.

Disability Access and Inclusion Plan

As required under the *Disability Services Act 1993*, the OIC publishes a Disability Access and Inclusion Plan (**DAIP**). The purpose of the DAIP is to ensure that people with a disability, their families, and carers are able to fully access the range of services and facilities of the OIC.

The DAIP outlines the seven desired outcomes the OIC has committed to achieving:

1. People with a disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with a disability have the same opportunities as other people to access the buildings and other facilities of a public authority.

3. People with a disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with a disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with a disability have the same opportunities as other people to make complaints to a public authority.
6. People with a disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with a disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The OIC's DAIP also addresses the issue of people with a disability being able to exercise their rights under the FOI Act. The FOI Act requires that applications must be made in writing, and the OIC recognises this may present an obstacle for people with a disability. As FOI applications are made directly to the relevant State or local government agency, the onus is on those agencies to ensure all applicants have the same opportunity to make an FOI application. This is encapsulated in sections 11(2) and 11(3) of the FOI Act, which require agencies to take reasonable steps to help applicants to make a valid FOI application.

A yearly progress report on the initiatives in the DAIP has been lodged with the Department of Communities. The majority of strategies are ongoing practices, such as maintaining access

to premises and employment opportunities that may arise. Specific strategies that aim to improve current services and practices are focussed on updating the OIC's website to make it more accessible, such as by including audio links and translations. A project to provide translated materials commenced during the year.

The DAIP is available on the OIC's [website](#), or copies can be requested from this office.

Compliance with Public Sector Standards and ethical codes

The OIC operates under an established code of conduct that references the WA Public Sector Code of Ethics (**the Code**). The OIC also has an employee grievance resolution policy in place. All new staff are provided with a copy of the Code and grievance policy as part of their induction, and these documents are also available to all staff on the OIC's knowledge management system.

Complaints about the OIC

The OIC's complaints policy and procedures has been developed in line with the *Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014*. A complaint under the OIC complaints policy and procedure is an expression of dissatisfaction about the actions or services of the OIC, or the associated conduct of the Commissioner and/or OIC staff, and may be either a general comment or a formal complaint that requires investigation and response.

Complaints made to the OIC about the way that a State or local government has managed an FOI request, or about the outcome of FOI requests, are not covered by the OIC complaints policy.

During the reporting year, the OIC received no complaints.

A copy of the complaints procedure is available on the OIC's [website](#).

Records management

Last year it was reported that the OIC had submitted a report to the State Records Office (**SRO**) on its recordkeeping plan with proposed actions to be taken, including an update of the plan.

A partial update to the recordkeeping plan has been undertaken. Work has also commenced to develop a separate records disaster recovery plan and to create a vital records register. Feedback has been received from the SRO on the initial draft provided, which the OIC proposes to finalise by December 2022.

Key Performance Indicators

Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner, and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2022.



Catherine Fletcher
Information Commissioner

14 November 2022



Tony Pruyn
Manager Complaints

14 November 2022

Nexia Perth Audit Services Pty Ltd



Government Goal

Strong Communities:

Safe communities and supported families.

Desired outcome

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

Description

Under the FOI Act, the main function of the Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring members of the public are aware of the FOI Act and their rights under it;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.

The OIC is made up of the Commissioner and the staff appointed by the Governor to assist the Commissioner to

discharge those functions and responsibilities under delegated authority. These functions take the form of two outputs.

Service 1: Resolution of Complaints

Service 2: Advice and Awareness

The intent of the FOI Act is to ensure that proceedings on external review are conducted with as little formality and technicality as the requirements of the FOI Act and a proper consideration of the matters before the Commissioner permit. Therefore, when dealing with external reviews (complaints), the policy of the Commissioner is to ensure that wherever possible the conduct of external review proceedings is not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Commissioner is required to make a determination and will either publish a written decision with reasons or decide to stop dealing with a matter which is lacking in substance under section 67 of the FOI Act.

Officers delivering the Advice and Awareness output also emphasise the spirit of the FOI Act when delivering advisory services. Wherever possible, agencies are encouraged to release information outside the FOI process where it is appropriate to do so and, where necessary, to follow the correct processes for dealing with an access application or an application for amendment of personal information under the FOI Act. Policy development within agencies that establishes routine information disclosure outside formal FOI processes is encouraged to minimise the impact of the obligations on the

day-to-day operations of agencies. Many potential disputes are also resolved informally with assistance from the OIC.

The Key Performance Indicators (**the KPIs**) of the OIC detailed below have been designed to reflect the satisfaction of parties who utilise the services of the OIC, show the extent to which conciliation is achieved and measure efficiency by relating workload to costs. There are three Effectiveness KPIs and two Efficiency KPIs, which are summarised below.

Key Effectiveness Indicators

1. Satisfaction of parties with external review process.
2. Satisfaction of agencies with advice and guidance provided.
3. The extent to which complaints were resolved by conciliation.

Key Efficiency Indicators

4. Average cost of external reviews finalised.
5. Average cost of advisory services delivered per recipient.

Key effectiveness indicators

Satisfaction of parties with external review process

	2018	2019	2020	2021	2022
Target	85%	85%	85%	85%	85%
Outcome	80%	82%	78%	76%	80%

The above indicator shows the level of satisfaction with the external review process by the parties to each of the external reviews finalised during the year.

A Post Review Questionnaire (**PRQ**) is sent to the parties to an external review to seek their views on whether there was an independent, objective and fair process with an emphasis on user-friendly processes which met their needs. Four key questions are asked:

1. Were you satisfied with the outcome of the external review?
2. Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by the OIC?
3. Do you consider that you were kept adequately informed regarding the progress of the external review?

4. Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to 265 parties who participated in an external review process following finalisation of the review process. 112 participants returned a completed PRQ. 66 responses were received from agencies and 46 were received from complainants. The total response rate from all participants was 42%.

The outcome of answers to question 2 above is used to calculate this indicator. The answers to questions 1, 3 and 4 are also used by the OIC, but for internal management purposes. Information in response to all four questions is taken into account when reviewing external review procedures.

Of the 112 respondents, 90 (80%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the OIC.

Note: As a result of a review of this performance indicator conducted in 2016, the target for 2016/17 was increased from 80% to 85% to recognise a three year trend at that time were the target had been exceeded. Since that increase in the target, it is now apparent that it is not reasonably achievable on a regular basis and will likely require a further review.

Satisfaction of agencies with advice and guidance provided

	2018	2019	2020	2021	2022
Target	98%	98%	98%	98%	98%
Outcome	99%	99%	98%	100%	98%

The Advice and Awareness section of the OIC provides a range of advisory services. Those services are provided direct by telephone, email and counter enquiries and through group training presentations and briefings and indirectly through published information and the website of the OIC.

A survey is conducted on an annual basis in conjunction with the annual statistical returns of agencies. The survey was sent to each of 280 State and local government agencies and Ministers. Of the 280 surveys sent, 256 agencies (91.4%) responded by returning a completed survey. Of the 256 respondent agencies, 138 (53.9%) confirmed receiving advice and guidance from this office.

Of those 138 agencies that received advice, 135 agencies (98%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which external reviews (complaints) were resolved by conciliation

The external review model adopted by the OIC emphasises informal resolution processes such as negotiation and conciliation, wherever possible. If an external review cannot be resolved by conciliation between the parties, the Commissioner is required to make a formal determination.

This KPI is designed to represent the success rate of the preferred resolution method. Therefore, the KPI shows, as a percentage, those external reviews finalised by conciliation as opposed to those that required a decision by the Commissioner.

	2018	2019	2020	2021	2022
Target	60%	70%	70%	70%	70%
Outcome	77%	82%	64%	63%	70%

In total, 447 matters of all types were finalised by the OIC in 2021/22. However, of those 447 matters, only 148 were complaints (external reviews), as defined in section 65 of the FOI Act. Of the 148 external reviews resolved in 2021/22, 103 (70%) were resolved by conciliation. That is, as a result of inquiries conducted by the OIC, no issues remained in dispute which required a decision by the Commissioner.

Key efficiency indicators

The OIC delivers services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with external reviews (complaints) received under the FOI Act, approximately 70% of the OIC's resources are allocated to that function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 30% of the OIC's resources are allocated to the delivery of advice and awareness services.

Output 1 - Resolution of Complaints Average cost of external reviews finalised

Included in calculating this KPI are only those matters dealt with by the Resolution of Complaints section of the OIC in 2021/22 which were formal 'complaints' (see section 65 of the FOI Act) and applications that required a determination under the FOI Act rather than general administrative complaints or requests for assistance that are not technically 'complaints' as per the FOI Act. General requests for assistance or for the intervention of the OIC, including misdirected applications, are reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the OIC.

	2018	2019	2020	2021	2022
Budget	\$9,190	\$10,966	\$7,206	\$6,788	\$7,016
Actual	\$8,075	\$7,414	\$7,709	\$7,155	\$9,674

The table above reflects the costs incurred in resolving external reviews and applications (e.g. to lodge an external review out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of external reviews and applications resolved by the OIC in 2021/22 (189) into the “Total Cost of Services” for the Resolution of Complaints output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number and complexity of matters received and resolved each financial year. The same fluctuations influence the calculation of estimates for budget purposes.

Output 2 – Advice and Awareness Services **Average cost of advisory services delivered per recipient**

In calculating this KPI, the total output units delivered by the Advice and Awareness section of the OIC in 2021/22 was used. The output units recorded by the OIC relate to where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, written advice given by email and letter, counter inquiries attended and recipients of training and briefings.

	2018	2019	2020	2021	2022
Budget	\$240	\$215	\$364	\$324	\$219
Actual	\$249	\$316	\$283	\$215	\$331

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services provided by the OIC in 2021/22 (2,370) into “Total Cost of Services” for the Advice and Awareness output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number advisory service units delivered each financial year. The same fluctuations influence the calculation of estimates for budget purposes.

Financial Statements

Office of the Information Commissioner

Disclosures and Legal Compliance

Certification of financial statements

For the reporting period ended 30 June 2022

The accompanying financial statements of the Office of the Information Commissioner have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2022 and the financial position as at 30 June 2022.

At the date of signing we are not aware of any circumstances which would render the particulars included within the financial statements misleading or inaccurate.


Catherine Fletcher
Information Commissioner
14 November 2022


Michelle Fitzgerald
Chief Finance Officer
14 November 2022

Nexia Perth Audit Services Pty Ltd



Auditor General

INDEPENDENT AUDITOR'S REPORT 2022

Office of the Information Commissioner

To the Parliament of Western Australia

Report on the audit of the financial statements

Opinion

I have audited the financial statements of the Office of the Information Commissioner (Commissioner) which comprise:

- the Statement of Financial Position at 30 June 2022, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows for the year then ended
- Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are:

- based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Office of the Information Commissioner for the year ended 30 June 2022 and the financial position at the end of that period
- in accordance with Australian Accounting Standards (applicable to Tier 2 Entities), the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Information Commissioner for the financial statements

The Information Commissioner is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (applicable to Tier 2 Entities), the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as it determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500

In preparing the financial statements, the Information Commissioner is responsible for:

- assessing the entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commissioner.

Auditor's responsibilities for the audit of the financial statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf.

Report on the audit of controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Office of the Information Commissioner. The controls exercised by the Information Commissioner are those policies and procedures established to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

In my opinion, in all material respects, the controls exercised by the Office of the Information Commissioner are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2022.

The Information Commissioner's responsibilities

The Information Commissioner is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and were implemented as designed.

An assurance engagement involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Limitations of controls

Because of the inherent limitations of any internal control structure, it is possible that, even if the controls are suitably designed and implemented as designed, once in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the audit of the key performance indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Office of the Information Commissioner for the year ended 30 June 2022. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Office of the Information Commissioner are relevant and appropriate to assist users to assess the Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2022.

The Commissioner's responsibilities for the key performance indicators

The Information Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Information Commissioner determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Commissioner is responsible for identifying key performance indicators that are relevant and appropriate, having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

My independence and quality control relating to the reports on controls and key performance indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Other information

The Information Commissioner is responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2022, but not the financial statements, key performance indicators and my auditor's report.

My opinion on the financial statements, controls and key performance indicators does not cover the other information and accordingly, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, controls and key performance indicators, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and key performance indicators, or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to those charged with governance and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

Matters relating to the electronic publication of the audited financial statements and key performance indicators

This auditor's report relates to the financial statements and key performance indicators of the Office of the Information Commissioner for the year ended 30 June 2022 included in the annual report on the Commissioner's website. The Commissioner's management is responsible for the integrity of the Commissioner's website. This audit does not provide assurance on the integrity of the Commissioner's website. The auditor's report refers only to the financial statements, controls and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from the annual report. If users of the financial statements, controls and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version.



Eftalia Samaras
Senior Director Practice Manager
Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
18 November 2022

Statement of Comprehensive Income – 30 June 2022

	Note	2022 \$	2021 \$
Cost of services			
<i>Expenses</i>			
Employee benefits expense	2.1(a)	1,745,935	1,657,364
Supplies and services	2.2	565,078	390,489
Depreciation expense	4.1	1,710	1,705
Accommodation expenses	2.2	201,222	201,222
Other expenses	2.2	98,128	89,795
Total cost of services		2,612,073	2,340,575
<i>Income</i>			
Other income	3.2	450	112
Total income		450	112
Net cost of services		2,611,623	2,340,463
<i>Income from State Government</i>			
Service appropriation	3.1	2,262,000	2,145,000
Services received free of charge	3.1	55,937	77,280
Total income from State Government		2,317,937	2,222,280
Surplus/(deficit) for the period		(293,686)	(118,183)
Other comprehensive income			
<i>Items not reclassified subsequently to profit or loss</i>			
Changes in asset revaluation surplus		-	-
Total other comprehensive income		-	-
Total comprehensive income for the period		(293,686)	(118,183)

See also the 'Schedule of Income and Expenses by Service'.

