



**Office of the
Information Commissioner**

Freedom of information for Western Australia

Annual Report 2023/24



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 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.



18 September 2024

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

ANNUAL REPORT TO 30 JUNE 2024

In accordance with section 63 of the *Financial Management Act 2006* I hereby submit my report for the reporting period ended 30 June 2024.

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: <https://www.oic.wa.gov.au>

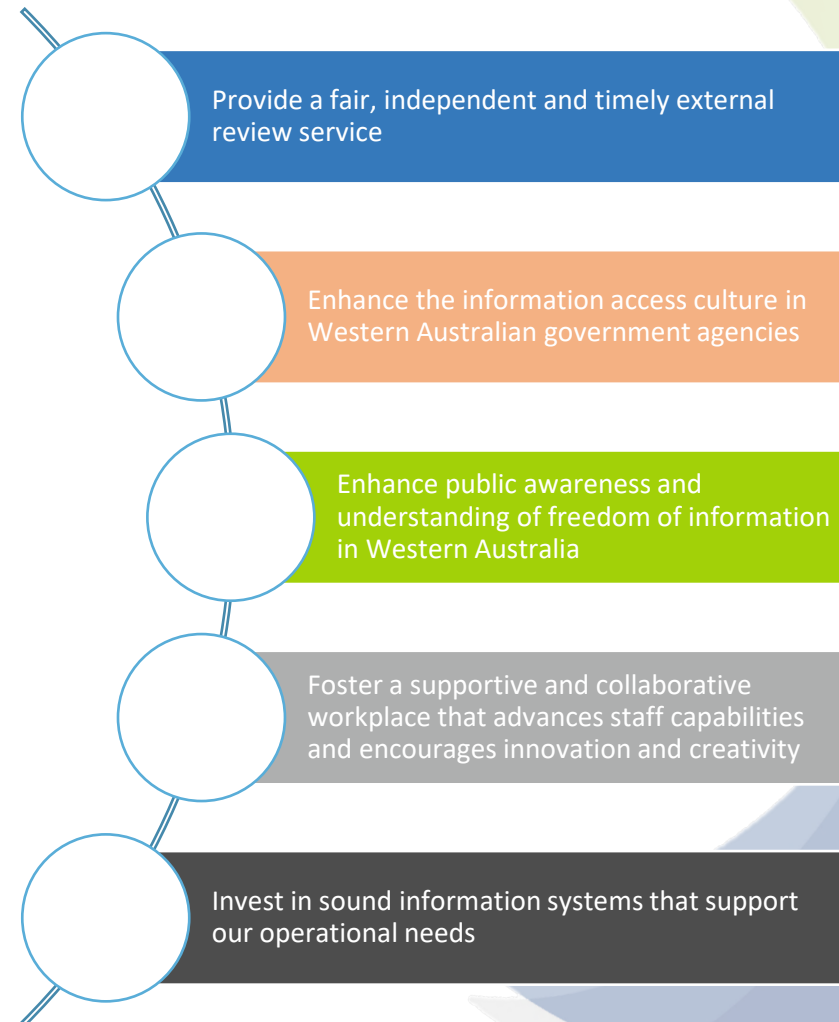
About this report

Welcome to the annual report of the Office of the Information Commissioner (**the OIC**) for 2023/24.

The aim of this report is to provide a comprehensive overview of our performance during the reporting year, provide insight into the goals and operations of the OIC, 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 (**WA**) 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. 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 objects of the FOI Act align with the intention of agency annual reports – greater accountability and transparency. We trust that this report on our activities and performance during the last reporting year provides valuable insight into our operations and outcomes and the operation of the FOI Act in WA.

Strategic goals



Operational Performance

Snapshot of financial and operational performance indicators

	Target \$000	Actual \$000	Variation \$000
Total cost of services	3,225	3,217	(8)
Net cost of services	3,221	3,150	(71)
Total equity	1,834	1,628	206

Figure 1 – Reporting year financial performance

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.

Desired 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%	81%	(4%)
Applications for external review resolved by conciliation	70%	66%	(4%)
<i>Key efficiency indicator</i>			
Average cost per external review finalised	\$14,925	\$13,093	(\$1,832)
Advice and Awareness			
<i>Key effectiveness indicator</i>			
Agencies satisfied with advice and guidance provided	98%	96%	(2%)
<i>Key efficiency indicator</i>			
Average cost of service per application lodged	\$338	\$368	\$30

Figure 2 – Reporting year operational performance

⁽¹⁾ As specified in the Budget Statements.

External Review & Legal Services

Strategic Goal 1: Provide a fair, independent and timely external review service

Provide a fair, timely and effective formal external review process

- Streamlining the external review process
- Increased monitoring of progress and allocation of matters
- 5 conciliation conferences conducted
- 134 external reviews finalised
- 66% of external reviews finalised by conciliation
- 81% participant satisfaction rate

Provide an efficient and effective early resolution process

- Informal resolution processes, encouraged across the whole external review team
- 30.6% of external reviews resolved in less than six months (41 out of 134)

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

- 19 decisions published
- 25 preliminary views issued
- 45 officer assessments 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
- 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 and Table 7 provide detail on external review outcomes.

Dealing with external reviews

Undertaking external review of agency decisions is a key function of the OIC. The Commissioner has power 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 resolve an external review by issuing a binding determination.

It remains the focus of the OIC to ensure that the conduct of external review proceedings is not unduly legalistic or formal, preferring instead to negotiate a conciliated outcome between the parties rather than issuing a formal determination.

Conciliation

Conciliation is an important element of the external review process and can result either in resolution of the external review or clarification or narrowing of the issue(s) in dispute. This has the effect of making the external review process more efficient for those matters that require further review.

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

Those options include discussions with the parties by telephone, by email or in person; an officer providing the parties with their assessment of the merits of the matter

and inviting either or both parties to reconsider their position; and formal conciliation conferences conducted by the OIC, attended by both parties. These options represent different methods of conciliation utilised by the OIC to facilitate conciliated outcomes and the informal resolution of matters without a formal determination by the Commissioner.

The extent to which the various procedural options are pursued will vary, depending on the circumstances of each matter. The nature of the information requested, and the various interests of the parties means that conciliation is not always achievable.

During the reporting period, five conciliation conferences were conducted, with all but one of those matters either resolved at the conference or resolved after the conference.

This year's conciliation rate was 66%, which is less than our yearly target of 70%. Of the 134 external reviews finalised in 2023/24, 88 were finalised by conciliation.

The annual conciliation rate of external reviews finalised is one of the OIC's key performance indicators. Full details of the OIC's performance indicators are outlined in the [Key Performance Indicators](#) section of this report.

Conciliation case studies

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

Agency reconsiders decision and gives edited access to documents – documents relating to a recruitment process

The complainant applied to the agency for documents relating to a recruitment process. The agency gave the complainant full access to some documents within the scope of the access application and refused access to the remaining documents under clause 11(1)(c) of Schedule 1 to the FOI Act on the ground that their disclosure could reasonably be expected to have a substantial adverse effect on an agency's management or assessment of its personnel. The complainant applied to the Commissioner for external review of the decision.

In an effort to conciliate the matter, an officer of the OIC made inquiries with the agency regarding its decision. Consequently, the agency reconsidered its position and gave the complainant access to an edited copy of the documents, deleting some information on the basis it was personal information and exempt under clause 3(1) of Schedule 1 to the FOI Act.

The complainant accepted the edited access provided and discontinued their application for external review.

Agency reconsiders decision and gives access to additional documents; complainant accepts Commissioner's preliminary view that remaining documents are exempt – clauses 1(1) and 12(c)

The complainant applied to an agency for certain correspondence. The agency gave the complainant access to some documents within the scope of the access application and refused access to other documents under clause 1(1) on the ground that their disclosure would reveal the deliberations or decisions of an Executive body and clause 12(c), on the ground that their public disclosure would infringe the privileges of Parliament.

During the external review, the agency reconsidered its position and gave the complainant access to additional documents. The agency maintained its decision to refuse access to some documents under clause 12(c) and claimed the remaining documents were exempt under clause 1(1) and clause 1(1)(d)(ii), instead of under clause 12(c). After receiving the additional documents and being informed of the agency's revised position, the complainant advised that the matter was not resolved.

