

FOI in WA Conference

Recognising and Building our FOI Capacity

WELCOME TO THE INAUGURAL 'FOI IN WA' CONFERENCE

It is my pleasure to welcome you to our first 'FOI in WA' conference.

Everyone who plays a part in the administration of the *Freedom of Information Act 1992* (WA) (**the FOI Act**) has an important role in supporting democracy in our State. The objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public. There can hardly be a more important goal in a representative democracy.

This conference is designed to assist officers and agencies to discharge their responsibilities under the FOI Act, provide practical information about giving effect to the FOI Act and explore strategies for efficient and effective FOI practices for the benefit of agencies, the State and the public. Over the course of the day we will also explore the place of FOI in our modern society and the challenges posed by rapid advancements in information and communications technology.

It is important for all of us to remember that when we are dealing with requests for information or making decisions under the FOI Act, we are not merely complying with an administrative process. Rather, if we comply with the letter and the spirit of the Act, we are dispensing justice to the people of Western Australia.

I would like to thank each of our speakers for giving up their time to share their insights into these important issues. I would also like to thank all of the members of the Conference Steering Committee who have been working hard to deliver the conference that you are attending today. Thank you also to management and staff at Fiona Stanley Hospital for allowing us to host this conference at their state of the art education facilities.

Finally, I would like to thank all of my colleagues from the Office of the Information Commissioner for their contributions and support over many months to making today a reality.

I trust that you will have an enjoyable and stimulating conference and I look forward to joining you as we recognise and build our FOI capacity.

Sven Bluemmel
INFORMATION COMMISSIONER

8:00 – 8:45	Registration – tea and coffee available	
Session one		
8:45 - 9:00	Conference Opening • Sven Bluemmel, Information Commissioner	Lecture Theatre G1
Session two		
9:00 - 9:40	Key Note Speech • Professor John McMillan AO, Acting NSW Ombudsman	Lecture Theatre G1
Session three		
9:40 - 10:30	Panel Discussion - FOI in 2017 – the challenges and opportunities to achieving the objects of the FOI Act • Professor John McMillan AO, Acting NSW Ombudsman • Cathrin Cassarchis, WA State Archivist and Executive Director, State Records Office of Western Australia • Giles Nunis, Chief Executive and Government CIO, Office of the Government Chief Information Officer • Lynsey Warbey, Commissioner’s Counsel, Office of the Commissioner, Western Australia Police • Sven Bluemmel, the Information Commissioner WA	Lecture Theatre G1
Session four		
10:30 - 11:00	Morning Tea	
Session five		
11:00 – 11:40	The practicalities of managing FOI applications and FOI knowledge • Shane Sanders, Department of the Premier and Cabinet	Lecture Theatre G1
11:00 – 11:40	Clause 6 – Deliberating about the Deliberative process exemption. • Rachel Crute and Kathy Clark, Office of the Information Commissioner	Lecture Theatre G3
11:00 – 11:40	Quality information, quality archives and the ethics of online access • Damien Hassan and Lena Stekl, State Records Office	Seminar Room G7
Session six		
11:50 – 12:30	Shh!– Its confidential and secret • Megan Ashford, State Solicitor’s Office	Lecture Theatre G1
11:50 – 12:30	Interpersonal Skills for FOI Coordinators • Su Lloyd, Office of the Information Commissioner	Lecture Theatre G3
11:50 – 12:30	Dealing with applications made on behalf of children • Alison McCubbin, Office of the Information Commissioner	Seminar Room G7

Session seven

12:30 - 1:20

Lunch

Session eight

1:20 - 2:00	Third party information - what you need to know <ul style="list-style-type: none">• Tony Pruyn, Office of the Information Commissioner	Lecture Theatre G1
1:20 - 2:00	Developing in-house FOI awareness <ul style="list-style-type: none">• Nicole Xanthis and Biljana Sijan, Department of the Premier and Cabinet• Helen Stanley, Royal Perth Hospital	Lecture Theatre G2
1:20 - 2:00	Recent Decisions in FOI <ul style="list-style-type: none">• Sven Bluemmel, Information Commissioner	Lecture Theatre G3
1:20 - 2:00	Clause 1 - the Cabinet and Executive Council exemptions <ul style="list-style-type: none">• David Paice, Department of the Premier and Cabinet	Seminar Room G7

Session nine

2:10 - 2:50	Perspectives on refusing to deal with an access application <ul style="list-style-type: none">• Vivien Akerstrom, Office of the Information Commissioner• Shane Sanders, Department of the Premier and Cabinet	Lecture Theatre G1
2:10 - 2:50	Considering disclosure outside of the FOI Act <ul style="list-style-type: none">• Lynsey Warbey, Western Australia Police• Julie De Jong, Department of Mines, Industry, Regulation and Safety• Rachel Crute, Office of the Information Commissioner	Lecture Theatre G2
2:10 - 2:50	Can they get that personal information under the FOI Act? <ul style="list-style-type: none">• Alison McCubbin and Elyse Loughton, Office of the Information Commissioner	Lecture Theatre G3
2:10 - 2:50	Managing difficult conversations <ul style="list-style-type: none">• Su Lloyd, Office of the Information Commissioner	Seminar Room G7