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position – 30 June 2022

	Note	2022 \$	2021 \$
Assets			
<i>Current Assets</i>			
Cash and cash equivalents	6.1	738,868	1,032,159
Receivables	5.1	19,111	12,607
Other current assets	5.3	8,099	15,928
Total Current Assets		766,078	1,060,694
<i>Non-Current Assets</i>			
Restricted cash and cash equivalents	6.1	31,807	24,972
Amounts receivable for services	5.2	52,000	44,000
Property, plant and equipment	4.1	5,134	6,844
Total Non-Current Assets		88,941	75,816
Total Assets		855,019	1,136,510
Liabilities			
<i>Current Liabilities</i>			
Payables	5.4	55,155	62,030
Employee related provisions	2.1(b)	377,167	348,044
Total Current Liabilities		432,322	410,074
<i>Non-Current Liabilities</i>			
Employee related provisions	2.1(b)	34,782	44,835
Total Non-Current Liabilities		34,782	44,835
Total Liabilities		467,104	454,909
Net Assets		387,915	681,601
Equity			
Contributed equity		37,000	37,000
Accumulated surplus/(deficit)		350,915	644,601
Total Equity		387,915	681,601

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity – 30 June 2022

	Contributed Equity \$	Accumulated Surplus/ (deficit) \$	Total Equity \$
Balance at 1 July 2020	37,000	762,784	799,784
Surplus/(deficit)	-	(118,183)	(118,183)
Other comprehensive income	-	-	-
Total comprehensive income for the period	37,000	644,601	681,601
Balance at 30 June 2021	37,000	644,601	681,601
Balance at 1 July 2021	37,000	644,601	681,601
Surplus/(deficit)	-	(293,686)	(293,686)
Other comprehensive income	-	-	-
Total comprehensive income for the period	-	(293,686)	(293,686)
Balance at 30 June 2022	37,000	350,915	387,915

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows – 30 June 2022

	Note	2022 \$	2021 \$
Cash Flows from State Government			
Service appropriation		2,254,000	2,137,000
Net cash provided by State Government		2,254,000	2,137,000
<i>Utilised as follows:</i>			
Cash Flows from Operating Activities			
<i>Payments</i>			
Employee benefits		(1,719,660)	(1,602,561)
Supplies and services		(515,289)	(283,978)
Accommodation		(201,222)	(201,222)
GST payments on purchases		(80,373)	(59,109)
Other payments		(98,128)	(89,077)
<i>Receipts</i>			
GST receipts on sales		45	485
GST receipts from taxation authority		73,722	62,788
Other receipts		450	112
Net cash provided by/(used in) operating activities		(2,540,456)	(2,172,562)
Cash Flows from Investing Activities			
<i>Payments</i>			
Purchase of non-current physical assets		-	(8,549)
<i>Receipts</i>			
Proceeds from sale of non-current physical assets		-	-
Net cash provided by/(used in) investing activities		-	(8,549)
Net increase/(decrease) in cash and cash equivalents		(286,456)	(44,111)
Cash and cash equivalents at the beginning of the period		1,057,131	1,101,242
Cash and cash equivalents at the end of the period	6.1	770,675	1,057,131

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Note 1. Basis of Preparation

The OIC is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The OIC is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the *Overview* which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Commissioner on 14 November 2022.

Statement of compliance

These general purpose financial statements have been prepared in accordance with:

- 1) The *Financial Management Act 2006 (FMA)*
- 2) The *Treasurer's Instructions (TIs)*
- 3) Australian Accounting Standards (**AAS**) – Simplified Disclosures
- 4) Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TIs take precedence over AAS. Several AAS are modified by the TIs to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest dollar.

Accounting for Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- (a) amount of GST incurred by the OIC as a purchaser that is not recoverable from the Australian Taxation Office (**ATO**) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and
- (b) receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of Cash Flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

Comparative information

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements. AASB 1060 provides relief from presenting comparatives for:

- Property, Plant and Equipment reconciliations;
- Intangible Asset reconciliations; and
- Right-of-Use Asset reconciliations.

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Note 2. Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the OIC's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the OIC in achieving its objectives and the relevant notes are:

Employee benefits expense	
Employee related provisions	
Other expenditure	

Notes

2.1(a)
2.1(b)
2.2

Note 2.1(a) Employee benefits expense

	2022 \$	2021 \$
Employee benefits	1,585,361	1,513,542
Termination benefits	-	-
Superannuation – defined contribution plans	160,574	143,822
Total employee benefits expenses	1,745,935	1,657,364
Add: AASB 16 Non-monetary benefits	-	-
Less: Employee Contributions	-	-
Net employee benefits	1,745,935	1,657,364

Employee benefits include wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

Termination benefits are payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the OIC is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Superannuation is the amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the

WSS, the GESBs, or other GESB schemes or other superannuation funds.

AASB 16 non-monetary benefits are non-monetary employee benefits, predominantly relating to the provision of vehicle and housing benefits that are recognised under AASB 16 and are excluded from the employee benefits expense.

Employee contributions are contributions made to the OIC by employees towards employee benefits that have been provided by the OIC. This includes both AASB 16 and non-AASB 16 employee contributions.

Note 2.1(b) Employee related provisions

	2022 \$	2021 \$
Current		
<i>Employee benefits provision</i>		
Annual leave	146,202	146,508
Long service leave	229,266	199,961
	375,468	346,469
<i>Other provisions</i>		
Employment on-costs	1,699	1,575
Total current employee related provisions	377,167	348,044
Non-current		
<i>Employee benefits provision</i>		
Long service leave	34,626	44,634
	34,626	44,634

Other provisions

Employment on-costs	156	201
Total non-current employee related provisions	34,782	44,835
Total employee related provisions	411,949	392,879

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

Annual leave liabilities are classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

Long service leave liabilities are unconditional long service leave provisions are classified as current liabilities as the OIC does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the OIC has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The provision for long service leave is calculated at present value as the OIC does not expect to wholly settle the amounts within 12 months. The present value is measured taking into

account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Employment on-costs involve the settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments.

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of *Other expenditure* (Note 2.2) (apart from the unwinding of the discount (finance cost)) and are not included as part of the OIC's 'employee benefits expense'. The related liability is included in *Employment on-costs provision*.

	2022 \$	2021 \$
<i>Employment on-cost provision</i>		
Carrying amount at start of period	1,776	1,566
Additional/(reversals of) provisions recognised	79	210
Carrying amount at the end of the period	1,855	1,776

Key sources of estimation uncertainty – long service leave

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Several estimates and assumptions are used in calculating the OIC's long service leave provision. These include:

- expected future salary rates;
- discount rates;
- employee retention rates; and
- expected future payments.

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision. Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as an employee benefits expense.

Note 2.2 Other expenditure

	2022 \$	2021 \$
<i>Supplies and services</i>		
Goods and supplies	87,712	41,212
Services and contracts	477,366	349,277
Total supplies and services expenses	565,078	390,489

	2022 \$	2021 \$
<i>Accommodation expenses</i>		
Office rental	201,222	201,222
Total accommodation expense	201,222	201,222
<i>Other expenses</i>		
Communications	1,161	2,264
Printing and binding	6,606	6,511
Electricity	5,328	4,798
Insurance	14,374	12,012
Travel and accommodation	2,917	3,343
Professional development	14,159	15,583
Audit fees	27,900	44,625
Employment on-costs	81	250
Research and advertising	25,556	-
Other	46	408
Total other expenses	98,128	89,794
Total other expenditure	864,428	681,505

Supplies and services expenses are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Office rental is expensed as incurred as Memorandum of Understanding Agreements between the OIC and the Department of Finance for the leasing of office accommodation contain significant substitution rights.

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

Expenditure on research and advertising is recognised as an expense in the period in which it is incurred.

Employee on-costs includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liabilities is included at Note 2.1(b) *Employee related provisions*. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Note 3. Our Funding Sources

How we obtain our funding

This section provides additional information about how the OIC obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the OIC and the relevant notes are:

	Notes
Income from State Government	3.1
Other income	3.2

Note 3.1 Income from State Government

	2022 \$	2021 \$
<i>Appropriation received during the period:</i>		
Service appropriations	1,983,000	1,867,000
Service appropriations - Other Statutes	279,000	278,000

Total appropriation received during period	2,262,000	2,145,000
<i>Resources received free of charge from other public sector entities during the period:</i>		
Department of Finance - Building Management and Works	55,106	77,280
State Solicitor's Office	831	-
Total resources received	55,937	77,280
	2,317,937	2,222,280

Service appropriations are recognised as income at the fair value of consideration received in the period in which the OIC gains control of the appropriated funds. The OIC gains control of appropriated funds at the time those funds are deposited in the bank account or credited to holding account held at Treasury.

Resources received from other public sector entities is recognised as income equivalent to the fair value of the assets received, or the fair value of those services received that can be reliably determined and which would have been purchased if not donated.

Summary of consolidated account appropriations

	Budget	Supple- mentary Funding	Revised Budget	Actual	Variance
<i>Delivery of services</i>			\$'000		
Item 13 Net amount appropriated to deliver services	1,983	-	1,983	1,983	-
<i>Amount Authorised by Other Statutes</i>					
<i>Freedom of Information Act 1992</i>	279	-	279	279	-
Total appropriations to deliver services	2,262	-	2,262	2,262	-
<i>Capital</i>					
Capital appropriations	-	-	-	-	-
Total consolidated account appropriations	2,262	-	2,262	2,262	-

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 3.2 Other income

	2022 \$	2021 \$
Other recoups	450	112
	450	112

Other revenue is recognised at fair value when the OIC obtains control over the assets comprising the contributions, usually when cash is received.

Note 4. Key Assets

Assets the OIC utilises for economic benefit or service potential

This section includes information regarding the key assets the OIC utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

Note 4.1 Plant and equipment

	2022 \$	2021 \$
<i>Office equipment and computers</i>		
At cost	40,949	40,949
Accumulated depreciation	(35,815)	(34,105)
	5,134	6,844

Reconciliations of the carrying amounts of office equipment and computers at the beginning and end of the reporting period are set out below:

1 July 2021

Gross carrying amount	40,949
Accumulated depreciation	(34,105)
Carrying amount at the start of the period	6,844
Additions	-
Depreciation	(1,710)
Carrying amount at the end of the period	5,134

Initial recognition

Items of plant and equipment costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no cost or significantly less than fair value, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Subsequent measurement

Plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Useful lives

All plant and equipment having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated

useful lives for the different asset classes for current and prior years are included in the table below:

Asset	Useful life: years
Office equipment	5 years
Computers	3 years

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the OIC is a not-for-profit office, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not

increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

Note 5. Other assets and liabilities

This section sets out those assets and liabilities that arose from the OIC's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes
Receivables	5.1
Amounts receivable for services	5.2
Other assets	5.3
Payables	5.4

Note 5.1 Receivables

	2022 \$	2021 \$
<i>Current</i>		
Trade receivables	554	647
GST receivable	18,557	11,960
Total receivables	19,111	12,607

Trade receivables are initially recognised at their transaction price or, for those receivables that contain a significant financing component, at fair value. The OIC holds the receivables with the objective to collect the contractual cash flows and therefore subsequently measured at amortised cost using the effective interest method, less an allowance for impairment.

The OIC recognises a loss allowance for expected credit losses (**ECLs**) on a receivable not held at fair value through profit or loss. The ECLs based on the difference between the contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate. Individual receivables are written off when the OIC has no reasonable expectations of recovering the contractual cash flows.

For trade receivables, OIC recognises an allowance for ECLs measured at the lifetime expected credit losses at each reporting date. The OIC has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment. There was no ECL expenses in this financial year.

Note 5.2 Amounts receivable for services (Holding Account)

	2022 \$	2021 \$
Non-current	52,000	44,000
Balance at the end of the period	52,000	44,000

Amounts receivable for services represent the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the Holding Account).

Note 5.3 Other assets

	2022 \$	2021 \$
<i>Current</i>		
Prepayments	8,099	15,928
Balance at the end of the period	8,099	15,928

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

Note 5.4 Payables

	2022 \$	2021 \$
<i>Current</i>		
Trade payables	23,693	37,763
GST payable	40	50
Accrued salaries	31,422	24,217
Balance at the end of the period	55,155	62,030

Payables are recognised at the amounts payable when the OIC becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 15 to 20 days.

Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The OIC considers

the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (See Note 6.1 *Cash and cash equivalents*) consists of amounts paid annually, from office appropriations for salaries expense into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

Note 6. Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the OIC.

Note 6.1 Cash and cash equivalents

	2022 \$	2021 \$
Cash and cash equivalents	738,868	1,032,159
Restricted cash and cash equivalents ^(a)	31,807	24,972
Balance at the end of the period	770,675	1,057,131

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

For the purpose of the statement of cash flows, cash and cash equivalent assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

The accrued salaries suspense account consists of amounts paid annually, from OIC appropriations for salaries expense into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

Note 7. Financial instruments and contingencies

This note sets out the key risk management policies and measurement techniques of the OIC.

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

Note 7.1 Financial Instruments

	2022 \$	2021 \$
<i>Financial assets</i>		
Cash and cash equivalents	31,807	1,057,131
Financial assets at amortised cost ^(a)	52,000	44,647
Total financial assets	83,807	1,101,778
<i>Financial liabilities</i>		
Financial liabilities at amortised cost ^(b)	55,155	62,030
Total financial liabilities	55,155	62,030

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

(b) The amount of financial liabilities at amortised cost excludes GST payable to the ATO (statutory payable).

Note 7.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position but are disclosed and, if quantifiable, are measured at nominal value.

The OIC had no contingent liabilities and contingent assets as of 30 June 2022.

Note 8. Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	8.1
Changes in accounting policy	8.2
Key management personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Remuneration of auditors	8.7
Supplementary financial information	8.8

Note 8.1 Events occurring after the end of the reporting period

There were no events occurring after the reporting date that impact on the financial statements.

Note 8.2 Changes in accounting policies

The OIC has not made any changes to its accounting policies that would impact on the reported results of the OIC.

Note 8.3 Key management personnel

The OIC has determined key management personnel to include senior officers of the OIC. The OIC does not incur expenditures to compensate Ministers and those disclosures may be found in the Annual Report on State Finances.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the OIC for the reporting period are presented within the following bands:

Compensation Band (\$)	2022	2021
\$290,001 - \$300,000	1	1
	2022	2021
	\$	\$
Total compensation of senior officers	301,464	293,073

Note 8.4 Related party transactions

The OIC is a wholly-owned public sector entity that is controlled by of the State of Western Australia.

Related parties of the OIC include:

- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies, that are included in the whole of government

consolidated financial statements (i.e. wholly owned public sector entities);

- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board.

Material transactions with related parties

Outside of normal citizen type transactions with the OIC, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

Note 8.5 Related bodies

The OIC has no related bodies.

Note 8.6 Affiliated bodies

The OIC has no affiliated bodies.

Note 8.7 Remuneration of Auditor

Remuneration paid or payable to the Auditor General in respect of the audit for the current reporting period is as follows:

	2022 \$	2021 \$
Auditing of accounts, financial statements and performance indicators	27,000	27,900
	27,000	27,900

Note 8.8 Supplementary financial information

(a) Write-offs

There were no write-offs during the previous or current financial year.

(b) Losses through theft, defaults and other causes

There were no thefts, defaults or losses during the previous or current financial year.

(c) Gifts of public property

There were no gifts of public property during the previous or current financial year.

Note 9 Explanatory statement

This section explains variations in the financial performance of the OIC.

	Notes
Explanatory Statement for Controlled Operations	9.1
<p>All variances between annual estimates (original budget) and actual results for 2022, and between the actual results for 2022 and 2021 are shown below. Narratives are provided for key major variances which are greater than 10% from their comparative and that the variation is more than 1% of the dollar aggregate amount of: the Total Cost of Services for the Statements of Comprehensive Income and Statement of Cash Flows (>\$23,406); and Total Assets for the Statement of financial position (>\$10,850).</p>	

9.1.1 Statement of Comprehensive Income variances

	Variance Note	Estimate 2022	Actual 2022	Actual 2021	Estimate and actual variance	2021 and 2022 actual variance
Statement of Comprehensive Income						
<i>Expenses</i>						
Employee benefits expense		1,632,000	1,745,935	1,657,364	113,935	88,571
Supplies and services	1, 2	355,000	565,078	390,489	210,078	174,589
Accommodation expenses		218,000	201,222	201,222	(16,778)	-
Depreciation expense		14,000	1,710	1,705	(12,290)	5
Other expenses	3	165,000	98,128	89,795	(66,872)	8,333
Total cost of services		2,384,000	2,612,073	2,340,575	228,073	271,498
<i>Income</i>						
<u>Revenue</u>						
Other revenue		4,000	450	112	(3,550)	338
Total Revenue		4,000	450	112	(3,550)	338
Total income other than income from State Government		4,000	450	112	(3,550)	338
Net cost of services		2,380,000	2,611,623	2,340,463	231,623	271,160
<u>Income from State Government</u>						
Service appropriation		2,262,000	2,262,000	2,145,000	-	117,000
Resources received free of charge	4	110,000	55,937	77,280	(54,063)	(21,343)
Total income from State Government		2,372,000	2,317,937	2,222,280	(54,063)	95,657
Surplus/(deficit) for the period		(8,000)	(293,686)	(118,183)	(285,686)	175,503

Other comprehensive income					
Changes in asset revaluation surplus	-	-	-	-	-
Gains/(losses) recognised directly in equity	-	-	-	-	-
Total other comprehensive income	-	-	-	-	-
Total comprehensive income for the period	(8,000)	(293,686)	(118,183)	(285,686)	175,503

Major Estimate and Actual (2022) Variance Narratives for the Income Statement

- Supplies and services have increased primarily due to an increase in the use of external contractors, including labour hire, consultancy services and participation in a research project with other jurisdictions.
- The estimate is a standard yearly estimate which is no longer reflective of current expenditure and will be revised.
- Estimates for resources received free of charge are based on previous years and will be reviewed.