The Commissioner provided the parties with her preliminary view which was that documents were exempt under clauses 1(1) and 1(1)(d)(ii) and 12(c). The complainant did not proceed with the external review and the matter was resolved.

Agency reconsiders decision and gives access to the requested document – clause 1(1)

The complainant applied for access to a particular report. The agency refused access to the report, claiming that its disclosure would reveal the deliberations or decisions of an Executive body, and was therefore exempt under clause 1(1) of Schedule 1 to the FOI Act.

The Commissioner provided the parties with her preliminary view which was that the report was not exempt as claimed.

The agency gave the complainant an edited copy of the report which did not resolve the matter. The agency provided further submissions to the Commissioner, claiming that the remainder of the report was exempt under clause 1(1), as well as other exemption clauses.

After considering the agency's further submissions, the Commissioner informed the agency that she was not persuaded that the remainder of the report was exempt.

The agency subsequently gave the complainant access to the report in full. As a result, the matter was resolved.

Matter resolved following agreement facilitated by an officer of the OIC – large number of third parties

The complainant applied to an agency for access to documents relating to certain activities on specified dates. The scope of the application was limited to a particular topic.

The agency refused to deal with the access application under section 20 of the FOI Act because dealing with it would divert a substantial and unreasonable portion of the agency's resources away from its other operations. This was primarily because of the number of third parties the agency claimed it would be required to consult with, under section 32 of the FOI Act, before giving access to personal information contained in the requested documents.

The complainant applied to the Commissioner for external review of the agency's decision.

After making preliminary inquiries and considering the material before the Commissioner, an officer of the OIC observed that one of the requested documents contained personal information about more than 100 individuals that did not relate to the topic that the application was limited to.

Following further inquiries by the officer, the complainant confirmed that they would accept access to an edited copy of the relevant document with this personal information deleted and the agency agreed to deal with the access application on this basis.

In light of the agreement reached, the external review was resolved.

Agency agrees to give access to the requested document – clause 1(1).

The complainant applied to the agency for access to several documents. Following concessions made by the complainant during the external review, only one document remained in dispute. The agency refused the complainant access to that document on the ground that its disclosure would reveal the deliberations of an Executive body and was therefore exempt under clause 1(1) of Schedule 1 to the FOI Act.

The Commissioner provided her preliminary view to the parties which was that the document was not exempt, as claimed, as the limit on the exemption in clause 1(2) applied. Clause 1(2) provides that matter that is merely factual, statistical, scientific or technical is not exempt under clause 1(1) unless its disclosure would reveal any deliberation or decision of an Executive body, and the fact of that deliberation has not been officially published. The agency did not accept the Commissioner's preliminary view and provided detailed further submissions.

However, following further inquiries by the OIC, the agency agreed to give the complainant access to the document in order to resolve the matter. As a result, the matter was resolved.

Complainant accepts assessment that further documents cannot be found or do not exist – section 26.

The complainant applied to the agency for access to documents. The agency gave access to documents, but refused access to other documents on the ground those documents could not be found or did not exist. The complainant did not accept that additional documents did not exist and provided evidence to support their claims.

As an officer of the OIC considered it was reasonable to believe that additional documents existed, the agency was asked to conduct further searches and to provide further information in support of its decision.

The agency's searches did not locate additional documents within the scope of the access application. The agency provided information about its processes which explained why additional documents did not exist. An officer of the OIC provided the complainant with that further information and their assessment of the matter. The complainant was satisfied with the further information provided and did not wish to pursue the matter further.

External review discontinued following officer assessment – application for personal information only

The complainant applied to the agency for access to all documents associated with their admission to hospital. The agency identified several documents within the scope of the complainant's access application and gave edited access to these documents. The agency deleted information that comprised personal information about other individuals from the disputed documents as it was outside the scope of the complainant's access application.

The complainant applied to the Commissioner for external review of the agency's decision.

An officer of the OIC provided the complainant with their assessment that the application was made for personal information only and as such, the agency was entitled to delete that information from the documents to which it had given the complainant access.

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

External review discontinued following Commissioner's preliminary view – documents about a deceased relative

The complainant applied to the agency for documents associated with a deceased relative. The agency refused the complainant access under section 23(2) of the FOI Act on the ground that it was apparent from the nature of the documents that they would all be exempt under clause 3(1) of Schedule 1 to the FOI Act and that there was no obligation under section 24 to give access to an edited copy of any of the documents.

The complainant applied to the Commissioner for external review of the agency's decision. During the external review, it became apparent that the agency was actually refusing access to documents under section 26 of the FOI Act on the basis that documents could not be found or did not exist.

The OIC made inquiries with the agency regarding the nature of the searches undertaken and how the documents were recorded and archived. After considering the information provided by the agency, the Commissioner provided the complainant with her preliminary view that the agency's decision to refuse the complainant access to documents under section 26 was justified. The complainant was invited to provide further submissions if they did not accept the Commissioner's preliminary view.

The complainant did not provide further submissions, and the matter was resolved.

Agreement reached at a conciliation conference – section 20

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

The Commissioner required the parties to attend a conciliation conference.

At the conference, the agency agreed to deal with the complainant's access application in revised terms proposed by the complainant. As a result, the external review was resolved.

Negotiations between parties during external review – charges imposed

The complainant sought access to documents held by the agency. The agency granted access to the requested documents and imposed charges for dealing with the access application, under section 16 of the FOI Act. The complainant sought internal review of the amount of the charges, which the agency reduced on internal review.

Remaining dissatisfied with the amount of the charges, the complainant sought external review.

As a result of negotiations between the agency and the complainant during the external review, the parties resolved the matter between them and the complainant discontinued the external review.

Commissioner ensures agency is aware of responsibilities under FOI Act relating to record-keeping processes – CCTV footage

The complainant applied to the agency for CCTV footage recorded on a specified date. The agency refused access to the requested documents on the basis that they could not be found or did not exist.

The OIC made inquiries with the agency regarding the searches conducted to locate the requested footage.

After considering the material before the Commissioner, an officer of the OIC advised the complainant that it was their assessment that all reasonable steps had been taken to find the footage and that it either could not be found or did not exist. The complainant accepted the assessment.

Before the matter was finalised, the OIC made inquiries with the agency to clarify whether the agency had an established process to follow when an access application for CCTV footage is received, including the timeframe in which it was required to notify the relevant section of the agency of receipt of the access application in order to protect the footage from destruction.

While it is not the Commissioner's role to examine in detail an agency's record-keeping practices, one of the Commissioner's functions under the FOI Act is to ensure that agencies are aware of their responsibilities under the FOI Act.

The agency acknowledged that there was a delay between the receipt of the complainant's application and the processing of the request to secure the CCTV footage.

As no process was in place, the agency undertook to implement a procedure to ensure that requests for CCTV footage were promptly processed and the footage secured.

The Commissioner was satisfied that the agency was taking steps to remedy what she considered a deficiency in the agency's record-keeping practices and considered the matter resolved.

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. The decisions are published on our [website](#). The published decisions are briefly summarised below.

Re Forrest & Forrest Pty Ltd and Department of Mines, Industry Regulation and Safety [2023] WAICmr 10 [PDF] or [HTML]

Complainant – access applicant

Documents requested – document relating to the transfer of particular tenements between two parties.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 4](#) – *Commercial or business information.*

Commissioner's decision – the Commissioner set aside the agency's decision and, in substitution, found that the disputed document is not exempt under clause 4(3) of [Schedule 1](#) to the FOI Act.

Re McLerie and City of Melville [2023] WAICmr 11 [PDF] or [HTML]

Complainant – access applicant

Document/s requested – documents relating to a property owned by other individuals.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 14](#) – *Information protected by certain statutory provisions.*

Commissioner's decision – the A/Commissioner confirmed the agency's decision and found that the disputed documents were exempt under clause 14(1)(c) of [Schedule 1](#) to the FOI Act.