Session ten

2:50 - 3:15 Afternoon tea

Session eleven

3:15 - 4:00	FOI in WA - What you do and how you do it matters <ul style="list-style-type: none">• Sven Bluemmel, Information Commissioner	Lecture Theatre G1
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About our key-note speaker

Professor John McMillan AO - Acting NSW Ombudsman

Professor McMillan was appointed Acting NSW Ombudsman for a two year term commencing in August 2015. He was previously the inaugural Australian Information Commissioner (2010-15), Commonwealth Ombudsman (2003-2010) and the Integrity Commissioner (Acting) for the Australian Commission for Law Enforcement Integrity (2007).

John is an Emeritus Professor at the Australian National University, where he taught administrative and constitutional law from 1983-2003. He has been a solicitor in private practice, a legal consultant to many parliamentary and governmental inquiries, and was active in public interest advocacy in promoting open government reform. He is a co-author of a leading student text, *Control of Government Action: Text, Cases and Commentary* (2015, 4th ed).

John is a National Fellow of the Institute of Public Administration Australia, a Fellow of the Australian Academy of Law, and former President of the Australian Institute of Administrative Law.

John was made an Officer of the Order of Australia (AO) in the Australia Day Honours List 2010 for his work as Ombudsman, academic and in professional societies.

About our panelists

Cathrin Cassarchis - State Archivist and Executive Director State Records Office of Western Australia

Cathrin Cassarchis is State Archivist and Executive Director, State Records Office of Western Australia. The State Records Office (**SRO**) is responsible for the administration of the *State Records Act 2000* which regulates whole-of-government recordkeeping. It supports the State Records Commission in the development of a regulatory framework for implementation of this Act, as well as providing consultancy, advice and training to State and local government organisations on best practice. SRO also controls the State Archives Collection, providing access to government departments, and public access to unrestricted archives to the wider community.

Cathrin was appointed to the position in March 2008 after returning to Australia in 2002 and taking up a position at the Western Australian Museum Foundation. She has previously worked for The National Archives in the United Kingdom and prior to that for the National Council on Archives (UK). Cathrin is Executive Secretary to the State Records Commission and a member of the Council of Australasian Archives and Records Authorities. She is also a Council member of the Institute of Public Administration WA.

Giles Nunis, Chief Executive and Government CIO Office of the Government Chief Information Officer

Giles Nunis was appointed into the inaugural role of Chief Executive and Government Chief Information Officer on 28 April 2015, and established the new GCIO office on 1 July 2015.

Giles was the Deputy Director General at the Department of State Development since early 2010. He was responsible for negotiating commercial State Agreements on behalf of the government with

major resource companies and managing the government's international trade offices. During this time Giles was also seconded to the Department of Health and played a major role in restructuring of the department's Fiona Stanley Hospital ICT Program which was successfully delivered on time for the opening of the hospital in November 2014.

Prior to joining the WA Government, Giles was the National Managing Director of a multi-national ICT and Management Consulting firm, based in Melbourne, with its head office in Zurich, Switzerland. With more than 600 consultants nationally he was responsible for managing a \$150M business.

Giles has undertaken a number of major ICT consulting assignments in Australia, SE Asia and the UK in both the government and private sector in the following industries: health; licensing; compliance & regulation; courts; legal; banking; land tenure; and hospitality.

Lynsey Warbey, Commissioner's Counsel, Office of the Commissioner, Western Australia Police

Lynsey Warbey is a career public servant and lawyer who has worked in the WA and Victorian Public Sector for nearly two decades. Lynsey has had broad experience from working on Royal Commissions to running large commercial litigation. Materially, Lynsey led the WA State Solicitor's Information Practice for a number of years and maintains an active practice in freedom of information and other aspects of public information confidentiality and disclosure. Lynsey is currently Legal Counsel to the WA Police Commissioner, on secondment from the State Solicitor's Office, and is passionate about the public sector's responsibilities for the information it holds.

Our presenters

Damien Hassan, Senior Archivist, State Records Office of WA

Damien Hassan is a Senior Archivist at the State Records Office of WA (**SRO**) where he has worked for many years across different areas of the office. He has also worked in policy and project roles at the Department of the Premier and Cabinet and the WA Museum. Damien is currently managing several large scale digitisation and systems development projects for the SRO.

Lena Stekl, Recordkeeping Consultant, State Records Office of WA

Lena has worked in State government information management environments since 1997. Her current role as Recordkeeping Consultant at the State Records Office involves providing advice, training, and assistance to State and local government agencies on a range of information management matters, including compliance with the State Records Act 2000 and agency Recordkeeping Plans.