Major Actual (2022) and Comparative (2021) Variance Narratives for the Income Statement

- Supplies and services increased from last year primarily due to an increase in the use of external contractors, including labour hire, consultancy services and participation in a research project with other jurisdictions.

9.1.2 Statement of Financial Position variances

	Variance Note	Estimate 2022	Actual 2022	Actual 2021	Estimate and actual variance	2021 and 2022 actual variance
Assets						
Current Assets						
Cash and cash equivalents	5,6	947,000	738,868	1,032,159	(208,132)	(293,291)
Holding account receivables	7	16,000	-	-	(16,000)	-
Receivables		19,000	19,111	12,607	111	6,504

OVERVIEW	OPERATIONAL PERFORMANCE	SIGNIFICANT ISSUES	DISCLOSURES & LEGAL COMPLIANCE	KEY PERFORMANCE INDICATORS	FINANCIAL STATEMENTS	OIC STATISTICS	AGENCY STATISTICS
Other Current Assets			34,000	8,099	15,928	(25,901)	(7,829)
Total Current Assets			1,016,000	766,078	1,060,694	(249,922)	(294,616)
<u>Non-Current Assets</u>							
Restricted cash and cash equivalents		8	18,000	31,807	24,972	13,807	6,835
Amounts receivable for services		9	36,000	52,000	44,000	16,000	8,000
Property, Plant and Equipment		10	15,000	5,134	6,844	(9,866)	(1,710)
Total non-current assets			69,000	88,941	75,816	19,941	13,125
Total assets			1,085,000	855,019	1,136,510	(229,981)	(281,491)
<i>Liabilities</i>							
<u>Current Liabilities</u>							
Payables		11	-	55,155	62,030	55,155	(6,875)
Provisions		12	336,000	377,167	348,044	41,167	29,123
Other		13	15,000	-	-	(15,000)	-
Total Current Liabilities			351,000	432,322	410,074	81,322	22,248
<u>Non-Current Liabilities</u>							
Provisions		14,15	25,000	34,782	44,835	9,782	(10,053)
Total Non-Current Liabilities			25,000	34,782	44,835	9,782	(10,053)
Total liabilities			376,000	467,104	454,909	91,104	12,195
Net assets/(liabilities)			709,000	387,915	681,601	(321,085)	(293,686)
<u>Equity</u>							
Contributed equity			37,000	37,000	37,000	-	-
Accumulated surplus/(deficiency)			672,000	350,915	644,601	321,085	(293,686)
Total equity			709,000	387,915	681,601	321,085	(293,686)

Major Estimate and Actual (2022) Variance Narratives for the Statement of Financial Position

- 5) The variance in cash and cash equivalents is the result of the increase in the total cost of services in the income statement.
- 7) The variance in the holding account is due to funds not spent as expected. The asset replacement project was not completed due to other priorities.
- 8) The variance in the restricted cash and cash equivalents is due to the yearly increase in funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year.
- 9) Amounts receivable for services is a non-cash service appropriation for asset replacement. The variance is due to asset replacement not carried out as expected during the year.
- 10) The variance in property, plant and equipment is due to expected capital purchases not made during the year.
- 11, 12 & 13) The estimates for 2021-22 were reported incorrectly. Current liabilities in these statements comprise of trade payables, the end of year salary accrual, GST payable and employee leave liability (see notes 2(1)(b) and 5.4 to the financial statements). Future estimates have now been corrected to include 'payables' (trade payables and GST payable) and 'employee provisions' (employee leave liability and end of year salary accrual). The increase in provisions for 2021-22 are due to the increase in leave liability since the estimates were published.
- 14) The variance in provisions relates to the movements in non-current long service leave liability.

Major Actual (2022) and Comparative (2021) Variance Narratives for the Statement of Financial position

- 6) The decrease in cash and cash equivalents from 2021 is the result of the variance in the total cost of services in the income statement.
- 15) The decrease in provisions is due to the reduction in non-current long service leave liability from 2021.

9.1.3 Statement of Cash Flow variances

	Variance Note	Estimate 2022	Actual 2022	Actual 2021	Estimate and actual variance	2021 and 2022 actual variance
Cash flows from State Government						
Service appropriation		2,254,000	2,254,000	2,137,000	-	117,000
Capital appropriation		-	-	-	-	-
Holding account drawdowns		-	-	-	-	-
Net cash provided by State Government		2,254,000	2,254,000	2,137,000	-	117,000
<i>Utilised as follows:</i>						
Cash flows from operating activities						
<u>Payments</u>						
Employee benefits		(1,632,000)	(1,719,660)	(1,602,561)	87,660	(117,099)
Services and supplies	16,17	(327,000)	(515,289)	(283,978)	188,289	(231,311)
Accommodation		(218,000)	(201,222)	(201,222)	(16,778)	-
GST payments on purchases	18	(30,000)	(80,373)	(59,109)	50,373	(21,264)
Other payments		(107,000)	(98,128)	(89,077)	(8,872)	(9,051)
<u>Receipts</u>						
GST receipts on sales		-	45	485	(45)	(440)
GST receipts from taxation authority		48,000	73,722	62,788	(25,722)	10,934
Other revenue		4,000	450	112	3,550	338
Net cash used in operating activities		(2,262,000)	(2,540,456)	(2,172,562)	278,456	(367,894)
<i>Cash flows from investing activities</i>						
<u>Payments</u>						
Purchase of non-current assets		-	-	(8,549)	-	8,549
<u>Receipts</u>						
Proceeds from sale of non-current physical assets		-	-	-	-	-
Net cash provided by/(used in) investing activities		-	-	(8,549)	-	8,549
<i>Cash flows from financing activities</i>						
Net increase/(decrease) in cash and cash equivalents		(8,000)	(286,456)	(44,111)	278,456	(242,345)
Cash and cash equivalents at the beginning of the period		973,000	1,057,131	1,101,242	(84,131)	(44,111)
Cash and cash equivalents at the end of the period		965,000	770,675	1,057,131	194,325	(286,456)

Major Estimate and Actual (2021) Variance Narratives for the Cashflow Statement

- 16) Supplies and services have increased primarily due to an increase in the use of external contractors, including labour hire, consultancy services and participation in a research project with other jurisdictions.
- 18) The variance in GST payments is a result of the increase in payables during the year.

Major Actual (2022) and Comparative (2021) Variance Narratives for the Cashflow Statement

- 17) Supplies and services increased from last year primarily due to an increase in the use of external contractors, including labour hire, consultancy services and participation in a research project with other jurisdictions.

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 reporting period. 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 the following information:

- the number of external review applications made to the Commissioner and the results of those applications;
- 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 results of those appeals.

The following is the statistical data reflecting external review applications and other applications made to the OIC during the year, and their outcomes. Details of Supreme Court appeals are outlined under [Significant Issues](#).

For reference, 'other' applications refer to requests made to the Commissioner other than external review requests, including: requests to lodge external review applications 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 referred to throughout this report in respect of the OIC's operations are also included in this section.

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- 1 [Applications received and dealt with by the Commissioner](#)
- 2 [Breakdown of valid external review applications made to the Commissioner](#)
- 3 [External review applications received by the Commissioner \(valid and invalid\)](#)
- 4 [Invalid applications for external review finalised](#)
- 5 [Other applications received](#)
- 6 [Outcome of external reviews finalised \(by agency and category\)](#)
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Table 1: Applications received and dealt with by the Commissioner

APPLICATIONS RECEIVED AND DEALT WITH BY THE COMMISSIONER	RECEIVED	DEALT WITH
External review applications – valid	194	148
External review applications – informal / invalid	26	21
Section 66(6) applications – no internal review	12	14
Section 66(4) applications – out of time	4	4
Section 13(5) applications – extension of time	1	1
Section 13(4) applications – reduction of time	1	1
TOTAL	238	189

Table 2: Breakdown of valid external review applications made to the Commissioner

APPLICANT GROUP	#	AGENCY GROUP	#
Individual citizen	141	Department (ex. Police & Health)	55
Company	22	Local Government	50
Not-for-profit	10	Police	24
Media	9	Health related	19
Prisoner	5	Board, Committee, Commission, Authority, Corporation	18
Member of Parliament	4	University	15
Government agency	3	Minister	13
TOTAL	194	TOTAL	194

Table 3: External review applications received by the Commissioner (valid and invalid)

AGENCY	VALID	INVALID	TOTAL
State Agencies			
Biodiversity, Conservation and Attractions, Department of	1	0	1
C&AHS - Perth Children's Hospital	2	0	2
Communities, Department of	5	1	6
Curtin University	6	0	6
DevelopmentWA	4	0	4
Edith Cowan University	5	0	5
Education, Department of	2	1	3
Electoral Commission, Western Australian	1	0	1
EMHS - Bentley Health Service	1	0	1
EMHS - Corporate Office	4	1	5
Finance, Department of	1	0	1
Fire and Emergency Services, Department of	0	1	1
Forest Products Commission	1	0	1
Health and Disability Services Complaints Office	1	0	1
Health Support Services	1	0	1
Health, Department of	2	0	2
Jobs, Tourism, Science and Innovation, Department of	2	0	2
Justice, Department of	7	3	10
Legal Practice Board of Western Australia, The	1	0	1
Main Roads Western Australia	6	0	6
Metropolitan Cemeteries Board	1	0	1
Mines, Industry Regulation and Safety, Department of	18	3	21
NMHS - Corporate Office	2	1	3

AGENCY	VALID	INVALID	TOTAL
NMHS - Mental Health	1	1	2
North Metropolitan TAFE	1	0	1
PathWest Laboratory Medicine WA	1	0	1
Planning, Lands and Heritage, Department of	3	0	3
Police Force, Western Australia	24	4	28
Premier and Cabinet, Department of the	2	0	2
Public Advocate, Office of the	5	0	5
Public Sector Commission	1	0	1
Public Transport Authority	3	0	3
Racing and Wagering Western Australia	0	1	1
SMAHS - Rockingham Peel Group	1	0	1
Southern Ports Authority	0	1	1
Transport, Department of	1	0	1
Treasury, Department of	1	0	1
University of Western Australia, The	4	0	4
WACHS - Goldfields	1	0	1
WACHS - Midwest	0	1	1
WACHS - Pilbara	1	0	1
WACHS - South West	1	0	1
Water and Environmental Regulation, Department of	1	1	2
Water Corporation	3	0	3
Western Power	2	0	2
<i>Sub-total: State Agencies</i>	<i>131</i>	<i>20</i>	<i>151</i>
Local Agencies			
Armadale, City of	2	0	2
Augusta-Margaret River, Shire of	2	0	2
Bayswater, City of	1	0	1
Belmont, City of	2	0	2

AGENCY	VALID	INVALID	TOTAL
Broome, Shire of	1	0	1
Busselton, City of	1	0	1
Cambridge, Town of	2	0	2
Canning, City of	1	2	3
Cottesloe, Town of	1	0	1
Dardanup, Shire of	1	0	1
Esperance, Shire of	1	0	1
Gosnells, City of	2	0	2
Harvey, Shire of	1	0	1
Joondalup, City of	2	0	2
Kalgoorlie-Boulder, City of	1	0	1
Karratha, City of	1	0	1
Kwinana, City of	1	0	1
Mandurah, City of	2	0	2
Melville, City of	11	0	11
Nedlands, City of	1	0	1
Perth, City of	2	0	2
Port Hedland, Town of	1	0	1
South Perth, City of	1	0	1
Stirling, City of	3	0	3
Subiaco, City of	3	0	3
Swan, City of	1	2	3
Victoria Park, Town of	1	0	1
Wanneroo, City of	1	0	1
<i>Sub-total: Local Agencies</i>	<i>50</i>	<i>4</i>	<i>54</i>
Ministers			
Attorney General	4	0	4

AGENCY	VALID	INVALID	TOTAL
Education and Training, Minister for	1	0	1
Emergency Services, Minister for	1	0	1
Environment, Minister for	1	0	1
Finance, Minister for	2	1	3
Lands, Minister for	0	1	1
Local Government, Minister for	1	0	1
Mines and Petroleum, Minister for	1	0	1
Regional Development, Minister for	1	0	1
State Development, Minister for	1	0	1
<i>Sub-total: Ministers</i>	<i>13</i>	<i>2</i>	<i>15</i>
TOTAL	194	26	220

Table 4: Invalid applications for external review finalised

AGENCY	#
State Agencies	
Education, Department of	1
EMHS - Corporate Office	1
Fire and Emergency Services, Department of	1
Justice, Department of	3
Mines, Industry Regulation and Safety, Department of	3
NMHS - Mental Health	1
Police Force, Western Australia	3
Racing and Wagering Western Australia	1
Southern Ports Authority	1
WACHS - Midwest	1
Water and Environmental Regulation, Department of	1
<i>Sub-total: State Agencies</i>	<i>17</i>
Local Agencies	
Swan, City of	2
<i>Sub-total: Local Agencies</i>	<i>2</i>
Ministers	
Finance, Minister for	1
Lands, Minister for	1
<i>Sub-total: Ministers</i>	<i>2</i>
TOTAL	21

Table 5: 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)	TOTAL
Broome, Shire of	0	1	0	0	1
Edith Cowan University	1	0	0	0	1
Education, Department of	0	0	1	0	1
Finance, Department of	1	0	0	0	1
Health, Department of	0	0	0	1	1
Jobs, Tourism, Science and Innovation, Department of	0	1	0	0	1
Justice, Department of	0	2	0	0	2
Legal Practice Board of WA, The	0	1	0	0	1
Lotteries Commission	1	0	0	0	1
PathWest Laboratory Medicine WA	0	1	0	0	1
Planning, Lands and Heritage, Department of	0	1	0	0	1
Police, Western Australia	0	4	0	0	4
Public Transport Authority	0	1	0	0	1
Wanneroo, City of	1	0	0	0	1
TOTAL	4	12	1	1	18

No applications under section 35(1) (waiver of requirement to consult) or section 48(3) (request for destruction certificate) were received.