Re Threadgold and City of Busselton [2023] WAICmr 12 [PDF] or [HTML]

Complainant – access applicant

Documents requested – correspondence between the agency and two named individuals relating to a development application in respect of a property previously owned by the complainant.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – *Personal information.*

Commissioner's decision – the Commissioner confirmed the agency's decision and found that the disputed documents are exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

Re Wren and WorkCover Western Australia Authority [2023] WAICmr 13 [PDF] or [HTML]

Complainant – access applicant

Document/s requested – documents relating to an investigation conducted by the agency into allegations against an officer of the agency.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – *Personal information.*

Commissioner's decision – the Commissioner set aside the agency's decision and, in substitution, found that the disputed documents are exempt in full under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re Rosser and Department of Mines, Industry Regulation and Safety \[2023\] WAICmr 14 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – an investigation report completed by the agency in relation to the death of a worker at a worksite.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – *Personal information*.

Commissioner's decision – the Commissioner confirmed the agency's decision and found that the disputed document was exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re Standen and Western Australia Police Force \[2023\] WAICmr 15 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – copies of certain maps provided by the agency to inform the media in relation to the location of registered firearms.

Sections/clauses of the FOI Act considered by the Commissioner – [Section 6](#) (access rights); [Schedule 1, Clause 5](#) – *Law enforcement, public safety and property security*.

Commissioner's decision – the Commissioner varied the agency's decision and found that the disputed documents are exempt under clauses 5(1)(e) and 5(1)(f) of [Schedule 1](#) to the FOI Act.

[Re Pandevski and Main Roads Western Australia \[2023\] WAICmr 16 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – documents associated with valuation advice relating to the agency's acquisition of certain land owned by named individuals.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – *Personal information*.

Commissioner's decision – The Commissioner varied the agency's decision and found that the disputed document was exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re WA Justice Association and Mental Health Commission \[2023\] WAICmr 17 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – reports relating to the evaluation of the Mental Health Court diversion program.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 1](#) – *Cabinet and Executive Council*.

Commissioner's decision – the Commissioner confirmed the agency's decision and found that the disputed documents were exempt under clause 1(1)(b) of [Schedule 1](#) to the FOI Act.

[Re Alcoa of Australia Limited and Department of Biodiversity, Conservation and Attractions \[2023\] WAICmr 18 \[PDF\] or \[HTML\]](#)

Complainant – a third party

Documents requested – a document referred to in a proposal submitted to the Environmental Protection Authority by Alcoa of Australia Limited.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1](#), Clause 4 – Commercial or business information.

Commissioner's decision – The A/Commissioner confirmed the agency's decision and found that the disputed information was not exempt under clauses 4(2) or 4(3) of [Schedule 1](#) to the FOI Act.

[Re A and Local Government Standards Panel \[2023\] WAICmr 19 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – a document provided to the agency in response to the complainant's complaint to the agency that a named local government councillor breached the *Local Government (Model Code of Conduct) Regulations 2021* (WA).

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1](#), Clause 3 – Personal information.

Commissioner's decision – the Commissioner confirmed the agency's decision and found that the disputed document is exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re Grainier and Department of Water and Environmental Regulation \[2024\] WAICmr 1 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – correspondence since January 2022 that mentions the complainant, his company, a particular property or prospecting license.

Sections/clauses of the FOI Act considered by the Commissioner – [section 20](#) – refusal to deal with application.

Commissioner's decision – the Commissioner confirmed the agency's decision and found the agency's decision to refuse to deal with the complainant's access application under [section 20](#) of the FOI Act was justified.

[Re Macnish and City of Busselton \[2024\] WAICmr 2 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Documents requested – documents relating to legal advice sought and received by the agency and the creation of a specific document, which the agency previously provided to the complainant.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1](#), Clause 7 – Legal professional privilege and clause 5 – Law enforcement, public safety and property security.

Commissioner's decision – the Commissioner confirmed the agency's decision and found that Documents 1 and 2 were exempt under clause 7(1) of [Schedule 1](#) to the FOI Act and Documents 3 and 4 were exempt under clause 5(1)(c) of [Schedule 1](#) to the FOI Act.

[Re Carrington and Western Australia Police Force \[2024\] WAICmr 3 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – access to CCTV footage that recorded a particular statement the complainant made to the agency at a police station in 2014.

Sections/clauses of the FOI Act considered by the Commissioner – [section 26](#) – *documents that cannot be found or do not exist.*

Commissioner’s decision – the Commissioner confirmed the agency’s decision and found that the agency’s decision to refuse the complainant access to the requested document under [section 26](#) of the FOI Act was justified.

[Re Humphreys and Forest Products Commission \[2024\] WAICmr 4 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – access to a particular audit report regarding historical payments by the agency to sharefarmers and certain other related documents.

Sections/clauses of the FOI Act considered by the Commissioner – [section 26](#) – *documents that cannot be found or do not exist.*

Commissioner’s decision – the Commissioner confirmed the agency’s decision and found that the agency’s decision to refuse the complainant access to the requested documents under [section 26](#) of the FOI Act was justified.

[Re City of Melville Residents and Ratepayers Association Inc and Minister for Local Government \[2024\] WAICmr 5 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – access to any records in relation to the City of Melville or records associated with any Member of Parliament or State agency in connection with the City of Melville.

Sections/clauses of the FOI Act considered by the Commissioner – [section 20](#) – *refusal to deal with application.*

Commissioner’s decision – the Commissioner confirmed the Minister’s decision to refuse to deal with the access application under [section 20](#) of the FOI Act.

[Re Pearlman and University of Western Australia \[2024\] WAICmr 6 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – documents between 1 January 2015 and 30 June 2016 related to communications or correspondence between a named individual employed by the agency (the third party) and certain other named individuals about matters related to an incorporated association for which the third party worked in a voluntary capacity.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – *Personal information.*

Commissioner’s decision – the Commissioner set aside the agency’s decision and, in substitution, found that the disputed documents are exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re Central Pilbara North Iron Ore Pty Ltd and Department of Jobs, Tourism, Science and Innovation \[2024\] WAICmr 7 \[PDF\] or \[HTML\]](#)

Complainant – third party

Document/s requested – correspondence, since 2022, ‘from Central Pilbara North Iron Ore Pty Ltd/Hancock Prospecting Pty Ltd in relation to Renewal of Rights and Occupancy and Extension of Time Requests in relation to the Iron Ore (Wittenoom) Agreement Act 1972 (temporary reserve 5616H)’.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 4](#) – Commercial and business information.

Commissioner’s decision – the A/Commissioner confirmed the agency’s decision and found that the disputed documents were not exempt under clause 4(3) of [Schedule 1](#) to the FOI Act.

[Re G and City of Wanneroo \[2024\] WAICmr 8 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – an investigation report prepared by an external investigator relating to allegations made against an officer of the agency by the complainant and other individuals.

Sections/clauses of the FOI Act considered by the Commissioner – [Schedule 1, Clause 3](#) – Personal information.

Commissioner’s decision – the Commissioner confirmed the agency’s decision and found that the disputed information is exempt under clause 3(1) of [Schedule 1](#) to the FOI Act.

[Re City of Melville Residents and Ratepayers Association Inc and Department of Local Government, Sport and Cultural Industries \[2024\] WAICmr 9 \[PDF\] or \[HTML\]](#)

Complainant – access applicant

Document/s requested – Part 1: All records associated with a particular meeting in September 2022 between the agency and the City of Melville; and Part 2: All records between the agency, the City of Melville, the Minister for Local Government and other State Government agencies.

Sections/clauses of the FOI Act considered by the Commissioner – [section 20](#) – refusal to deal with application and [section 26](#) – documents that cannot be found or do not exist.

Commissioner’s decision – the Commissioner confirmed the agency’s decision to refuse the complainant access to documents under [section 26](#) of the FOI Act. In addition, the Commissioner confirmed the agency’s decision to refuse to deal with Part 2 of the complainant’s access application under [section 20](#) of the FOI Act.

[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 if the complainant does not provide any meaningful response by the specified date, the Commissioner may finalise the matter by deciding that, under section 67(1)(b), it is lacking in substance.