Shane Sanders, FOI Coordinator, Department of the Premier and Cabinet

Shane Sanders was raised in a small (very rural) aboriginal community in the Northern Territory. After moving to the South West of WA Shane spent time travelling before attending Murdoch University where he graduated with Honours in Psychology with a Minor in Cultural Literacies. Shane has worked as an Organiser and Student Development Officer for the Association of Professional Engineers, Scientists and Managers Australia where he was involved in contract negotiation,

workplace dispute resolution and lecturing on Industrial Relations and Job Seeking. Shane is currently a Freedom of Information Coordinator with the Department of the Premier and Cabinet, where he has worked for the last six years. Shane is responsible for processing FOI applications made to the Department, the Office of the Premier and all WA Ministers as well as providing FOI briefings, education and advice to all Ministerial and Departmental staff.

Megan Ashford, State Solicitor's Office

Megan Ashford commenced articles at the State Solicitor's Office in 2007 and practices within the Office's specialist advising team. A large portion of her practice is in relation to access to information matters and she presently supervises the Office's 'FOI Team'.

Gregory Stockton, State Solicitor's Office

Gregory Stockton commenced articles at the State Solicitor's Office in 2015 having previously spent a year at the Supreme Court of Western Australia as a judge's associate. He has wide practice within the Office, including matters related to access to information.

Helen Stanley, FOI Coordinator, Royal Perth Hospital

Helen Stanley commenced employment at Royal Perth Hospital in 1988 in Health Record Management Service. Helen transferred to FOI in 2002 and was appointed RPH FOI Coordinator in 2005. Helen is also on the Information Commissioner's FOI Reference Group.

Nicole Xanthis, FOI Coordinator, Department of the Premier and Cabinet

Nicole Xanthis has 10 years of FOI experience. Currently, Nicole is FOI Coordinator for the Department of Premier and Cabinet (**DPC**) processing Freedom of Information applications made to all Ministerial Offices, the Office of the Premier and DPC. Nicole commenced with DPC when the FOI Unit was first established in 2012, prior to that she worked in the former Department of Environment for 12 years, 5 of those years as the FOI Coordinator.

Biljana Sijan, Assistant FOI Coordinator, Department of the Premier and Cabinet

Biljana Sijan has been employed in State Government since 2011. Biljana has previously worked for the Office of the Environmental Protection Authority as an FOI Coordinator where she was responsible for managing all FOI applications made to that agency. In 2014 Biljana joined the Department of the Premier and Cabinet (**DPC**) Freedom of Information Unit as an Assistant Freedom of Information Coordinator. Biljana assists in the administration of FOI applications made to all Ministerial Offices, the Office of the Premier and DPC. Biljana is also responsible for providing advice and assistance on FOI matters and the practicalities of processing applications to Ministerial and Departmental staff. FOI has been a focal point of her working life and Biljana remains interested and engaged in all aspects of FOI management.

David Paice, Manager, FOI, Department of the Premier and Cabinet

David Paice has 18 years' experience in dealing with FOI matters and has been the Manager, Freedom of Information for the Department of the Premier and Cabinet since 2003. David was instrumental in the establishment of the Department's Freedom of the Information Unit which was established in 2012 and now processes FOI Applications for the Department and all 17 Ministerial Offices.

Julie De Jong, Executive Director, Strategic Projects, Resources, Titles and Compliance, Department of Mines, Industry Regulation and Safety

Julie de Jong joined the Department in September 2014 as the Executive Director of the Strategic Projects Division. Julie was previously the Executive Director for the Industry, Science and Innovation Division within the Department of Commerce.

In her current role, Julie is leading a number of transformation projects, including high-level integration across the Department and increasing the capacity for online transactions with customers in line with the State Government's Digital WA strategy.

Office of the Information Commissioner presenters

Su Lloyd, Principal Legal Officer

Elyse Loughton, Paralegal Officer

Rachel Crute, A/Senior Legal Officer

Alison McCubbin, Legal Officer

Vivien Akerstrom, Investigations Officer

Tony Pruyn, Complaints Manager

Kathy Clark, Legal Officer

Thank you

Today's conference would not have been possible without the cooperation and assistance of many people.

Thank you to our panelists and presenters for their contributions to the day.

Thank you to the Steering committee who have met regularly for over six months to bring the program together:

Alice Jordan-Keane, Fiona Stanley Hospital

Tracey Manton, MainRoads WA

Linda Roberts, Department of Transport

Shane Sanders, Department of the Premier and Cabinet

Louise Simpson, Department of Communities

Helen Stanley, Royal Perth Hospital

Nicole Xanthis, Department of the Premier and Cabinet

Michelle Fitzgerald, Office of the Information Commissioner

Kim Bracknell, Office of the Information Commissioner

Alison McCubbin, Office of the Information Commissioner

A special thank you to Fiona Stanley Hospital for hosting us in their wonderful new facility. Thank you to **Marija Garac** for her tireless effort on the room bookings at FSH. Thank you to **Cathy Shaw**, Manager Medico Legal Services, FSH for the support provided for the organisation of the conference. Thank you to the **Fiona Stanley Hospital volunteers**, their coordinator **David Tomlinson** and to **Tundra Pickett** for assistance in preparing for the conference and for helping on the day.

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