Table 6: Outcome of external reviews finalised (by agency and category)

AGENCY	CONCILIATED	PUBLISHED DECISION UNDER SECTION 76			DECISION UNDER s.67(1)(a)	DECISION UNDER s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION:					
		CONFIRMED	VARIED	SET ASIDE AND SUBSTITUTED			
State Agencies							
C&AHS - Perth Children's Hospital	0	0	0	0	0	1	1
Communities, Department of	2	0	0	0	1	2	5
Curtin University	3	0	0	0	0	0	3
DevelopmentWA	2	0	0	1	0	0	3
Edith Cowan University	2	1	0	0	0	0	3
Education, Department of	2	0	0	0	0	0	2
EMHS - Bentley Health Service	1	0	0	0	0	0	1
Forest Products Commission	1	0	0	0	0	0	1
Health Support Services	1	0	0	0	0	1	2
Health, Department of	1	1	0	0	0	0	2
Jobs, Tourism, Science and Innovation, Department of	2	0	0	4	0	0	6
Justice, Department of	4	0	0	0	1	0	5
Local Government, Sport and Cultural Industries, Department of	2	1	0	0	0	0	3
Main Roads Western Australia	0	0	0	0	3	0	3
Metropolitan Cemeteries Board	1	0	0	0	0	0	1
Mines, Industry Regulation and Safety, Department of	4	0	0	0	0	0	4
NMHS - Corporate Office	1	0	0	0	0	0	1
PathWest Laboratory Medicine WA	1	0	0	0	0	0	1
Pilbara Ports Authority	3	0	0	0	0	0	3
Police Force, Western Australia	12	1	0	0	0	2	15

AGENCY	CONCILIATED	PUBLISHED DECISION UNDER SECTION 76			DECISION UNDER s.67(1)(a)	DECISION UNDER s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION:					
		CONFIRMED	VARIED	SET ASIDE AND SUBSTITUTED			
Premier and Cabinet, Department of the	1	0	0	1	0	0	2
Public Advocate, Office of the	2	0	0	0	1	2	5
Public Sector Commission	1	0	0	0	0	0	1
Public Transport Authority	1	0	0	0	0	1	2
Public Trustee Western Australia	0	1	0	0	0	0	1
State Administrative Tribunal	0	1	0	0	0	0	1
Treasury, Department of	1	0	0	0	0	0	1
Trotting Association Western Australian	1	0	0	0	0	0	1
WACHS - Goldfields	1	0	0	0	0	0	1
WACHS - Pilbara	1	0	0	0	0	0	1
Water and Environmental Regulation, Department of	2	0	0	0	0	0	2
Water Corporation	6	0	0	0	1	0	7
<i>Sub-total: State Agencies</i>	<i>62</i>	<i>6</i>	<i>0</i>	<i>6</i>	<i>7</i>	<i>9</i>	<i>90</i>
<i>Percentage of agency group/percentage of total</i>	<i>68.9%</i>	<i>6.7%</i>	<i>0.0%</i>	<i>6.7%</i>	<i>7.8%</i>	<i>10.0%</i>	<i>60.8%</i>
Local Agencies							
Augusta-Margaret River, Shire of	3	1	0	0	0	0	4
Bayswater, City of	1	0	0	0	0	0	1
Belmont, City of	2	0	0	0	0	0	2
Busselton, City of	2	0	0	0	0	0	2
Cambridge, Town of	2	0	0	0	0	1	3
Canning, City of	0	0	1	0	0	1	2
Cottesloe, Town of	0	0	0	0	0	1	1
Esperance, Shire of	1	0	0	0	1	0	2

AGENCY	CONCILIATED	PUBLISHED DECISION UNDER SECTION 76			DECISION UNDER s.67(1)(a)	DECISION UNDER s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION:					
		CONFIRMED	VARIED	SET ASIDE AND SUBSTITUTED			
Gnowangerup, Shire of	1	0	0	0	0	1	
Gosnells, City of	0	0	0	0	0	1	
Joondalup, City of	2	0	0	0	0	2	
Karratha, City of	1	0	0	0	0	1	
Melville, City of	3	2	0	0	1	8	
Nedlands, City of	1	0	0	0	0	2	
Perth, City of	2	0	0	0	0	2	
Port Hedland, Town of	1	0	0	0	0	1	
Ravensthorpe, Shire of	0	1	0	0	0	1	
South Perth, City of	0	0	0	0	0	1	
Stirling, City of	1	0	0	0	0	1	
Subiaco, City of	1	0	0	0	0	1	
Toodyay, Shire of	0	0	0	1	0	1	
Victoria Park, Town of	1	0	0	0	0	1	
Wyndham-East Kimberley, Shire of	0	0	0	1	0	1	
<i>Sub-total: Local Agencies</i>	25	4	1	2	2	8	42
<i>Percentage of agency group/percentage of total</i>	59.5%	9.5%	2.4%	4.8%	4.8%	19.0%	28.4%
Ministers							
Attorney General	5	0	0	0	0	0	5
Education and Training, Minister for	2	0	0	0	0	0	2
Environment, Minister for	1	0	0	0	0	0	1
Finance, Minister for	2	0	0	0	0	0	2
Local Government, Minister for	2	0	0	0	0	0	2

AGENCY	CONCILIATED	PUBLISHED DECISION UNDER SECTION 76			DECISION UNDER s.67(1)(a)	DECISION UNDER s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION:					
		CONFIRMED	VARIED	SET ASIDE AND SUBSTITUTED			
Regional Development, Minister for	2	0	0	0	0	0	2
State Development, Minister for	1	0	0	0	0	0	1
Transport, Minister for	1	0	0	0	0	0	1
<i>Sub-total: Ministers</i>	16	0	0	0	0	0	16
<i>Percentage of agency group/percentage of total</i>	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	10.8%
TOTAL	103	10	1	8	9	17	148
TOTAL PERCENTAGE	69.6%	6.8%	0.7%	5.4%	6.1%	11.5%	100%

Table 7: Outcomes of other applications finalised

AGENCY	OUT OF TIME		NO INTERNAL REVIEW s.66(6)	REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5)	TOTAL
	s.66(4)					
	Allowed	Refused	Refused	Refused	Allowed	
State Agencies						
Edith Cowan University	1	0	0	0	0	1
Education, Department of	0	0	0	1	0	1
Finance, Department of	1	0	0	0	0	1
Health, Department of	0	0	0	0	1	1
Jobs, Tourism, Science and Innovation, Department of	0	0	1	0	0	1
Justice, Department of	0	0	2	0	0	2
Legal Practice Board of WA, The	0	0	1	0	0	1
Legal Profession Complaints Committee	0	0	1	0	0	1
Lotteries Commission	0	1	0	0	0	1
Main Roads Western Australia	0	0	1	0	0	1

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)	TOTAL
	Allowed	Refused	Refused	Refused	Allowed	
	PathWest Laboratory Medicine WA	0	0	1	0	
Planning, Lands and Heritage, Department of	0	0	1	0	0	1
Police Force, Western Australia	0	0	4	0	0	4
Public Transport Authority	0	0	1	0	0	1
<i>Sub-total: State Agencies</i>	<i>2</i>	<i>1</i>	<i>13</i>	<i>1</i>	<i>1</i>	<i>18</i>
Local Agencies						
Broome, Shire of	0	0	1	0	0	1
Wanneroo, City of	0	1	0	0	0	1
<i>Sub-total: Local Agencies</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>2</i>
TOTAL	2	2	14	1	1	20

There were no requests for a destruction certificate

Table 8: Published decisions

DECISION NO.	COMPLAINANT	AGENCY	DECISION DATE	SOURCE	
D0072021	Aldridge	City of Canning	28/07/2021	AustLII	PDF
D0082021	Boulter	Department of Local Government, Sport and Cultural Industries	04/08/2021	AustLII	PDF
D0092021	Threadgold	Shire of Augusta-Margaret River	26/08/2021	AustLII	PDF
D0102021	Polglaze	Public Trustee Western Australia	27/08/2021	AustLII	PDF
D0112021	Onslow Resources Limited	Department of the Premier and Cabinet	23/09/2021	AustLII	PDF
D0122021	Onslow Resources Limited	DevelopmentWA	24/09/2021	AustLII	PDF
D0132021	Clark	Shire of Wyndham-East Kimberley	28/09/2021	AustLII	PDF
D0142021	Goiran	Department of Health	25/11/2021	AustLII	PDF

DECISION NO.	COMPLAINANT	AGENCY	DECISION DATE	SOURCE	
D0152021	Graham	Shire of Toodyay	29/11/2021	AustLII	PDF
D0162021	Onslow Resources Limited	Department of Jobs, Tourism, Science and Innovation	23/12/2021	AustLII	PDF
D0172021	B	Shire of Ravensthorpe	23/12/2021	AustLII	PDF
D0012022	McLerie	City of Melville	08/02/2022	AustLII	PDF
D0022022	Onslow Resources Ltd	Department of Jobs, Tourism, Science and Innovation	09/02/2022	AustLII	PDF
D0032022	C	Edith Cowan University	30/03/2022	AustLII	PDF
D0042022	Gilbert & Tobin	Department of Jobs, Tourism, Science and Innovation	31/03/2022	AustLII	PDF
D0052022	Humphrys	State Administrative Tribunal	31/05/2022	AustLII	PDF
D0062022	Onslow Resources Ltd	Department of Jobs, Tourism, Science and Innovation	10/06/2022	AustLII	PDF
D0072022	McLerie	Western Australia Police	30/06/2022	AustLII	PDF
D0082022	McLerie	City of Melville	30/06/2022	AustLII	PDF

Table 9: FOI training and presentations

EVENT		STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL
Commissioner's Speaking Engagements					
6/08/2021	AIAL - Privacy in the FOI Context	20	0	19	39
27/04/2022	IPAA: Integrity & Accountability Conference	217	21	7	245
31/05/2022	RIMPA virtual event: Impactful Information; Recognising the Importance of Information	17	5	12	34
<i>Total: Commissioner's Speaking Engagements</i>		<i>254</i>	<i>26</i>	<i>38</i>	<i>318</i>
Webinars					
23/03/2022	FOI Wednesday Webinar: Dealing with third parties	22	7	0	29
27/04/2022	FOI Wednesday Webinar: How did we fare and compare?	11	1	0	12
25/05/2022	FOI Wednesday Webinar: Open by Design	18	41	0	59

OVERVIEW		OPERATIONAL PERFORMANCE	SIGNIFICANT ISSUES	DISCLOSURES & LEGAL COMPLIANCE	KEY PERFORMANCE INDICATORS	FINANCIAL STATEMENTS	OIC STATISTICS	AGENCY STATISTICS
EVENT		STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL			
22/06/2022	FOI Wednesday Webinar: Section 20 of the FOI ACT - refusing to deal with an access application	21	11	0	32			
<i>Total: Webinars</i>		<i>72</i>	<i>60</i>	<i>0</i>	<i>132</i>			
Community Briefings								
20/01/2022	Piddington January Intensive	0	0	29	29			
<i>Total: Community Briefings</i>		<i>0</i>	<i>0</i>	<i>29</i>	<i>29</i>			
Agency Briefings								
13/09/2021	Electorate officers	8	0	0	8			
30/09/2021	Solomon Lecture Screening	37	1	0	38			
20/10/2021	WA Parliamentary Counsel's office	18	0	0	18			
27/10/2021	Rottnest Island Authority	7	0	0	7			
2/11/2021	City of Perth Councillors	0	13	0	13			
14/12/2021	WACHS – South West	14	0	0	14			
1/02/2022	City of Mandurah	0	18	0	18			
1/03/2022	City of Mandurah elected members	0	8	0	8			
31/03/2022	IPAA Executive Leadership Briefing (participant numbers not known)	0	0	0	0			
8/04/2022	City of Nedlands	0	14	0	14			
10/06/2022	Legal Practice Board	25	0	0	25			
<i>Total: Agency Briefings</i>		<i>109</i>	<i>54</i>	<i>0</i>	<i>163</i>			
TOTAL EVENTS		435	140	67	642			

Table 10: OIC online publications

Information sheets for members of the public
Amendment of personal information
Applying for documents during the COVID-19 pandemic
Can I get everything I want under FOI?
Can others access information about me or my business?
Can the agency refuse to deal with my application?
Children and people with intellectual difficulties
How long should it take to deal with an access application?
How much does it cost?
Is FOI my best option?
Requirements for a valid access application
Review of agency decisions
Role of the Information Commissioner
Steps for access applicants
The public interest
What documents can I ask for?
What happens in an external review?
What if the agency says it doesn't have the documents?
What if the agency delays making a decision
What is personal information?
Who do I contact to ask for documents?

Information sheets for agency officers
Amendment of personal information
Calculating charges
Consulting third parties
Flowchart - Dealing with an FOI application
Key FOI principles for agencies
Key questions for decision-makers to consider
How long should it take to deal with an access application?
Information Statements and other required publications
Large, complex or time-consuming applications
Making submissions to the Information Commissioner
Releasing documents that may be technically exempt
Repeated requests and unreasonable conduct
The exemptions
Thinking outside the FOI box
Training for agencies
What if the documents cannot be found?
What if there are many third parties to consult?
What is personal information?
What happens in an external review?
Writing a notice of decision

Information about the external review process

Consulting with third parties during external review - guide for agencies

Decisions of the Information Commissioner – guide for access applicants

Decisions of the Information Commissioner – guide for agencies

Decisions of the Information Commissioner – guide for third parties

Documents that cannot be found or do not exist – guide for access applicants

External review procedure – guide for parties

Exchange of submissions and procedural fairness - guide for parties **UPDATED**

Preparing for a conciliation conference - guide for parties

Producing documents to the Information Commissioner – guide for agencies

Understanding the conciliation process - guide for parties

Information about the FOI Process

Accessing Government documents in Western Australia **UPDATED**

COVID-19 Managing FOI timeframes and potential office closures

Third parties and their rights - guide for the public

Calculating time and days guide

Dealing with personal information about an officer of an agency

FOI Coordinators Manual

Dealing with requests for documents related to an 'exempt agency'

Guides to Exemptions under the FOI Act

Clause 4(2) – Information that has a commercial value

Clause 4(3) – Business, professional, commercial or financial affairs

Clause 6 – Deliberative processes of Government

Clause 7 – Legal professional privilege

Clause 8 – Confidential communications

Other publications

Information Statement Guidelines

OIC Newsletter

Annual reports from 2001

Open by Design – the FOI Act and Information Release in WA **NEW**

Table 11: Injury management targets

Measure	Actual		Results against target	
	2020/21	2021/22	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 disease incidence rate	0	0	Zero (0) or 10% reduction	
Lost time injury and severity rate	0	0	Zero (0) or 10% reduction	
Percentage of injured workers returned to work within:				
(i) 13 weeks:	N/A	N/A	Greater than or equal to 80%	
(ii) 26 weeks:	N/A	N/A	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%	

Agency 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 reporting period. In order to collate this, the following statistical information is requested from each State and local government agency for the financial year:

- the number of access applications received and dealt with;
- the number of decisions to: give access to documents; give access to edited copies of documents; defer giving access to documents; give access to a document in the manner referred to in section 28; refuse access to documents; and the number of times each of the exemption clauses was used;
- the number and outcome of applications for internal review;
- the number of applications for amendment of personal information received and dealt with;
- the number of decisions to amend personal information in accordance with an application and not to amend personal information in accordance with an application;
- the number and outcome of applications for internal review in respect of applications for amendment of personal information; and
- the amount of fees and charges collected and details of fees and charges that were reduced or waived.

Included in the survey request to agencies, the OIC asks for additional information that is used to participate in national metrics reporting, gather key performance indicator data and monitor other agency compliance responsibilities under the FOI Act.

An overview of the collated data is outlined in the [FOI in the Sector](#) chapter of this report. The following tables contain the itemised data provided by agencies.