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

	External reviews finalised	Section 67(1)(b) outcomes	
		No.	%
2019/20	148	27	18.2
2020/21	180	45	25.0
2021/22	148	16	10.8
2022/23	139	14	10.1
2023/24	134	17	12.7

Figure 3 – External reviews finalised under section 67(1)(b) during the five-year period to 2023/24

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 described below:

- By formal published decision under section 76(2) where the Commissioner formally determines any issues remaining in dispute and makes a decision that either confirms, varies or sets aside the agency's decision and makes a decision in substitution.
- By decision under section 67(1)(a) where the Commissioner decides to stop dealing with the matter because it does not relate to a matter the Commissioner has power to deal with.
- By decision under section 67(1)(b) where the Commissioner decides to stop dealing with the matter because it is frivolous, vexatious, misconceived or lacking in substance.
- By conciliation where the external review is finalised on the basis that there are no issues remaining in dispute that the Commissioner is required to determine.

Summary details of the external review process, which may include some outcomes achieved for the parties during the external review process, are described in published formal decisions and case studies of conciliated matters reported in annual reports.

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 process.

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

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

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

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

	2019/20		2020/21		2021/22		2022/23		2023/24	
	No.	%	No.	%	No.	%	No.	%	No.	%
External Reviews finalised	148		180		148		139		134	
Additional documents or parts of documents released	45	30.4	42	23.3	45	30.4	29	20.9	37	27.6
Additional action taken by the agency	53	35.8	61	33.9	50	33.8	43	30.9	36	26.9
Reduction in scope	8	5.4	15	8.3	10	6.8	5	3.6	6	4.5
No additional benefit	55	37.2	69	38.3	50	33.8	53	38.1	43	32.1

Figure 4 – Additional benefits for external reviews over the five-year period

Timeliness of external review

The OIC has a considerable backlog of external review matters which reduces our ability to provide a timely external review process. This remains a significant challenge for the OIC and is a key focus of the office to address. At the end of the financial year, the OIC had 186 external review applications on hand and the average age of those external review applications was 375 days.

There are factors which impact timeliness that are outside our control. For example, the administrative law requirements of procedural fairness; the accessibility and cooperation of the parties; the number of disputed documents; the clarity and sufficiency of the agency's notice of decision; and the complexity of the facts in issue or the legal matters involved. In addition, an unprecedented increase in the number of external review applications received during the 2021-22 reporting year (195 matters) has had a lasting effect on the backlog over the following years.

During the reporting period, considerable movement of staff in the external review team, and the diversion of external review staff to other essential work - including providing the OIC's feedback to the Government during the PRIS legislation consultation process – has adversely affected the number of external review matters finalised and the overall timeliness of the external review process.

However, with additional new external review staff now recruited and trained, we are beginning to reduce the external review backlog, a trend we expect to continue. For example, new (temporary) external review officers recruited in the reporting period finalised almost 20% of all matters finalised in the period.

The positive impact of additional staff in reducing the backlog is expected to continue going forward.

Revised internal strategies to deal with and reduce the backlog (as referred to on page 16 of last year's report) have also been implemented. Almost half of the matters that were finalised in the reporting period (68 out of 134) were resolved without requiring a formal preliminary view from the Commissioner, which saved time and resources.

The use of officer assessment of matters has also reduced unnecessary steps and potential duplication in our processes. As stated in last year's annual report, where a party does not accept an officer's assessment, the matter is now referred to the Commissioner to consider finalisation of the matter by formal decision, rather than the Commissioner issuing a preliminary view, subject to compliance with procedural fairness obligations.

In the reporting period, 45 officer assessments were issued, with 23 of those matters resolved by a conciliated outcome without a formal decision from the Commissioner. Again, this has saved time and resources.

We continue to review our processes so efficiencies can be achieved without compromising the integrity of the external review process.

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

	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2019/20	46.6%	34.5%	18.9%
2020/21	35.6%	38.3%	26.1%
2021/22	48.0%	33.8%	18.2%
2022/23	36.7%	26.6%	36.7%
2023/24	34.3%	20.9%	44.8%

Figure 5 – Percentage of external reviews finalised - by age in time periods

	Less than 6 months	Between 6 and 12 months	Greater than 12 months
2019/20	44.9%	35.6%	19.5%
2020/21	64.0%	23.0%	13.0%
2021/22	54.1%	28.1%	17.8%
2022/23	40.9%	25.0%	34.1%
2023/24	31.2%	29.0%	39.8%

Figure 6 – Percentage of external reviews on hand at end of reporting period - by age in time periods

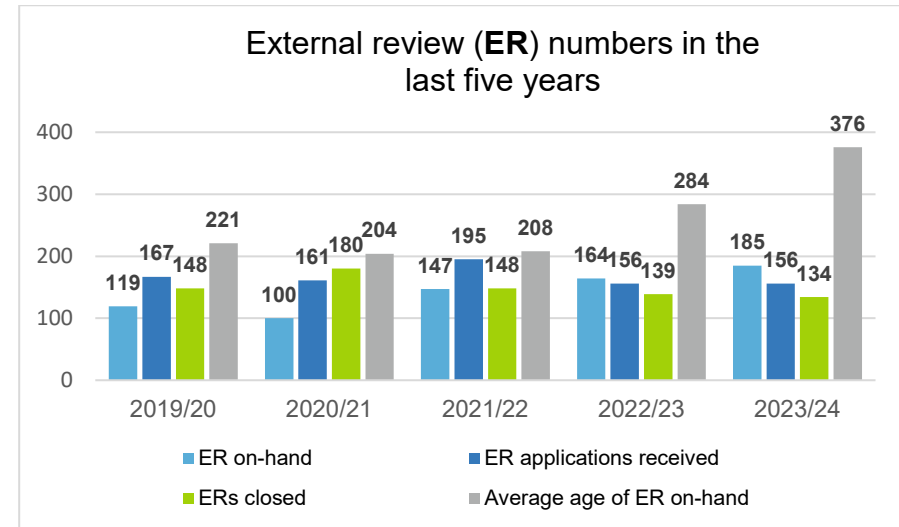


Figure 7 – External review numbers in the five-year period to 2023/24

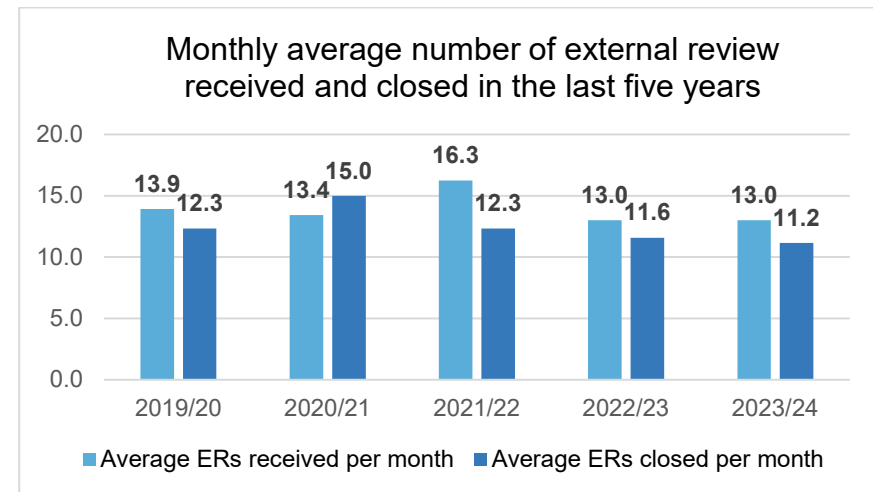


Figure 8 – Monthly average of external review applications received and closed during the five-year period to 2023/24

Other matters dealt with by external review staff

In addition to dealing with external review applications, the Commissioner is required to deal with other kinds of matters under various provisions of the FOI Act.

Such matters include:

- applications for a reduction in time or an extension of time under sections 13(4), 13(5) and 13(7) of the FOI Act;
- applications made by agencies under section 35(1) of the FOI Act for approval to waive the requirement for third party consultation;
- applications for external review to be accepted out of time under section 66(4);
- applications for external review to be accepted without internal review under section 66(6); and
- requests for a destruction certificate under section 48(3) of the FOI Act.

