



Office of the Information Commissioner

Freedom of information for Western Australia



ANNUAL REPORT 2021/22



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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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%	