Index to tables

- 12 [Valid access applications received by agencies](#)
- 13 [Outcome of access applications finalised by agency decision](#)
- 14 [Number of times exemption clauses were used by agencies](#)
- 15 [Outcome of applications for internal review](#)
- 16 [Applications for amendment of personal information](#)
- 17 [Applications for internal review of decisions regarding amendment of personal information](#)
- 18 [Fees paid and charges collected for access applications](#)
- 19 [Charges reduced by agencies](#)

Table 12: Valid access applications received by agencies

This table reflects the total number of valid access applications received by agencies in the reporting period.

The requirements of a valid access application are set out under section 12(1) of the FOI Act, which provides that an access application has to:

- be in writing;
- give enough information to enable the requested documents to be identified;
- give an Australian address to which notices can be sent; and
- be lodged at an office of the agency with any application fee payable.

AGENCY NAME	#
Group: Boards, Committees, Commissions, Authorities, Corporations	
Acacia Prison	416
Animal Resources Authority	0
Bunbury Water Corporation (Aqwest)	0
Burswood Park Board	0
Busselton Water	0
Chemistry Centre Western Australia	1
Commissioner for Children and Young People	0
Construction Industry Long Service Leave Payments Board	0
Construction Training Fund	0
Court Security and Custodial Services	0
DevelopmentWA	20
Economic Regulation Authority	1
Electoral Commission, Western Australian	2

AGENCY NAME	#
Energy Policy WA	1
Equal Opportunity Commission	0
Forest Products Commission	1
Fremantle Port Authority	6
Gold Corporation	1
Goldfields Esperance Development Commission	0
Government Employees Superannuation Board	1
Great Southern Development Commission	1
Greyhound Racing Association, Western Australian	2
Horizon Power	4
Infrastructure WA	1
Insurance Commission of Western Australia	151
Kimberley Development Commission	0
Kimberley Ports Authority	1
Landgate	13
Law Reform Commission	0
Legal Aid WA	21
Legal Practice Board of WA, The	3
Legal Profession Complaints Committee	4
Lotteries Commission	4
Mental Health Commission	5
Metropolitan Cemeteries Board	3
Mid West Development Commission	0
Midwest Ports Authority	0
Minerals Research Institute of Western Australia	0
National Trust of Australia (WA)	0
Peel Development Commission	1
Pilbara Development Commission	0
Pilbara Ports Authority	3
Public Advocate, Office of the	17

AGENCY NAME	#
Public Sector Commission	8
Public Transport Authority	29
Public Trustee	6
Racing and Wagering Western Australia	18
Registrar, WA Industrial Relations Commission, Department of the	2
School Curriculum and Standards Authority	4
Small Business Development Corporation	1
South West Development Commission	2
Southern Ports Authority	6
Sports Centre Trust (VenuesWest)	1
State Administrative Tribunal	4
Synergy	6
Treasury Corporation, The Western Australian	2
Trotting Association, Western Australian	0
Water Corporation	59
Western Power	34
Wheatbelt Development Commission	0
Workcover Western Australia Authority (Workcover WA)	107
<i>Sub-Total: Boards, Committees, Commissions, Authorities, Corporations</i>	<i>973</i>
Group: Departments (except Police and Health related agencies)	
Biodiversity, Conservation and Attractions, Department of	22
Central Regional TAFE	0
Communities, Department of	583
Education, Department of	141
Finance, Department of	25
Fire and Emergency Services, Department of	205
Health, Department of	80
Jobs, Tourism, Science and Innovation, Department of	22

AGENCY NAME	#
Justice, Department of	1,441
Local Government, Sport and Cultural Industries, Department of	52
Main Roads Western Australia	59
Mines, Industry Regulation and Safety, Department of	913
North Metropolitan TAFE	11
North Regional TAFE	0
Planning, Lands and Heritage, Department of	187
Premier and Cabinet, Department of the	69
Primary Industries and Regional Development, Department of	51
South Metropolitan TAFE	1
South Regional TAFE	0
Training and Workforce Development, Department of	27
Transport, Department of	362
Treasury, Department of	2
Water and Environmental Regulation, Department of	293
<i>Sub-Total: Departments</i>	<i>4,546</i>
Group: Health Related Agencies	
<i>East Metropolitan Health Services (EMHS)</i>	
Chief Psychiatrist, Office of the	3
Child and Adolescent Health Service (CAHS)	72
Dental Health Services	0
East Metropolitan Health Service	15
EMHS - Armadale Kalamunda Group	678
EMHS - Bentley Health Service	421
EMHS - Royal Perth Hospital	2,455
<i>Sub-total: EMHS</i>	<i>3,644</i>
<i>North Metropolitan Health Services (NMHS)</i>	
Health and Disability Services Complaints Office	4
Health Promotion Foundation WA	0

AGENCY NAME	#
NMHS - Corporate Office	31
NMHS - Mental Health	427
NMHS - Osborne Park Hospital	153
NMHS - Sir Charles Gairdner Hospital	1,009
NMHS - Women and Newborn Health Service	272
<i>Sub-total: NMHS</i>	<i>1,896</i>
<i>South Metropolitan Health Services (SMHS)</i>	
SMHS - Fiona Stanley Fremantle Hospital Group	2,270
SMHS - Rockingham Peel Group	589
<i>Sub-total: SMHS</i>	<i>2,859</i>
<i>Western Australia Country Health Services (WACHS)</i>	
WACHS - Central Office	8
WACHS - Goldfields	334
WACHS - Great Southern	297
WACHS - Kimberley	904
WACHS - Midwest	378
WACHS - Pilbara	492
WACHS - South West	700
WACHS - Wheatbelt	361
<i>Sub-total: WACHS</i>	<i>3,474</i>
<i>Sub-Total: Health Related Agencies</i>	<i>11,873</i>
Group: Local Governments	
Albany, City of	17
Armadale, City of	26
Ashburton, Shire of	1
Augusta-Margaret River, Shire of	13
Bassendean, Town of	11
Bayswater, City of	18
Belmont, City of	16
Beverley, Shire of	0

AGENCY NAME	#
Boddington, Shire of	0
Boyup Brook, Shire of	0
Brookton, Shire of	0
Broome, Shire of	12
Broomehill-Tambellup, Shire of	4
Bruce Rock, Shire of	0
Bunbury, City of	8
Bunbury-Harvey Regional Council	0
Busselton, City of	8
Cambridge, Town of	17
Canning, City of	30
Capel, Shire of	9
Carnamah, Shire of	0
Carnarvon, Shire of	1
Chapman Valley, Shire of	0
Chittering, Shire of	0
Claremont, Town of	2
Cockburn, City of	29
Collie, Shire of	1
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrigin, Shire of	0
Cottesloe, Town of	7
Cranbrook, Shire of	1
Cuballing, Shire of	0
Cue, Shire of	0
Dalwallinu, Shire of	0
Dandaragan, Shire of	0
Dardanup, Shire of	2
Denmark, Shire of	2

AGENCY NAME	#
Derby-West Kimberley, Shire of	2
Donnybrook-Balingup, Shire of	1
Dumbleyung, Shire of	0
East Fremantle, Town of	1
East Pilbara, Shire of	3
Eastern Metropolitan Regional Council	0
Esperance, Shire of	3
Exmouth, Shire of	1
Fremantle, City of	27
Gingin, Shire of	7
Gnowangerup, Shire of	0
Goomalling, Shire of	0
Gosnells, City of	12
Greater Geraldton, City of	11
Halls Creek, Shire of	2
Harvey, Shire of	5
Irwin, Shire of	0
Jerramungup, Shire of	0
Joondalup, City of	81
Kalamunda, City of	32
Kalgoorlie-Boulder, City of	14
Karratha, City of	14
Katanning, Shire of	1
Kent, Shire of	0
Kojonup, Shire of	0
Kondinin, Shire of	0
Kulin, Shire of	0
Kwinana, City of	11
Lake Grace, Shire of	0
Laverton, Shire of	0

AGENCY NAME	#
Leonora, Shire of	0
Mandurah, City of	7
Manjimup, Shire of	1
Meekatharra, Shire of	0
Melville, City of	56
Menzies, Shire of	1
Merredin, Shire of	0
Mindarie Regional Council	0
Mingenew, Shire of	0
Mosman Park, Town of	11
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mundaring, Shire of	3
Murchison, Shire of	0
Murray, Shire of	3
Nannup, Shire of	1
Narembeen, Shire of	0
Narrogin, Shire of	0
Nedlands, City of	16
Ngaanyatjarraku, Shire of	0
Northam, Shire of	8
Northampton, Shire of	0
Nungarin, Shire of	0
Peppermint Grove, Shire of	0
Perenjori, Shire of	0
Perth, City of	35
Pingelly, Shire of	0
Plantagenet, Shire of	0
Port Hedland, Town of	6
Quairading, Shire of	1

AGENCY NAME	#
Ravensthorpe, Shire of	0
Resource Recovery Group	0
Rivers Regional Council	0
Rockingham, City of	33
Sandstone, Shire of	0
Serpentine/Jarrahdale, Shire of	11
Shark Bay, Shire of	0
South Perth, City of	10
Stirling, City of	67
Subiaco, City of	18
Swan, City of	74
Tamala Park Regional Council	0
Tammin, Shire of	0
Three Springs, Shire of	0
Toodyay, Shire of	4
Trayning, Shire of	0
Victoria Park, Town of	13
Vincent, City of	13
Wagin, Shire of	0
Wanneroo, City of	61
Waroona, Shire of	3
Western Metropolitan Regional Council	0
Westonia, Shire of	0
Williams, Shire of	0
Wiluna, Shire of	0
Wongan-Ballidu, Shire of	0
Woodanilling, Shire of	0
Wyalkatchem, Shire of	0
Wyndham-East Kimberley, Shire of	7
Yalgoo, Shire of	0

AGENCY NAME	#
Yilgarn, Shire of	1
York, Shire of	4
<i>Sub-Total: Local Governments</i>	<i>931</i>
Group: Ministers	
Buti MLA, Hon Dr T A	4
Carey MLA, Hon J N	3
Cook MLA, Hon R H	12
Dawson MLC, Hon S N	4
Ellery MLC, Hon S M	2
Johnston MLA, Hon W J	6
Kelly MLA, Hon D J	2
MacTiernan MLC, Hon A	1
McGurk MLA, Hon S F	0
Papalia MLA, Hon P	4
Punch MLA, Hon D T	1
Quigley MLA, Hon J R	7
Saffioti MLA, Hon R	5
Sanderson MLA, Hon A	10
Templeman MLA, Hon D A	1
Whitby MLA, Hon R R	6
<i>Sub-Total: Ministers</i>	<i>68</i>
Group: WA Police	
Police Force, Western Australia	2,725
<i>Sub-Total: Police</i>	<i>2,725</i>

AGENCY NAME	#
Group: Universities	
Curtin University	14
Edith Cowan University	11
Murdoch University	9
University of Western Australia, The	19
<i>Sub-Total: Universities</i>	<i>53</i>
TOTAL	21,169

SUMMARY	#
Boards, Committees, Commissions, Authorities, Corporations	973
Departments (except Police and Health related agencies)	4,546
Health Related Agencies	11,873
Local Governments	931
Ministers	68
Police	2,725
Universities	53
TOTAL	21,169

1. The number of access applications received by an agency includes applications that were transferred from another agency; and applications that were subsequently withdrawn by the applicant.
2. If an agency does not appear in this table, it is because the required data was not received in time for publication.

Table 13: Outcome of access applications finalised by agency decision

This table reflects the outcomes of the valid access applications that resulted in an agency decision. It does not include valid access applications that were subsequently withdrawn.

When dealing with a valid access application, the agency may decide to:

- give full access to all of the requested documents;
- give edited access to copies of the requested documents;
- give access but to defer that access under section 25 of the FOI Act;
- give access through a medical practitioner under section 28 of the FOI Act;
- refuse access under section 26 of the FOI Act on the basis that the requested documents cannot be found or do not exist;
- refuse access to all of the requested documents under section 23 of the FOI Act; or
- refuse to deal with the access application under section 20 of the FOI Act on the basis that dealing with it would involve a substantial and unreasonable diversion of the agency's resources.

Note that this table reflects decisions made by agencies. Those agencies that did not decide any access applications in 2021/22 are not listed.

In addition to matters finalised by decision of an agency, 1,376 applications were withdrawn by the applicant prior to a decision being made.