These matters are often dealt with by external review staff on behalf of the Commissioner under their delegated authority, pursuant to section 79 of the FOI Act.

For details of the number of these kinds of matters dealt with in the financial year see Table 1.

In addition, external review staff deal with:

- requests for intervention from applicants or agencies regarding the processing of an access application where a preliminary administrative dispute has arisen;
- requests from agencies for confirmation of whether an external review application has been received from a third party; and
- notifications from agencies under section 15(8) that the agency is dealing with an application where a requested document originated with or was received from the OIC.

Dealing with the above matters is part of the workload of external review staff, which must be managed in conjunction with the core work of dealing with external review applications. The work involved in dealing with those additional matters is not insignificant.

Advice and Awareness/Education and Engagement

Strategic Goal 2: Enhance the information access culture in WA government agencies

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

- Responded to 266 phone and written enquiries from agencies
- 4 editions of the OIC newsletter published
- 380 subscribers to the OIC newsletter as at 30 June 2024
- FOI in WA Conference held, with 272 in person attendees and 29 online attendees

Identify and recommend changes to legislation and administrative practices that will facilitate improved information access practices across the state.

- Monash University report launched with recommendations to improve the culture of FOI administration in Australia, including recommendations for WA and for FOI legislative reform
- Draft terms of reference for review of the FOI Act provided to the Attorney General

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

- FOI fundamentals series available online to all agency staff
- FOI briefings and training provided (see Table 9)
- Engagement with the Agency FOI Reference Group

Explore opportunities for collaboration to champion the principles of open government

- Continue to provide web resources for agencies about the FOI process
- Participation in Association of Information Commissioner events, including events to promote International Access to Information Day
- Celebrated 30 years of FOI legislation in WA
- Commissioner invited to join the Commonwealth Attorney General's Open Government Forum

Strategic Goal 3: Enhance public awareness and understanding of freedom of information in WA

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

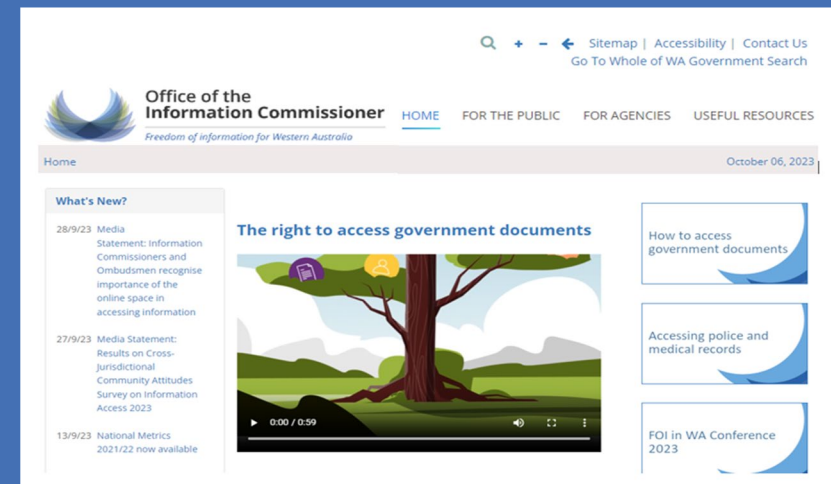
- Responded to 634 in person phone and written enquiries from members of the public
- Continued to make available plain English publications about FOI processes for the public on the OIC website

Promote community understanding of the role of the Information Commissioner

- The Commissioner and OIC staff spoke at a number of general events to promote an understanding of the Commissioner's role and of the right of access to documents (see Table 9)

Increased community awareness of:

- Freedom of Information rights
- Promoted International Access to Information Day
- Members of the public are able to subscribe to the OIC newsletter and notifications about newly published decisions of the Commissioner
- Published media statements about open government and the results of the cross jurisdictional study into information
- Promoted the launch of the Monash University report into the culture of FOI in Australia



The OIC seeks to ensure that agencies and their staff value FOI as part of an agency's operations and that FOI Coordinators, practitioners, decision-makers and principal officers are aware of 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 by the OIC to State and local governments as part of those activities.

Training, briefings and the Commissioner's engagements

The OIC provides training and briefings for agencies and their staff about processes and obligations under the FOI Act, and to ensure that agencies understand the opportunities to give effect to the objects of the FOI Act beyond formal access procedures. The Commissioner regularly accepts invitations to speak at forums and other events about the work of the OIC.

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

A list of the training, briefings and workshops provided by the OIC is available at Table 9.

FOI Training for FOI Coordinators and decision-makers

The OIC provides 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, as set out below, and is aimed at State and local government officers dealing with FOI in their agency.

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

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

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

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

FOI Wednesday Webinars

In March 2022, the OIC commenced a program of online FOI Wednesday Webinars for agency FOI practitioners. Primarily presented by OIC officers, the 50-minute seminars provide an efficient and time cost effective way to engage with FOI practitioners and reflect on various FOI topics relevant to officers working in the FOI and information access areas.

The webinars offered in this reporting period covered:

- Let the sunshine in – a discussion with Emeritus Professor Peter Coaldrake AO to mark International Access to Information Day – the Commissioner discussed with Professor Coaldrake his 2022 [report](#) that detailed a review of the Queensland integrity agencies and relevant learnings for WA.
- *Setting up FOI process for success* – a discussion of ways that agencies can set up their processes in order to assist people to access documents promptly and at the lowest reasonable cost in accordance with the requirements of the FOI Act.
- *Up Close and Personal: Considering personal information in three scenarios* – a consideration of the personal information exemption in clause 3(1) of Schedule 1 to the FOI Act, in three different scenarios.

The webinars are recorded and made available for viewing following the delivery of the webinar. Links to recordings of the webinars are available on request to the OIC. The accompanying presentation notes are also made available to agencies when the links are requested.

A number of agencies have advised the OIC that they use the webinar recordings as an opportunity for staff development by watching the webinar as a team and having time for discussion within the team about how agency practice is reflected in the issues raised in the webinar.

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.

FOI Newsletter

The OIC published four newsletters during the reporting period in September 2023, December 2023, February 2024 and June 2024.

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 and the media.

At the end of the reporting period, the OIC had 380 subscribers to the OIC Newsletter. 48.7% of subscribers to the newsletter identify as being from WA State Government agencies; 25.8% from local government; and 9.2% as members of the public.

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

Online resources

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

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

The OIC maintains a suite of online guides for agencies and members of the public. Agency guides assist agencies to meet their obligations under the FOI Act. Guides for members of the public provide guidance about making FOI access and amendment applications, and to understand the FOI process. While the guides are created with a particular audience in mind, they are accessible by all who access our website.

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

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

The OIC's publication – [Open by Design – FOI and Information Release in WA](#) is designed 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.

A full list of OIC web publications is available at Table 10.

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 often issues 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.

The decision search facility can be 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 WA case law. AustLII provides a free online database of Australasian legal materials.

Agency officers and members of the public can subscribe to receive notifications of newly published decisions of the Commissioner via our [website](#).

Responding to enquiries

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

Members of the public sometimes misdirect their requests for documents held by particular agencies to the OIC. For example, each year the OIC receives a number of access applications for medical records.

People who misdirect their request are advised that, under the FOI Act, access applications should be made directly to the agency that holds the documents.

Requestors are given:

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

This year the OIC dealt with 900 written, phone and in-person requests for guidance, and misdirected requests. This is a 36.3% drop in requests compared with 1,413 requests received in the previous reporting period. The drop in requests for advice was due in large part to a 42.1% drop in the recorded number of telephone enquiries received.