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Group: Boards, Committees, Commissions, Authorities, Corporations							
Acacia Prison	237 (57)	171 (41.1)	0 (0)	0 (0)	8 (1.9)	0 (0)	0 (0)
Chemistry Centre Western Australia	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
DevelopmentWA	2 (11.8)	10 (58.8)	1 (5.9)	0 (0)	1 (5.9)	1 (5.9)	2 (11.8)
Economic Regulation Authority	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Electoral Commission, Western Australian	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)
Energy Policy WA	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Forest Products Commission	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
Fremantle Port Authority	5 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Gold Corporation	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Government Employees Superannuation Board	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)
Great Southern Development Commission	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Greyhound Racing Association, Western Australian	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Horizon Power	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Infrastructure WA	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)
Insurance Commission of Western Australia	0 (0)	123 (97.6)	0 (0)	0 (0)	1 (0.8)	0 (0)	2 (1.6)
Kimberley Ports Authority	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
Landgate	0 (0)	10 (83.3)	0 (0)	0 (0)	0 (0)	0 (0)	2 (16.7)
Legal Aid WA	2 (14.3)	5 (35.7)	0 (0)	0 (0)	4 (28.6)	2 (14.3)	1 (7.1)
Legal Practice Board of WA, The	1 (50)	1 (50)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Legal Profession Complaints Committee	0 (0)	2 (66.7)	0 (0)	0 (0)	1 (33.3)	0 (0)	0 (0)
Lotteries Commission	0 (0)	4 (80)	1 (20)	0 (0)	0 (0)	0 (0)	0 (0)
Mental Health Commission	1 (20)	1 (20)	0 (0)	0 (0)	1 (20)	0 (0)	2 (40)
Metropolitan Cemeteries Board	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Pilbara Ports Authority	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Public Advocate, Office of the	1 (5.9)	11 (64.7)	0 (0)	0 (0)	3 (17.6)	0 (0)	2 (11.8)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Public Sector Commission	0 (0)	6 (66.7)	0 (0)	0 (0)	1 (11.1)	0 (0)	2 (22.2)
Public Transport Authority	6 (18.8)	21 (65.6)	0 (0)	0 (0)	4 (12.5)	0 (0)	1 (3.1)
Public Trustee	0 (0)	2 (40)	0 (0)	0 (0)	0 (0)	2 (40)	1 (20)
Racing and Wagering Western Australia	8 (44.4)	9 (50)	0 (0)	0 (0)	1 (5.6)	0 (0)	0 (0)
Registrar, WA Industrial Relations Commission, Department of the	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
School Curriculum and Standards Authority	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Small Business Development Corporation	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
South West Development Commission	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Southern Ports Authority	0 (0)	6 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Sports Centre Trust (VenuesWest)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)
State Administrative Tribunal	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	4 (100)
Synergy	1 (25)	1 (25)	0 (0)	0 (0)	2 (50)	0 (0)	0 (0)
Treasury Corporation, The Western Australian	0 (0)	0 (0)	0 (0)	0 (0)	2 (100)	0 (0)	0 (0)
Water Corporation	28 (47.5)	30 (50.8)	0 (0)	0 (0)	1 (1.7)	0 (0)	0 (0)
Western Power	3 (9.7)	27 (87.1)	0 (0)	0 (0)	1 (3.2)	0 (0)	0 (0)
Workcover Western Australia Authority (Workcover WA)	65 (64.4)	20 (19.8)	0 (0)	0 (0)	10 (9.9)	1 (1)	5 (5)
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	<i>366 (40)</i>	<i>471 (51.4)</i>	<i>2 (0.2)</i>	<i>1 (0.1)</i>	<i>43 (4.7)</i>	<i>6 (0.7)</i>	<i>27 (2.9)</i>
Group: Departments (except Police and Health related agencies)							
Biodiversity, Conservation and Attractions, Department of	7 (38.9)	8 (44.4)	0 (0)	0 (0)	0 (0)	0 (0)	3 (16.7)
Communities, Department of	49 (9.6)	397 (78)	0 (0)	1 (0.2)	50 (9.8)	1 (0.2)	11 (2.2)
Education, Department of	76 (58)	29 (22.1)	0 (0)	0 (0)	13 (9.9)	9 (6.9)	4 (3.1)
Finance, Department of	11 (37.9)	15 (51.7)	0 (0)	0 (0)	2 (6.9)	0 (0)	1 (3.4)
Fire and Emergency Services, Department of	1 (0.5)	189 (92.6)	2 (1)	0 (0)	7 (3.4)	5 (2.5)	0 (0)
Health, Department of	33 (42.3)	25 (32.1)	0 (0)	0 (0)	12 (15.4)	0 (0)	8 (10.3)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Jobs, Tourism, Science and Innovation, Department of	2 (9.5)	15 (71.4)	0 (0)	0 (0)	4 (19)	0 (0)	0 (0)
Justice, Department of	143 (12.8)	781 (70)	0 (0)	4 (0.4)	39 (3.5)	3 (0.3)	145 (13)
Local Government, Sport and Cultural Industries, Department of	11 (35.5)	13 (41.9)	0 (0)	0 (0)	7 (22.6)	0 (0)	0 (0)
Main Roads Western Australia	16 (32.7)	21 (42.9)	0 (0)	0 (0)	7 (14.3)	0 (0)	5 (10.2)
Mines, Industry Regulation and Safety, Department of	226 (28.5)	185 (23.3)	3 (0.4)	0 (0)	334 (42.1)	2 (0.3)	43 (5.4)
North Metropolitan TAFE	10 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Planning, Lands and Heritage, Department of	0 (0)	104 (60.1)	2 (1.2)	0 (0)	63 (36.4)	2 (1.2)	2 (1.2)
Premier and Cabinet, Department of the	14 (24.1)	16 (27.6)	0 (0)	0 (0)	17 (29.3)	6 (10.3)	5 (8.6)
Primary Industries and Regional Development, Department of	2 (4.3)	7 (14.9)	0 (0)	0 (0)	37 (78.7)	0 (0)	1 (2.1)
South Metropolitan TAFE	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Training and Workforce Development, Department of	12 (52.2)	7 (30.4)	0 (0)	0 (0)	4 (17.4)	0 (0)	0 (0)
Transport, Department of	199 (60.7)	48 (14.6)	0 (0)	0 (0)	39 (11.9)	1 (0.3)	41 (12.5)
Treasury, Department of	0 (0)	0 (0)	0 (0)	0 (0)	1 (33.3)	0 (0)	2 (66.7)
Water and Environmental Regulation, Department of	110 (40)	29 (10.5)	0 (0)	0 (0)	125 (45.5)	1 (0.4)	10 (3.6)
<i>Sub-total: Departments (except Police and Health related agencies)</i>	<i>923 (23.7)</i>	<i>1,889 (48.5)</i>	<i>7 (0.2)</i>	<i>5 (0.1)</i>	<i>761 (19.5)</i>	<i>30 (0.8)</i>	<i>281 (7.2)</i>
Group: Health Related Agencies							
Chief Psychiatrist, Office of the	3 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Child and Adolescent Health Service (CAHS)	3 (2.7)	71 (63.4)	0 (0)	5 (4.5)	11 (9.8)	10 (8.9)	12 (10.7)
East Metropolitan Health Service	8 (66.7)	1 (8.3)	1 (8.3)	0 (0)	2 (16.7)	0 (0)	0 (0)
EMHS - Armadale Kalamunda Group	26 (3.8)	651 (95.2)	0 (0)	0 (0)	7 (1)	0 (0)	0 (0)
EMHS - Bentley Health Service	37 (9.2)	352 (87.3)	2 (0.5)	0 (0)	11 (2.7)	0 (0)	1 (0.2)
EMHS - Royal Perth Hospital	1,824 (75.6)	524 (21.7)	1 (0)	0 (0)	45 (1.9)	0 (0)	18 (0.7)
Health and Disability Services Complaints Office	2 (50)	2 (50)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
NMHS - Corporate Office	12 (46.2)	6 (23.1)	0 (0)	0 (0)	5 (19.2)	1 (3.8)	2 (7.7)
NMHS - Mental Health	283 (68.5)	117 (28.3)	1 (0.2)	0 (0)	11 (2.7)	1 (0.2)	0 (0)
NMHS - Osborne Park Hospital	153 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
NMHS - Sir Charles Gairdner Hospital	618 (75.2)	132 (16.1)	4 (0.5)	3 (0.4)	62 (7.5)	0 (0)	3 (0.4)
NMHS - Women and Newborn Health Service	308 (97.5)	2 (0.6)	0 (0)	3 (0.9)	3 (0.9)	0 (0)	0 (0)
SMHS - Fiona Stanley Fremantle Hospital Group	2079 (95)	10 (0.5)	0 (0)	0 (0)	96 (4.4)	0 (0)	4 (0.2)
SMHS - Rockingham Peel Group	417 (76.2)	105 (19.2)	0 (0)	0 (0)	23 (4.2)	2 (0.4)	0 (0)
WACHS - Central Office	1 (14.3)	6 (85.7)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
WACHS - Goldfields	0 (0)	231 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
WACHS - Great Southern	278 (94.9)	7 (2.4)	0 (0)	0 (0)	8 (2.7)	0 (0)	0 (0)
WACHS - Kimberley	29 (3.3)	842 (95.7)	0 (0)	0 (0)	0 (0)	0 (0)	9 (1)
WACHS - Midwest	10 (2.7)	324 (87.6)	0 (0)	0 (0)	32 (8.6)	0 (0)	4 (1.1)
WACHS - Pilbara	1 (0.2)	518 (97)	0 (0)	0 (0)	15 (2.8)	0 (0)	0 (0)
WACHS - South West	481 (63.2)	252 (33.1)	0 (0)	0 (0)	22 (2.9)	1 (0.1)	5 (0.7)
WACHS - Wheatbelt	44 (12.4)	295 (83.3)	0 (0)	0 (0)	15 (4.2)	0 (0)	0 (0)
<i>Sub-total: Health Related Agencies</i>	<i>6,617 (57.4)</i>	<i>4,448 (38.6)</i>	<i>9 (0.1)</i>	<i>11 (0.1)</i>	<i>368 (3.2)</i>	<i>15 (0.1)</i>	<i>58 (0.5)</i>
Group: Local Governments							
Albany, City of	2 (11.8)	15 (88.2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Armadale, City of	1 (3.3)	26 (86.7)	1 (3.3)	0 (0)	0 (0)	0 (0)	2 (6.7)
Ashburton, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Augusta-Margaret River, Shire of	0 (0)	9 (90)	1 (10)	0 (0)	0 (0)	0 (0)	0 (0)
Bassendean, Town of	3 (27.3)	8 (72.7)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Bayswater, City of	4 (21.1)	11 (57.9)	0 (0)	0 (0)	1 (5.3)	0 (0)	3 (15.8)
Belmont, City of	0 (0)	11 (84.6)	1 (7.7)	0 (0)	1 (7.7)	0 (0)	0 (0)
Broome, Shire of	8 (72.7)	3 (27.3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Broomehill-Tambellup, Shire of	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Bunbury, City of	2 (25)	4 (50)	0 (0)	0 (0)	2 (25)	0 (0)	0 (0)
Busselton, City of	0 (0)	4 (57.1)	0 (0)	0 (0)	2 (28.6)	0 (0)	1 (14.3)
Cambridge, Town of	3 (21.4)	5 (35.7)	0 (0)	0 (0)	2 (14.3)	0 (0)	4 (28.6)
Canning, City of	6 (22.2)	11 (40.7)	0 (0)	0 (0)	1 (3.7)	1 (3.7)	8 (29.6)
Capel, Shire of	0 (0)	9 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Carnarvon, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Chittering, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Claremont, Town of	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Cockburn, City of	5 (17.9)	21 (75)	0 (0)	0 (0)	1 (3.6)	1 (3.6)	0 (0)
Coolgardie, Shire of	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Cottesloe, Town of	1 (20)	3 (60)	0 (0)	0 (0)	1 (20)	0 (0)	0 (0)
Cranbrook, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Dardanup, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Denmark, Shire of	0 (0)	4 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Derby-West Kimberley, Shire of	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Donnybrook-Balingup, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
East Fremantle, Town of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
East Pilbara, Shire of	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Esperance, Shire of	0 (0)	3 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Exmouth, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Fremantle, City of	3 (11.5)	21 (80.8)	0 (0)	0 (0)	1 (3.8)	0 (0)	1 (3.8)
Gingin, Shire of	1 (33.3)	2 (66.7)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Gosnells, City of	0 (0)	12 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Greater Geraldton, City of	4 (36.4)	1 (9.1)	0 (0)	0 (0)	5 (45.5)	0 (0)	1 (9.1)
Halls Creek, Shire of	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Harvey, Shire of	0 (0)	3 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Joondalup, City of	2 (2.7)	67 (89.3)	0 (0)	0 (0)	5 (6.7)	1 (1.3)	0 (0)
Kalamunda, City of	2 (6.3)	29 (90.6)	0 (0)	0 (0)	1 (3.1)	0 (0)	0 (0)
Kalgoorlie-Boulder, City of	3 (33.3)	4 (44.4)	0 (0)	0 (0)	1 (11.1)	0 (0)	1 (11.1)
Karratha, City of	3 (23.1)	8 (61.5)	0 (0)	0 (0)	2 (15.4)	0 (0)	0 (0)
Katanning, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Kwinana, City of	3 (30)	7 (70)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Mandurah, City of	1 (12.5)	6 (75)	0 (0)	0 (0)	0 (0)	0 (0)	1 (12.5)
Manjimup, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Melville, City of	3 (6.8)	38 (86.4)	1 (2.3)	0 (0)	2 (4.5)	0 (0)	0 (0)
Menzies, Shire of	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)
Mosman Park, Town of	0 (0)	9 (81.8)	0 (0)	0 (0)	1 (9.1)	0 (0)	1 (9.1)
Mundaring, Shire of	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Murray, Shire of	0 (0)	3 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Nannup, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Nedlands, City of	1 (5.9)	13 (76.5)	0 (0)	0 (0)	1 (5.9)	2 (11.8)	0 (0)
Northam, Shire of	0 (0)	8 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Perth, City of	1 (3.1)	27 (84.4)	0 (0)	0 (0)	1 (3.1)	3 (9.4)	0 (0)
Port Hedland, Town of	0 (0)	5 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Quairading, Shire of	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)
Ravensthorpe, Shire of	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Rockingham, City of	2 (7.1)	22 (78.6)	0 (0)	0 (0)	2 (7.1)	0 (0)	2 (7.1)
Serpentine/Jarrahdale, Shire of	0 (0)	5 (62.5)	0 (0)	0 (0)	3 (37.5)	0 (0)	0 (0)
South Perth, City of	0 (0)	2 (25)	0 (0)	0 (0)	2 (25)	0 (0)	4 (50)
Stirling, City of	2 (2.9)	65 (94.2)	0 (0)	0 (0)	0 (0)	0 (0)	2 (2.9)
Subiaco, City of	1 (6.3)	11 (68.8)	1 (6.3)	0 (0)	2 (12.5)	0 (0)	1 (6.3)
Swan, City of	1 (1.5)	53 (80.3)	0 (0)	0 (0)	11 (16.7)	1 (1.5)	0 (0)

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Toodyay, Shire of	1 (33.3)	1 (33.3)	0 (0)	0 (0)	1 (33.3)	0 (0)	0 (0)
Victoria Park, Town of	4 (30.8)	8 (61.5)	0 (0)	0 (0)	1 (7.7)	0 (0)	0 (0)
Vincent, City of	1 (11.1)	5 (55.6)	0 (0)	0 (0)	2 (22.2)	0 (0)	1 (11.1)
Wanneroo, City of	0 (0)	54 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Waroon, Shire of	0 (0)	2 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Wyndham-East Kimberley, Shire of	3 (60)	1 (20)	0 (0)	0 (0)	1 (20)	0 (0)	0 (0)
Yilgarn, Shire of	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
York, Shire of	1 (25)	3 (75)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<i>Sub-total: Local Governments</i>	<i>92 (10.7)</i>	<i>655 (76.9)</i>	<i>5 (0.6)</i>	<i>0 (0)</i>	<i>58 (6.8)</i>	<i>9 (1.1)</i>	<i>33 (3.9)</i>
Group: Ministers							
Buti MLA, Hon Dr T A	3 (50)	1 (16.7)	0 (0)	0 (0)	2 (33.3)	0 (0)	0 (0)
Carey MLA, Hon J N	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Cook MLA, Hon R H	7 (50)	3 (21.4)	0 (0)	0 (0)	3 (21.4)	1 (7.1)	0 (0)
Dawson MLC, Hon S N	0 (0)	1 (25)	0 (0)	0 (0)	3 (75)	0 (0)	0 (0)
Ellery MLC, Hon S M	0 (0)	1 (50)	1 (50)	0 (0)	0 (0)	0 (0)	0 (0)
Johnston MLA, Hon W J	0 (0)	5 (83.3)	0 (0)	0 (0)	0 (0)	1 (16.7)	0 (0)
Kelly MLA, Hon D J	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
MacTiernan MLC, Hon A	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Papalia MLA, Hon P	1 (25)	1 (25)	0 (0)	0 (0)	2 (50)	0 (0)	0 (0)
Punch MLA, Hon D T	0 (0)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Quigley MLA, Hon J R	1 (12.5)	2 (25)	0 (0)	0 (0)	2 (25)	3 (37.5)	0 (0)
Saffioti MLA, Hon R	1 (9.1)	8 (72.7)	0 (0)	0 (0)	1 (9.1)	0 (0)	1 (9.1)
Sanderson MLA, Hon A	2 (16.7)	5 (41.7)	0 (0)	0 (0)	4 (33.3)	1 (8.3)	0 (0)
Templeman MLA, Hon D A	0 (0)	0 (0)	0 (0)	0 (0)	1 (100)	0 (0)	0 (0)
Whitby MLA, Hon R R	1 (25)	3 (75)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<i>Sub-total: Ministers</i>	<i>17 (22.4)</i>	<i>33 (43.4)</i>	<i>1 (1.3)</i>	<i>0 (0)</i>	<i>18 (23.7)</i>	<i>6 (7.9)</i>	<i>1 (1.3)</i>

AGENCY	DECISION OUTCOMES						
	In Full	Edited	Deferred	Section 28	Section 26	Section 20	Refused
	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)	No. (%)
Group: Police							
Police Force, Western Australia	378 (18.3)	552 (26.8)	0 (0)	0 (0)	48 (2.3)	10 (0.5)	1,072 (52)
<i>Sub-total: Police</i>	<i>378 (18.3)</i>	<i>552 (26.8)</i>	<i>0 (0)</i>	<i>0 (0)</i>	<i>48 (2.3)</i>	<i>10 (0.5)</i>	<i>1,072 (52)</i>
Group: Universities							
Curtin University	0 (0)	4 (80)	0 (0)	0 (0)	1 (20)	0 (0)	0 (0)
Edith Cowan University	0 (0)	8 (80)	0 (0)	0 (0)	0 (0)	1 (10)	1 (10)
Murdoch University	0 (0)	8 (100)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<i>Sub-total: Universities</i>	<i>0 (0)</i>	<i>35 (79.5)</i>	<i>2 (4.5)</i>	<i>0 (0)</i>	<i>2 (4.5)</i>	<i>2 (4.5)</i>	<i>3 (6.8)</i>
TOTAL	8,393	8,083	26	17	1,298	78	1,475
Percentage	43.3%	41.7%	0.1%	0.1%	6.7%	0.4%	7.6%
GRAND TOTAL	19,370						

SUMMARY	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	s.20 No. (%)	Refused No. (%)
Boards, Committees, Commissions, Authorities, Corporations	366 (40)	471 (51.4)	2 (0.2)	1 (0.1)	43 (4.7)	6 (0.7)	27 (2.9)
Departments (except Police and Health related agencies)	923 (23.7)	1,889 (48.5)	7 (0.2)	5 (0.1)	761 (19.5)	30 (0.8)	281 (7.2)
Health-related Agencies	6,617 (57.4)	4,448 (38.6)	9 (0.1)	11 (0.1)	368 (3.2)	15 (0.1)	58 (0.5)
Local Governments	92 (10.7)	655 (76.9)	5 (0.6)	0 (0)	58 (6.8)	9 (1.1)	33 (3.9)
Ministers	17 (22.4)	33 (43.4)	1 (1.3)	0 (0)	18 (23.7)	6 (7.9)	1 (1.3)
Police	378 (18.3)	552 (26.8)	0 (0)	0 (0)	48 (2.3)	10 (0.5)	1,072 (52)
Universities	0 (0)	35 (79.5)	2 (4.5)	0 (0)	2 (4.5)	2 (4.5)	3 (6.8)
TOTAL	8,393	8,083	26	17	1,298	78	1,475
Percentage	43.3%	41.7%	0.1%	0.1%	6.7%	0.4%	7.6%
GRAND TOTAL	19,370						

Table 14: Number of times exemption clauses were used by agencies

This table shows those agencies that claimed exemptions to refuse access to documents in part or in full. An agency may refuse access to a document if it contains information that is exempt under one of the exemptions listed in Schedule 1 to the FOI Act.

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Group: Boards, Committees, Commissions, Authorities, Corporations																
DevelopmentWA	2	0	10	3	0	1	3	1	0	0	4	0	0	0	0	0
Electoral Commission, Western Australian	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Forest Products Commission	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Gold Corporation	1	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0
Horizon Power	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0
Insurance Commission of Western Australia	0	0	123	2	0	0	80	13	0	0	0	0	0	0	0	0
Kimberley Ports Authority	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
Landgate	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Legal Aid WA	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0
Legal Profession Complaints Committee	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Lotteries Commission	0	0	5	2	0	2	0	1	0	0	3	1	0	0	0	0
Mental Health Commission	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Public Sector Commission	1	0	5	0	0	0	0	1	0	0	0	0	1	0	0	0
Public Transport Authority	0	1	32	3	0	0	0	3	8	0	1	0	0	0	0	0
Public Trustee	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Racing and Wagering Western Australia	0	0	6	1	0	1	1	2	2	0	1	0	0	0	0	0
Small Business Development Corporation	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
South West Development Commission	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Sports Centre Trust (VenuesWest)	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Synergy	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Water Corporation	1	0	32	7	0	0	1	1	1	0	0	0	12	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Western Power	1	0	25	0	0	0	1	3	3	0	4	0	0	0	0	0
Workcover Western Australia Authority (Workcover WA)	0	0	19	0	0	0	5	0	1	0	0	0	0	0	0	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	7	1	271	20	0	5	93	28	19	0	13	1	13	0	0	0
Group: Departments, (except Police and Health related agencies)																
Biodiversity, Conservation and Attractions, Department of	0	0	7	1	0	4	2	2	0	0	0	0	0	0	0	0
Communities, Department of	0	0	402	3	0	30	3	8	11	0	1	2	3	0	162	0
Education, Department of	0	0	27	0	0	5	1	2	7	0	1	0	1	0	0	0
Finance, Department of	4	0	2	6	0	3	1	3	1	0	5	0	0	0	0	0
Fire and Emergency Services, Department of	2	0	194	11	0	6	0	0	2	0	0	1	0	0	0	0
Health, Department of	6	0	22	4	0	2	2	6	0	0	1	0	4	0	0	0
Jobs, Tourism, Science and Innovation, Department of	3	0	14	8	0	0	1	0	2	0	1	0	0	0	0	0
Justice, Department of	0	0	796	0	0	37	11	0	2	0	0	147	0	0	1	0
Local Government, Sport and Cultural Industries, Department of	0	0	12	3	0	0	1	6	0	0	0	0	0	0	0	0
Main Roads Western Australia	1	0	22	1	0	1	2	0	3	0	3	0	1	0	0	0
Mines, Industry Regulation and Safety, Department of	2	0	118	71	0	18	3	9	11	0	1	0	0	0	0	0
Planning, Lands and Heritage, Department of	4	0	10	1	0	0	1	2	5	0	1	0	0	0	0	0
Premier and Cabinet, Department of the	7	5	12	2	0	0	3	3	0	0	0	0	5	0	0	0
Primary Industries and Regional Development, Department of	0	0	7	0	0	0	1	1	1	0	0	0	0	0	0	0
Training and Workforce Development, Department of	2	2	6	0	0	0	0	0	0	1	0	0	0	0	0	0
Treasury, Department of	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Water and Environmental Regulation, Department of	2	0	23	6	0	13	1	4	6	0	0	0	0	0	0	0
<i>Sub-total: Departments (Except Police and Health related agencies)</i>	36	7	1,674	117	0	119	33	46	51	1	14	150	14	0	163	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Group: Health Related Agencies																
Child and Adolescent Health Service (CAHS)	0	0	77	0	0	3	6	0	0	0	0	0	0	0	0	0
East Metropolitan Health Service	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Armadale Kalamunda Group	0	0	657	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Bentley Health Service	0	1	353	1	1	1	1	1	1	0	0	0	0	0	0	0
EMHS - Royal Perth Hospital	0	1	535	1	0	0	0	0	3	0	0	0	0	0	0	0
Health and Disability Services Complaints Office	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
NMHS - Corporate Office	0	0	5	0	0	0	0	0	0	0	0	0	1	0	0	0
NMHS - Mental Health	0	0	118	0	0	0	0	0	0	0	0	1	0	0	0	0
NMHS - Sir Charles Gairdner Hospital	0	0	134	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - Women and Newborn Health Service	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0
WACHS - Central Office	0	0	6	2	0	0	2	0	1	0	0	1	0	0	0	0
WACHS - Goldfields	0	0	228	0	0	0	0	0	0	0	0	1	0	0	0	0
WACHS - Midwest	0	0	325	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - South West	0	0	258	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sub-total: Health Related Agencies</i>	<i>0</i>	<i>2</i>	<i>2,696</i>	<i>5</i>	<i>1</i>	<i>5</i>	<i>11</i>	<i>1</i>	<i>6</i>	<i>0</i>	<i>0</i>	<i>3</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>
Group: Local Governments																
Albany, City of	0	0	11	0	0	0	0	2	0	0	0	0	0	0	0	0
Armadale, City of	0	0	29	1	0	0	2	2	1	0	1	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	10	2	0	1	0	0	0	0	0	0	0	0	0	0
Bassendean, Town of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Bayswater, City of	0	0	12	0	0	4	0	0	1	0	0	0	0	0	0	0
Belmont, City of	0	0	11	6	0	0	1	1	0	0	0	0	0	0	0	0
Bunbury, City of	0	0	4	1	0	0	0	1	0	0	0	0	0	0	0	0
Busselton, City of	0	0	4	0	0	1	0	1	0	0	0	0	0	0	0	0
Cambridge, Town of	0	0	5	0	0	0	0	2	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Canning, City of	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Capel, Shire of	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
Chittering, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0
Cottesloe, Town of	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0
Denmark, Shire of	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Donnybrook-Balingup, Shire of	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Esperance, Shire of	0	0	3	0	0	0	0	1	0	0	0	0	0	0	0	0
Fremantle, City of	0	0	22	0	0	2	0	0	0	0	0	0	0	0	0	0
Greater Geraldton, City of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Joondalup, City of	0	0	66	1	0	7	1	0	1	0	0	0	0	0	0	0
Kalgoorlie-Boulder, City of	0	0	4	0	0	0	0	1	1	0	0	0	0	0	0	0
Karratha, City of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Kwinana, City of	0	0	8	0	0	0	0	0	1	0	0	0	0	0	0	0
Mandurah, City of	0	0	6	2	0	0	1	3	1	0	0	0	0	0	0	0
Melville, City of	1	2	36	0	0	0	2	0	1	0	0	0	0	0	0	0
Mosman Park, Town of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Mundaring, Shire of	0	0	2	1	0	1	0	0	1	0	0	0	0	0	0	0
Murray, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	15	2	0	0	0	0	0	0	0	0	0	0	0	0
Northam, Shire of	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Perth, City of	0	0	6	4	0	4	2	3	1	0	0	0	0	0	0	0
Ravensthorpe, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Rockingham, City of	0	0	24	1	0	1	0	0	0	0	0	0	0	0	0	0
Serpentine/Jarrahdale, Shire of	0	0	5	0	0	3	0	0	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Stirling, City of	0	0	68	0	0	9	0	0	0	0	0	0	0	0	0	0
Subiaco, City of	0	0	10	2	0	5	0	2	0	0	0	0	0	0	0	0
Swan, City of	0	1	55	34	0	1	0	1	0	0	0	0	0	0	0	0
Toodyay, Shire of	0	0	3	0	0	0	0	0	1	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	8	1	0	0	2	1	0	0	0	0	0	0	0	0
Vincent, City of	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	52	0	0	3	0	0	0	0	0	0	0	0	0	0
Waroona, Shire of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
York, Shire of	0	0	3	1	0	0	0	1	1	0	0	0	0	0	0	0
<i>Sub-total: Local Governments</i>	<i>1</i>	<i>3</i>	<i>523</i>	<i>60</i>	<i>0</i>	<i>42</i>	<i>11</i>	<i>28</i>	<i>14</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Group: Ministers																
Buti MLA, Hon Dr T A	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Carey MLA, Hon J N	0	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0
Cook MLA, Hon R H	2	0	3	0	0	0	0	1	0	0	0	0	3	0	0	0
Dawson MLC, Hon S N	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0
Ellery MLC, Hon S M	0	0	2	0	0	0	0	0	0	0	0	0	1	0	0	0
Johnston MLA, Hon W J	2	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0
Kelly MLA, Hon D J	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Papalia MLA, Hon P	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Punch MLA, Hon D T	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0
Quigley MLA, Hon J R	3	1	2	0	0	0	0	4	0	0	0	0	1	0	0	0
Saffioti MLA, Hon R	5	2	4	2	0	0	0	0	0	0	0	0	5	0	0	0
Sanderson MLA, Hon A	0	0	5	0	0	0	0	1	0	0	0	0	1	0	0	0
Whitby MLA, Hon R R	0	0	2	0	0	0	0	2	0	0	0	0	2	0	0	0
<i>Sub-total: Ministers</i>	<i>15</i>	<i>3</i>	<i>25</i>	<i>3</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>11</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>15</i>	<i>0</i>	<i>0</i>	<i>0</i>

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Group: Police																
Police Force, Western Australia	3	0	752	0	0	132	4	3	1	0	0	3	1	0	2	0
<i>Sub-total: Police</i>	<i>3</i>	<i>0</i>	<i>752</i>	<i>0</i>	<i>0</i>	<i>132</i>	<i>4</i>	<i>3</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>3</i>	<i>1</i>	<i>0</i>	<i>2</i>	<i>0</i>
Group: Universities																
Curtin University	0	0	4	2	0	0	2	3	2	0	0	0	0	0	0	0
Edith Cowan University	0	0	5	0	0	0	0	1	0	0	0	0	0	0	0	0
Murdoch University	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0
University of Western Australia, The	0	0	16	0	0	0	6	5	3	0	5	2	2	0	0	0
<i>Sub-total: Universities</i>	<i>0</i>	<i>0</i>	<i>33</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>8</i>	<i>9</i>	<i>5</i>	<i>0</i>	<i>5</i>	<i>2</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>
TOTAL	62	16	5,974	207	1	304	160	126	96	1	33	159	46	0	165	0

SUMMARY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Boards, Committees, Commissions, Authorities, Corporations	7	1	271	20	0	5	93	28	19	0	13	1	13	0	0	0
Departments (except Police and Health related agencies)	36	7	1,674	117	0	119	33	46	51	1	14	150	14	0	163	0
Health Related Agencies	0	2	2,696	5	1	5	11	1	6	0	0	3	1	0	0	0
Local Governments	1	3	523	60	0	42	11	28	14	0	1	0	0	0	0	0
Ministers	15	3	25	3	0	1	0	11	0	0	0	0	15	0	0	0
Police	3	0	752	0	0	132	4	3	1	0	0	3	1	0	2	0
Universities	0	0	33	2	0	0	8	9	5	0	5	2	2	0	0	0
TOTAL	62	16	5,974	207	1	304	160	126	96	1	33	159	46	0	165	0

Table 15: Outcome of applications for internal review

This table reports the outcome of internal review applications made to agencies by parties (access applicants or third parties).

Parties can seek review if they are aggrieved by the agency's decision, firstly by making an application for internal review to the agency that made the decision. Internal review is not available on a decision made by a Minister or the principal officer of an agency.

Further information about review rights is available in our publication [Review of agency decisions](#).