Enquiries and requests for advice to OIC from 2014/15 to 2023/24

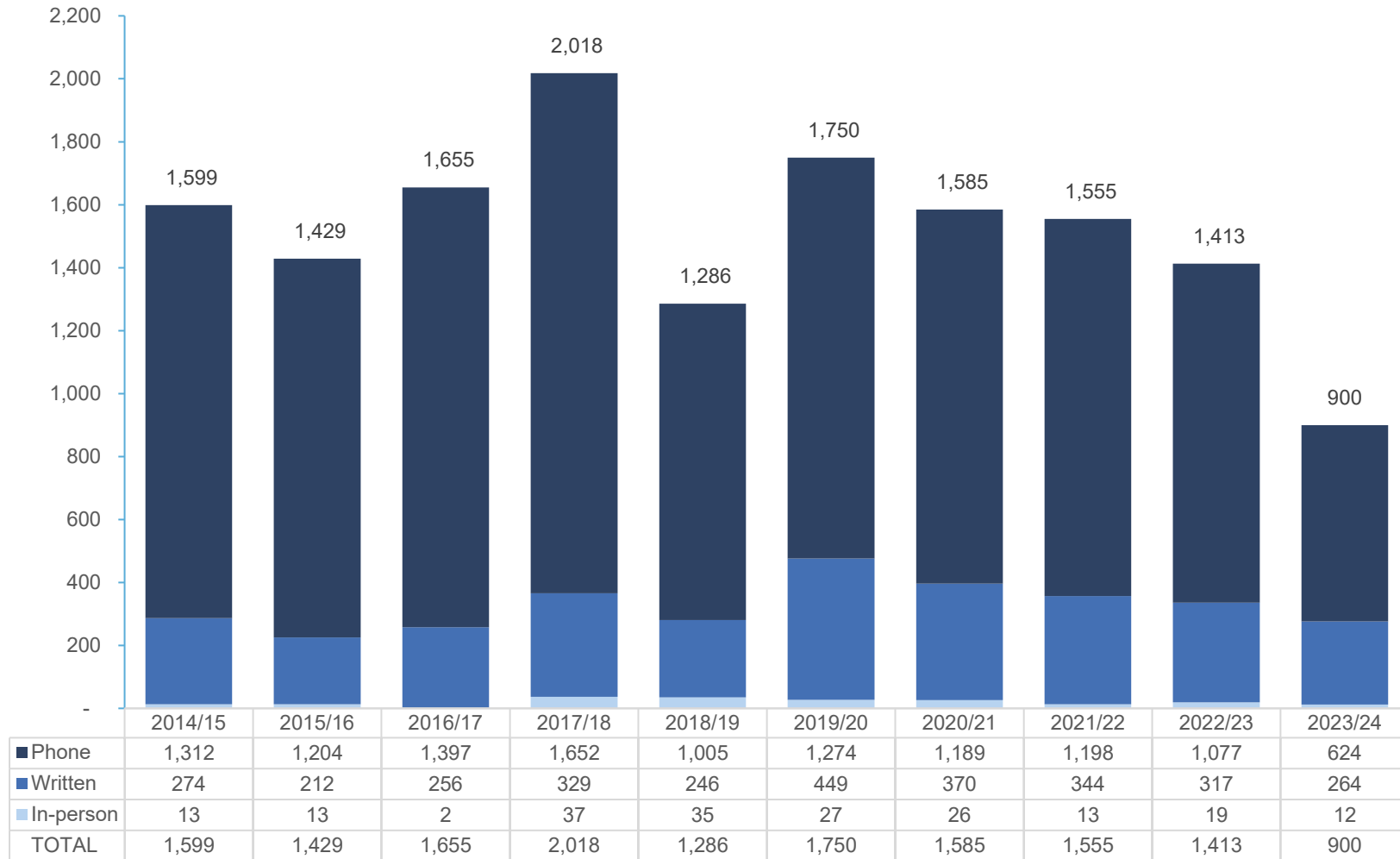


Figure 9 – Enquiries and requests for advice over the ten-year period to 2023/24

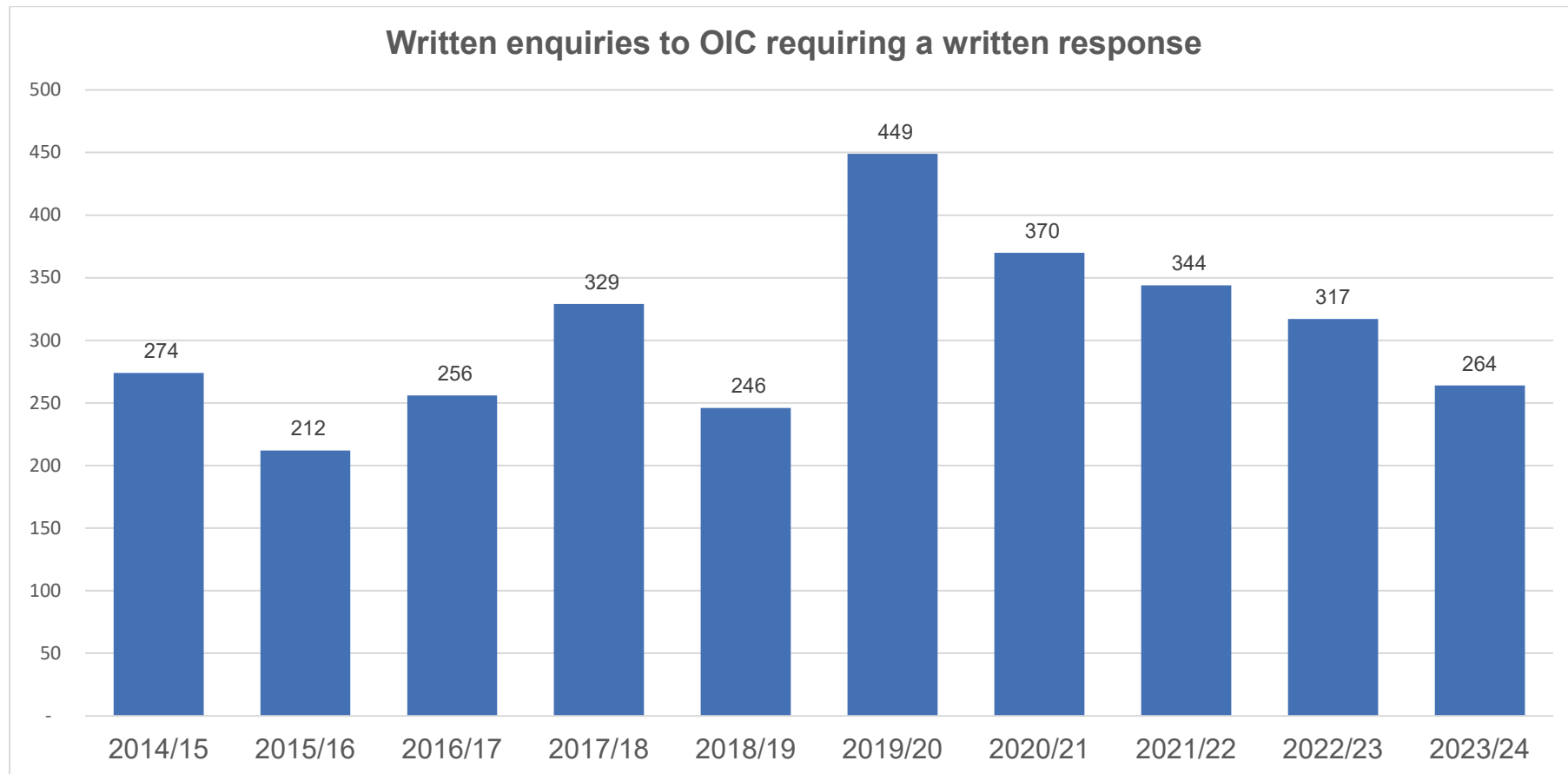


Figure 10 – Written enquiries to OIC requiring a written response over the ten-year period to 2023/24

Written requests for guidance are received from agencies and members of the public. Written responses assist enquirers to understand processes and obligations under the FOI Act. 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 AFRG is a forum to discuss FOI practice issues and to promote and advocate for good FOI practice in agencies. Meetings of the group 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 twice 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.

Arising out of one of these meetings, the Commissioner also met with the local government FOI Network in July at the City of Perth Council Chambers.

Online FOI access application form

The OIC is no longer hosting an online generic access application form on the WA.gov.au site.

The OIC determined that the process for allowing and receiving online FOI access applications made to WA government agencies is best managed and delivered by the individual agencies.

Regional Awareness and Accessibility Program

The Regional Awareness and Accessibility Program (**RAAP**) involves officers from general oversight and complaints bodies attending regional areas together to provide outreach to regional areas.