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Boards, Committees, Commissions, Authorities, Corporations					
DevelopmentWA	4	4	0	0	0
Electoral Commission, Western Australian	1	1	0	0	0
Forest Products Commission	1	0	1	0	0
Insurance Commission of Western Australia	1	1	0	0	0
Landgate	1	0	1	0	0
Legal Aid WA	1	1	0	0	0
Lotteries Commission	3	3	0	0	0
Mental Health Commission	1	0	0	0	0
Metropolitan Cemeteries Board	1	1	0	0	0
Public Advocate, Office of the	6	6	0	0	0
Public Sector Commission	2	0	1	1	0
Public Transport Authority	4	3	0	0	0
Public Trustee	1	1	0	0	0
Racing and Wagering Western Australia	3	3	0	0	0
Small Business Development Corporation	1	1	0	0	0
Southern Ports Authority	1	1	0	0	0
Sports Centre Trust (VenuesWest)	1	1	0	0	0
State Administrative Tribunal	1	1	0	0	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Water Corporation	14	12	2	0	0
Western Power	2	2	0	0	0
Workcover Western Australia Authority (Workcover WA)	1	1	0	0	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	<i>51</i>	<i>43</i>	<i>5</i>	<i>1</i>	<i>0</i>
Group: Departments (except Police and Health related agencies)					
Biodiversity, Conservation and Attractions, Department of	5	4	0	1	0
Communities, Department of	10	7	3	0	0
Education, Department of	6	6	0	0	0
Finance, Department of	3	1	1	0	1
Fire and Emergency Services, Department of	10	0	9	0	1
Health, Department of	4	3	1	0	0
Jobs, Tourism, Science and Innovation, Department of	4	4	0	0	0
Justice, Department of	26	14	9	0	2
Local Government, Sport and Cultural Industries, Department of	1	1	0	0	0
Main Roads Western Australia	5	4	1	0	0
Mines, Industry Regulation and Safety, Department of	27	12	11	2	2
North Metropolitan TAFE	1	0	0	0	0
Planning, Lands and Heritage, Department of	6	4	0	1	1
Premier and Cabinet, Department of the	4	4	0	0	0
Primary Industries and Regional Development, Department of	2	2	0	0	0
Transport, Department of	6	5	1	0	0
Treasury, Department of	1	1	0	0	0
Water and Environmental Regulation, Department of	10	4	5	1	0
<i>Sub-total: Departments (except Police and Health related agencies)</i>	<i>131</i>	<i>76</i>	<i>41</i>	<i>5</i>	<i>7</i>

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Health Related Agencies					
Child and Adolescent Health Service (CAHS)	4	2	2	0	1
EMHS - Royal Perth Hospital	1	1	0	0	0
Health and Disability Services Complaints Office	2	1	0	1	0
NMHS - Corporate Office	2	2	0	0	0
NMHS - Mental Health	2	2	0	0	0
SMHS - Fiona Stanley Fremantle Hospital Group	2	2	0	0	0
WACHS - Midwest	1	1	0	0	0
WACHS - South West	1	0	1	0	0
<i>Sub-total: Health Related Agencies</i>	<i>15</i>	<i>11</i>	<i>3</i>	<i>1</i>	<i>1</i>
Group: Local Governments					
Albany, City of	2	1	1	0	0
Armadale, City of	2	2	0	0	0
Bassendean, Town of	1	0	1	0	0
Belmont, City of	2	2	1	0	0
Bunbury, City of	1	1	0	0	0
Busselton, City of	1	1	0	0	0
Cambridge, Town of	2	2	0	0	0
Cottesloe, Town of	2	2	0	0	0
Dardanup, Shire of	1	1	0	0	0
Esperance, Shire of	1	1	0	0	0
Fremantle, City of	4	3	1	0	0
Gosnells, City of	2	2	0	0	0
Harvey, Shire of	1	1	0	0	0
Joondalup, City of	4	3	1	0	0
Kalamunda, City of	1	0	1	0	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Kalgoorlie-Boulder, City of	2	1	0	1	0
Kwinana, City of	1	1	0	0	0
Mandurah, City of	1	1	0	0	0
Melville, City of	12	7	0	0	0
Murray, Shire of	1	0	1	0	0
Nedlands, City of	1	1	0	0	0
Perth, City of	2	2	0	0	0
Port Hedland, Town of	2	5	0	0	0
Rockingham, City of	1	0	1	0	0
Serpentine/Jarrahdale, Shire of	2	2	0	0	0
South Perth, City of	2	2	0	0	0
Stirling, City of	1	0	1	0	0
Subiaco, City of	4	3	1	0	0
Swan, City of	2	1	1	0	0
Toodyay, Shire of	1	1	0	0	0
Victoria Park, Town of	1	0	1	0	0
Vincent, City of	1	1	0	0	0
Wanneroo, City of	2	2	0	0	0
<i>Sub-total: Local Governments</i>	<i>66</i>	<i>52</i>	<i>12</i>	<i>1</i>	<i>0</i>
Group: Police					
Police Force, Western Australia	69	37	19	13	0
<i>Sub-total: Police</i>	<i>69</i>	<i>37</i>	<i>19</i>	<i>13</i>	<i>0</i>

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Universities					
Curtin University	8	5	3	0	0
Edith Cowan University	4	2	2	0	0
University of Western Australia, The	6	4	2	0	0
<i>Sub-total: Universities</i>	<i>18</i>	<i>11</i>	<i>7</i>	<i>0</i>	<i>0</i>
TOTAL	350	230	87	21	8

Table 16: Applications for amendment of personal information

This table reports the number of valid applications for amendment of personal information made to agencies, and the outcome of those applications.

More information about amendment of personal information is available in our publication [Amendment of personal information](#).

AGENCY	Applications received	DECISIONS			
		Amended	Not Amended	Amended (not as requested)	Withdrawn
Education, Department of	1	0	1	0	0
EMHS - Bentley Health Service	2	0	1	1	0
Justice, Department of	3	0	0	0	1
Melville, City of	3	0	3	0	0
Mental Health Commission	1	1	0	0	0
NMHS - Mental Health	2	0	1	1	0
Police Force, Western Australia	2	2	0	0	0
Port Hedland, Town of	0	0	0	5	1

AGENCY	Applications received	DECISIONS			
		Amended	Not Amended	Amended (not as requested)	Withdrawn
SMHS - Fiona Stanley Fremantle Hospital Group	2	1	1	0	0
SMHS - Rockingham Peel Group	4	3	1	0	0
Transport, Department of	1	0	0	0	1
WACHS - South West	1	1	0	0	0
TOTAL	22	8	8	7	3

Note: Agencies may carry-over applications from previous years.

Table 17: Applications for internal review of decisions regarding amendment of personal information

This table reports the number of requests for internal review of decisions made by agencies in relation to applications for amendment of personal information, and the outcomes of those internal review decisions.

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Child and Adolescent Health Service (CAHS)	1	0	0	0	1
East Metropolitan Health Service	1	1	0	0	0
Melville, City of	3	3	0	0	0
NMHS - Mental Health	1	1	0	0	0
Port Hedland, Town of	1	5	0	0	1
TOTAL	7	10	0	0	2

Table 18: Fees paid and charges collected for access applications

This table reports fees paid for non-personal access applications and the charges imposed by agencies for dealing with those access applications.

No fees or charges apply for applications that are limited to personal information about the applicant only. However, if the applicant is seeking more than their own personal information (a non-personal application), an application fee of \$30 is required to make a valid access application under the FOI Act. An agency may choose to impose charges – in accordance with the FOI Act and FOI regulations – for dealing with a non-personal access application. The decision to impose charges for dealing with a non-personal access application is at the discretion of the agency.

Agency	Fees (\$)	Charges (\$)
Group: Boards, Committees, Commissions, Authorities, Corporations		
Acacia Prison	120	0
DevelopmentWA	570	0
Economic Regulation Authority	30	0
Electoral Commission, Western Australian	60	0
Energy Policy WA	30	0
Forest Products Commission	30	30
Fremantle Port Authority	30	0
Gold Corporation	30	0
Great Southern Development Commission	30	0
Horizon Power	30	0
Infrastructure WA	30	0
Insurance Commission of Western Australia	3,810	0
Landgate	360	0
Legal Aid WA	60	0
Legal Practice Board of WA, The	30	0

Agency	Fees (\$)	Charges (\$)
Legal Profession Complaints Committee	90	0
Lotteries Commission	120	0
Mental Health Commission	60	0
Metropolitan Cemeteries Board	60	0
Peel Development Commission	30	0
Pilbara Ports Authority	30	0
Public Advocate, Office of the	60	0
Public Sector Commission	90	0
Public Transport Authority	690	0
Public Trustee	180	0
Racing and Wagering Western Australia	450	0
Registrar, WA Industrial Relations Commission, Department of the	30	0
School Curriculum and Standards Authority	120	0
South West Development Commission	60	0
Southern Ports Authority	90	1,036
Sports Centre Trust (VenuesWest)	30	0
State Administrative Tribunal	30	0

Agency	Fees (\$)	Charges (\$)
Treasury Corporation, The Western Australian	30	0
Water Corporation	1,673	1,732
Western Power	1,020	217
Workcover Western Australia Authority (Workcover WA)	1,650	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	<i>11,843</i>	<i>3,015</i>
Group: Departments (except Police and Health related agencies)		
Biodiversity, Conservation and Attractions, Department of	660	0
Communities, Department of	3,120	1,314
Education, Department of	1,320	0
Finance, Department of	570	0
Fire and Emergency Services, Department of	6,030	1,723
Health, Department of	1,770	90
Jobs, Tourism, Science and Innovation, Department of	660	0
Justice, Department of	1,290	0
Local Government, Sport and Cultural Industries, Department of	810	0
Main Roads Western Australia	1,950	0
Mines, Industry Regulation and Safety, Department of	25,080	910
North Metropolitan TAFE	30	101
Planning, Lands and Heritage, Department of	5,610	0
Premier and Cabinet, Department of the	1,920	0
Primary Industries and Regional Development, Department of	1,500	125
South Metropolitan TAFE	60	0

Agency	Fees (\$)	Charges (\$)
Training and Workforce Development, Department of	690	0
Transport, Department of	4,770	120
Treasury, Department of	60	0
Water and Environmental Regulation, Department of	8,700	0
<i>Sub-total: Departments (except Police and Health related agencies)</i>	<i>66,600</i>	<i>4,383</i>
Group: Health Related Agencies		
Child and Adolescent Health Service (CAHS)	360	0
East Metropolitan Health Service	240	0
EMHS - Armadale Kalamunda Group	1,110	0
EMHS - Bentley Health Service	540	30
EMHS - Royal Perth Hospital	10,230	1,020
NMHS - Corporate Office	180	0
NMHS - Mental Health	300	0
NMHS - Sir Charles Gairdner Hospital	4,050	0
NMHS - Women and Newborn Health Service	300	300
SMHS - Fiona Stanley Fremantle Hospital Group	7,500	0
SMHS - Rockingham Peel Group	1,980	1,215
WACHS - Central Office	180	0
WACHS - Great Southern	90	0
WACHS - Kimberley	4,079	0
WACHS - Midwest	270	0
WACHS - South West	3,210	2,160
<i>Sub-total: Health Related Agencies</i>	<i>34,619</i>	<i>4,725</i>
Group: Local Governments		
Albany, City of	450	0

Agency	Fees (\$)	Charges (\$)
Armadale, City of	750	167
Ashburton, Shire of	30	0
Augusta-Margaret River, Shire of	390	0
Bassendean, Town of	300	424
Bayswater, City of	570	570
Belmont, City of	480	667
Broome, Shire of	180	180
Broomehill-Tambellup, Shire of	120	0
Bunbury, City of	210	0
Busselton, City of	180	286
Cambridge, Town of	510	0
Canning, City of	450	660
Capel, Shire of	210	416
Chittering, Shire of	30	0
Claremont, Town of	60	0
Cockburn, City of	570	1,335
Collie, Shire of	30	0
Coolgardie, Shire of	2	60
Cottesloe, Town of	150	0
Cranbrook, Shire of	30	30
Dardanup, Shire of	60	44
Denmark, Shire of	60	886
Denmark, Shire of	60	886
Donnybrook-Balingup, Shire of	30	456
East Pilbara, Shire of	90	0
Esperance, Shire of	90	0
Fremantle, City of	720	0
Gingin, Shire of	90	0

Agency	Fees (\$)	Charges (\$)
Gosnells, City of	360	0
Greater Geraldton, City of	330	0
Halls Creek, Shire of	60	0
Harvey, Shire of	150	116
Joondalup, City of	2,400	0
Kalamunda, City of	900	1,225
Kalgoorlie-Boulder, City of	330	0
Karratha, City of	420	1,027
Katanning, Shire of	30	60
Kwinana, City of	330	510
Mandurah, City of	180	0
Manjimup, Shire of	30	0
Melville, City of	1,470	0
Mosman Park, Town of	330	0
Mundaring, Shire of	60	0
Murray, Shire of	90	600
Nannup, Shire of	30	0
Nedlands, City of	480	0
Northam, Shire of	240	0
Perth, City of	1,050	1,246
Port Hedland, Town of	150	150
Quairading, Shire of	30	0
Rockingham, City of	930	1,405
Serpentine/Jarrahdale, Shire of	330	75
South Perth, City of	300	0
Stirling, City of	1,950	0
Subiaco, City of	540	532
Swan, City of	2,100	0

Agency	Fees (\$)	Charges (\$)
Toodyay, Shire of	90	0
Victoria Park, Town of	360	0
Vincent, City of	330	1,050
Wanneroo, City of	1,770	0
Waroona, Shire of	90	0
Wyndham-East Kimberley, Shire of	150	930
York, Shire of	90	310
<i>Sub-total: Local Governments</i>	<i>25,382</i>	<i>16,303</i>
Group: Ministers		
Buti MLA, Hon Dr T A	120	0
Carey MLA, Hon J N	90	0
Cook MLA, Hon R H	180	0
Dawson MLC, Hon S N	120	0
Ellery MLC, Hon S M	30	0
Johnston MLA, Hon W J	150	0
Kelly MLA, Hon D J	60	0
MacTiernan MLC, Hon A	30	0
Papalia MLA, Hon P	150	0
Punch MLA, Hon D T	30	0
Quigley MLA, Hon J R	180	0
Saffioti MLA, Hon R	180	0
Sanderson MLA, Hon A	270	0
Templeman MLA, Hon D A	30	0
Whitby MLA, Hon R R	180	0
<i>Sub-total: Ministers</i>	<i>1,800</i>	<i>0</i>
Group: Police		
Police Force, Western Australia	44,490	0
<i>Sub-total: Police</i>	<i>44,490</i>	<i>0</i>

Agency	Fees (\$)	Charges (\$)
Group: Universities		
Curtin University	390	305
Edith Cowan University	120	0
Murdoch University	120	0
University of Western Australia, The	540	540
<i>Sub-total: Universities</i>	<i>1,170</i>	<i>845</i>
TOTAL	\$185,904	\$29,271

Table 19: Charges reduced by agencies

Agencies are not required to impose charges. However, if the agency decides to impose a charge, under regulation 3 of the FOI Regulations, agencies are required to reduce the charges imposed by 25% if the applicant is impecunious or the holder of certain types of concession cards. The agency may decide to reduce the charges by more than 25% or to waive the charges.

AGENCY	\$ charges reduced	Reason for reduction		
		Impecunious	Pensioner	Other
Albany, City of	60	2	0	0
Bassendean, Town of	2	0	0	2
Belmont, City of	22	0	1	0
Busselton, City of	79	0	0	1
Carnarvon, Shire of	30	0	0	1
Child and Adolescent Health Service (CAHS)	120	0	0	4
Chittering, Shire of	90	0	0	1
Communities, Department of	30	0	1	0
Cottesloe, Town of	240	0	0	6
East Fremantle, Town of	30	0	0	1
EMHS - Bentley Health Service	30	0	0	0
EMHS - Royal Perth Hospital	1,020	0	0	0
Fire and Emergency Services, Department of	9,833	0	0	51
Fremantle Port Authority	30	0	0	1
Fremantle, City of	693	0	0	0
Greyhound Racing Association, Western Australian	250	0	0	2

AGENCY	\$ charges reduced	Reason for reduction		
		Impecunious	Pensioner	Other
Kalamunda, City of	125	0	1	0
Menzies, Shire of	0	0	0	1
Metropolitan Cemeteries Board	85	0	0	0
North Metropolitan TAFE	64	0	0	1
Public Advocate, Office of the	450	0	0	15
Public Transport Authority	0	0	0	1
Quairading, Shire of	30	1	0	0
Rockingham, City of	106	0	3	1
SMHS - Rockingham Peel Group	30	2	0	2
WACHS - Goldfields	10	10	0	0
WACHS - South West	2,160	0	0	0
York, Shire of	70	0	1	0
TOTAL	\$15,689	15	7	91