Regional visits offer the opportunity to raise public and agency awareness of FOI procedures and processes to improve decision-making and to meet officers of State and local government agencies in the regions outside Perth. Face-to-face meetings give regional officers the opportunity to raise issues and obtain clarification and advice about the requirements of the FOI Act.

The OIC appreciates the opportunity to participate in the RAAP visits when staff resourcing allows. Participation in the RAAP is a valuable opportunity to collaborate with other agencies to gain a better understanding of the specific needs of regional WA and to work together to address some of those needs. The OIC acknowledges and appreciates the work of Ombudsman WA to organise and coordinate the RAAP.

The OIC did not participate in regional trips this reporting year due to other priorities. Outreach participation is expected to recommence in the new financial year.

FOI services to the Indian Ocean Territories

Through the Federal 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 to the territories of [Christmas Island](#) and the [Cocos \(Keeling\) Islands](#), collectively known as the IOT. 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 IOT is available on the DITRDCA [website](#).

The list of Financial Year [Service Agreement Annual Reports](#) are available on [Infrastructure.gov.au](#)

The OIC did not visit the IOT in the last reporting year but has plans to visit in the 2024-25 reporting period.

The FOI in WA Conference 2023

The OIC presented its FOI in WA Conference for State and local government officers at the Perth Convention and Exhibition Centre on 2 November 2023. This was the third time the OIC has held an FOI in WA Conference, having also held conferences in 2017 and 2019. The 2023 conference theme was *FOI and Open Government in the Digital Age*.

A total of 301 people attended the conference - 272 in person, together with a further 29 attendees online. Over 100 agencies were represented at the conference. Ticket prices were kept to a minimum to encourage maximum participation from the public sector. A full day in person ticket was \$199.

A significant highlight of the conference was the keynote address by The Hon. Dr Carmen Lawrence AO, who spoke on *The Importance of Practising Open Government*. Dr Lawrence was the WA Premier at the time the FOI Act was enacted.

Other presenters included Information Commissioners and Ombudsmen from other information access jurisdictions in Australia and New Zealand, the WA Information Commissioner, academics, state and local government officers with expertise in FOI and records management and OIC officers.

A summary of The FOI in WA Conference program is shown on the following page.

FOI IN WA – FOI AND OPEN GOVERNMENT IN THE DIGITAL AGE*				
8:00	REGISTRATION OPENS + arrival tea and coffee outside Meeting Rooms 1-3 . Doors open 8:30am.			
9:00	OPENING REMARKS and WELCOME – Catherine Fletcher , WA Information Commissioner (<i>online and in-person</i>) – Meeting Rooms 1-3			
9:20	KEYNOTE PRESENTATION – <i>The Importance of Practising Open Government</i> – The Hon Dr Carmen Lawrence AO , former WA Premier and Emeritus Professor, UWA (<i>online and in-person</i>) – Meeting Rooms 1-3			
9:55	PANEL DISCUSSION – <i>Being an Open Government in the Digital Age – a Cross-Jurisdictional Discussion</i> (<i>online and in-person</i>) – Meeting Rooms 1-3 <ul style="list-style-type: none"> • Angelene Falk, Australian Information and Privacy Commissioner, Office of the Australian Information Commissioner • Elizabeth Tydd, Information Commissioner and CEO, Information and Privacy Commission New South Wales • Peter Boshier, Chief Ombudsman, Ombudsman New Zealand • Iain Anderson, Commonwealth Ombudsman <p><i>Moderated by Professor Robert Cunningham, Dean of Curtin University Law School</i></p>			
10:45	MORNING TEA			
	Meeting Rooms 1-3 <i>(in-person and online)</i>	Meeting Room 7 <i>(in-person only)</i>	Meeting Room 8 <i>(in-person only)</i>	Online via Zoom only
11:05	PANEL DISCUSSION – <i>Integrity, culture and accountability in the public sector - observations from the OAG and Qld A/Information Commissioner</i>	<i>Recent Privacy Developments in Australia</i>	<i>Setting up an access application and your agency's processes for success</i>	<i>30 years of FOI data – What does the data tell us? How can we use this data?</i>
11:55	PANEL DISCUSSION – <i>FOI Culture – Study by Monash University of FOI Culture in Victoria, South Australia and Western Australia</i>	<i>Case studies in open government – what worked and what were some of the road blocks?</i>	<i>Managing Unreasonable Applicant Behaviour in the FOI Context – Tips for responding confidently, firmly and fairly to challenging conduct</i>	<i>Up Close and Personal: Considering personal information in three scenarios</i>
12:35	LUNCH			
13:30	PANEL DISCUSSION – <i>AI, Open Government and FOI</i>	<i>30 years of FOI data – What does the data tell us? How can we use this data?</i>	<i>Scope and searches in the digital environment – tools for being effective</i>	<i>Managing Unreasonable Applicant Behaviour in the FOI Context – Tips for responding confidently, firmly and fairly to challenging conduct</i>
14:20	PANEL DISCUSSION – <i>Records in the Digital Age – The challenges and opportunities for FOI and Open Government</i>	<i>Access to information as a human right</i>	<i>Up Close and Personal: Considering personal information in three scenarios</i>	<i>Setting up an access application and your agency's processes for success</i>
15:00	AFTERNOON TEA			
15:15–16:00	CLOSING SESSION – <i>30 Years of FOI – Where to Next? (Q&A)</i> – Catherine Fletcher , Information Commissioner and OIC officers (<i>online and in-person</i>) – Meeting Rooms 1-3			

*Note: We will endeavour to maintain this conference program but changes may be necessary due to unforeseen events.



**Office of the
Information Commissioner**
Freedom of information for Western Australia



Photograph 1 – OIC WA FOI Conference panel discussion with Information Commissioners and Ombudsmen from across Australia and New Zealand

The conference included plenary sessions and concurrent sessions that considered issues relating to practical issues for FOI practitioners, the digital information environment and the role of FOI in open government.

The conference was an important opportunity for FOI practitioners and other state and local government officers to increase their information access awareness and skills and to network with officers across the sector. 92% of respondents to the conference survey indicated that the conference either exceeded or met their expectations.

The OIC acknowledges the assistance provided by a number of officers from agencies that participated in the FOI.

Conference Working group, who were instrumental in helping to present the conference.

The FOI in WA conference banner and flyer is shown below.

FOI in WA Conference 2023
FOI and Open Government in the Digital Age

2 November 2023
Perth Convention and Exhibition Centre

A conference exploring the role and practicalities of FOI, its contribution to Open Government, and how it is impacted by the digital age.

PLENARY AND CONCURRENT SESSIONS CONSIDERING:

- PRACTICAL ISSUES FOR FOI PRACTITIONERS
- THE DIGITAL INFORMATION ENVIRONMENT
- FOI AND OPEN GOVERNMENT

AN OPPORTUNITY TO NETWORK, INCREASE YOUR SKILLS AND BE INSPIRED

SPEAKERS

- The Hon Dr Carmen Lawrence AO**
Honorary Research Fellow and Professor Emerita, UWA
- Angelene Falk**
Australian Information Commissioner & Privacy Commissioner
- Elizabeth Tydd**
Information Commissioner and CEO, NSW
- Bridget Hewson**
Deputy Ombudsman, Ombudsman NZ
- Stephanie Winson**
Right to Information Commissioner, OIC Qld
- Associate Prof Julia Powles**
UWA Tech and Policy Lab; UWA Law School

+ more to be announced

REGISTRATION
www.trybooking.com/CGQP
For more information www.oic.wa.gov.au

Office of the Information Commissioner
Celebrating 40 years of Freedom of Information in Western Australia - 1993 to 2023

Business Services and Our Workplace

Strategic Goal 4: Foster a supportive and collaborative workplace that advances staff capabilities and encourages innovation and creativity

Ensure that our organisational structure promotes open lines of communication

- Five new appointments made following funds approved to increase staff resources
- Commencement of a new organisational structure
- Review of job descriptions

Explore flexibilities that enhanced working arrangements and professional development

- Remote working arrangements approved
- Increase to higher duties opportunities
- Supporting continuing professional development (CPD) requirements for legal staff
- Attendance to training, events and other development opportunities approved

Cultivate a positive organisational culture that supports personal wellness

- Employee engagement survey conducted to determine wellbeing and engagement levels

Value and acknowledge achievements

- Three staff celebrated for 30 years at the OIC

Strategic Goal 5: Sound information systems that support our operational needs

Use technology to improve efficiency and accessibility to our services

- Appointment of a Senior Systems Administrator to manage the OIC's ICT requirements
- Implementation of Microsoft 365

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

- Commencement of the project to procure, using the funds received through the Digital Capability Fund,
- a solution or solutions for the OIC's case management and electronic document and records management needs

Organisational review

A long-standing initiative from the OIC's 2020-2023 strategic plan was to optimise the structure and work practices of the agency. The Commissioner recognised that the current organisational configuration (in place since 2004) was not fit for purpose, particularly given the increase in workload for staff across all functional areas of the OIC. Budgetary and accommodation constraints prevented permanent appointments to deal with work increases.

In 2022 the Commissioner initiated the Workforce Review project by engaging consultants to review the organisation. This is the first full assessment of this kind since the office opened in 1993. The key questions asked were:

1. Are the OIC's existing workforce structure and staffing levels suitable?
2. If not, how could the existing workforce structure and/or staffing levels be improved?
3. If changes are recommended, could these be made within current allocated resources?
4. If current allocated resources are not adequate for any proposed changes, what additional resources would be needed?

The recommendations from the review formed the basis of a proposed revised organisational structure that was developed during 2022/23, to come into effect from 1 July 2023.

The primary change to the structure was to update the flat two-tier design to a three-tier format with clear managerial responsibilities under two business units: External Review and Legal Services; and Education, Engagement and Business Services. The recommendations included increasing staff numbers and positions to better support the Commissioner's statutory functions under the FOI Act and the strategic goals of the OIC. Consideration was given to factors such as current workloads, recognition of additional duties, organisational risk, and the attraction and retention of staff.

To realise the recommendations from the Workforce Review, additional funding would be required. As part of the 2023/24 budget process, the OIC was awarded \$1.7 million to increase external review and corporate staff resources for two years, and permanently reclassify certain existing positions.

This additional funding allowed the OIC to realise this significant strategic initiative by updating the structure to a more robust and workable model and take on some additional staff for a two-year period. Ongoing funding allowed existing positions that had been identified as under classified to be appropriately classified and remunerated.

As reported last year, preliminary work began in that year to prepare for the changes, such as some new staff appointments; the creation of new positions; the review of existing job descriptions; preparation for new reporting relationships; and the creation of a leadership group. All new appointments were completed by 2 January 2024.

The fulfilment of the Workforce Review project achieved the completion of one of the OIC's key strategic initiatives and involved the dedication and support of all OIC staff over a two-year period. 2023/24 was a year of significant change, and the full year impact of the improvements is expected to become more fully realised in 2024/25.

Risk management

During the year the OIC has used its Risk Management Framework (**the Framework**), which was completed in June 2023 to identify and assess key risks, with an initial focus on information technology and cybersecurity risks.

The Risk Management Steering Committee (**the RMSC**) met four times during the year. The RMSC's role is to review and monitor risk assessments, evaluate treatment action plans and provide feedback to the risk owners.

One of the aims of the Framework is to ensure that risk is incorporated into the operations of the OIC on an ongoing basis, which requires the participation of all staff. The RMSC arranged an introductory training session for all staff that provided a detailed overview of the Framework and how this document should be used.

The OIC will continue to identify key risks for assessment and inclusion on the risk register and will work to cultivate a risk aware culture within the agency.

Information technology

Updating legacy systems

In last years' annual report, the OIC identified the need to update information technology infrastructure and software. The need for information technology reform was reflected in the 2020-2023 strategic plan and is carried over to the new strategic plan for 2024-2025, to invest in information technology systems that support our operational needs.

Two of the objectives under this goal include implementation of a case management system that meets our reporting needs and transition to an electronic records management system to better manage our record-keeping obligations.

Funding through the Digital Capability Fund was granted in 2023/24 to upgrade the OIC's case management system and to procure an electronic document and records management system (**the project**). There are two phases to the project: Phase 1 involves engagement of an experienced and qualified project team to assist the OIC manage Phase 2 of the project, being the procurement and implementation of the solutions.

Phase 1 – procurement of the project team – commenced in January 2024. The Department of Finance assisted with this procurement and the tender was advertised on TendersWA in March 2024. The project management team tender was awarded in July 2024.

In the coming year the OIC will be focussing on completing Phase 2 of the project by June 2025.

Digital transformation

The employment of a Senior Systems Administrator has assisted the OIC to make considerable strides forward with Information Technology (IT) digital maturity. The OIC completed the following IT transformation projects in the reporting period:

- An Information Technology Infrastructure Library (ITIL) aligned service management tool to allow for logging of IT requests and issues, recording resolution and scheduling and monitoring IT maintenance processes.
- Establishment of a Microsoft 365 tenancy.
- Microsoft Teams utilised for improved officer collaboration.
- Transition to Teams telephony in response to the cessation of the WA government telephony enterprise agreement.
- Migration of email services to Exchange Online.
- OIC Windows Server upgraded.
- Considerable work done to improve OIC cybersecurity processes and awareness.
- IT disaster recovery plan established.

Workplace wellness and culture

Employee engagement survey

This has been a year of significant change. Staff have adapted to a new structure and been involved with strategic improvements in operations. There has also been the anticipation of potential changes to the structure of the OIC if the proposed PRIS legislation is passed. An employee engagement survey was disseminated to staff in May 2024 requesting feedback about various aspects of their experience and wellbeing in the OIC at a time of great change. The results of the survey will identify strengths and areas for improvement, providing valuable insights into the well-being and engagement levels of staff members.

In the coming year, evaluation of the survey results by the Leadership Group will inform the consideration of initiatives to improve staff engagement and well-being.

Flexible working arrangements

The OIC recognises that flexibility in the workplace is part of the expectations of a modern workforce and the OIC supports staff being able to work flexibly when appropriate, either on an ongoing basis or as the need arises. It is a primary consideration in providing work/life balance for staff.

Flexibilities include varied start and finish times, which has proven successful in allowing staff to complement their work responsibilities with those outside of the workplace. Additionally, working remotely from the office is available to staff.

In the last reporting period, the OIC made efforts to ensure that staff could work remotely in an effective way by replacing desktop workstations with laptops and establishing a secure VPN. The introduction of Microsoft 365 during the current year continues to advance remote access for staff in a secure environment.

Career development

Prior to 1 July 2024, there was limited capacity for career advancement within the organisation. It was recognised that this can pose a risk to job satisfaction and staff retention. However, this issue was considered as part of the workforce review outlined previously and the new structure has been designed to provide greater opportunities for staff.

Higher duties arrangements during the year were more common than in previous years due to the additional opportunities provided by the revised structure.

Internships at OIC

The Commissioner also gave a lecture at the University of Western Australia (**UWA**) in September 2023 to students enrolled in a legal internship course, that dealt with the opportunities for legal work at accountability agencies, including the OIC.

During the year, two interns were engaged from the McCusker Centre for Citizenship internship program. The students were tasked with researching various reports for issues relating to government recordkeeping and summarise these in a report for the Commissioner.

This report will assist the Commissioner in performing her functions as both Information Commissioner and as Chair of the State Records Commission.

The students were supervised directly by the Commissioner in their work. Both students reported that their time with the OIC provided valuable experience in their education.

The McCusker internship program provides students the opportunity to contribute meaningfully towards a project in a community-minded organisation, supporting the vision of fostering caring, connected and socially engaged citizens who actively contribute to the wellbeing of their communities. The OIC is pleased to once again be partnered in this goal that benefits the OIC, the students and ultimately the community.

Workplace health and safety

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 health and safety is about making sure staff, contractors and the community feel safe and supported when at work and when visiting the office. This is reflected in the OIC's 2020 OSH Commitment statement.

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.

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

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.

There was a change of Committee Chairperson in 2024 and a total of three meetings were held during the reporting period.

