

Freedom Of Information

INFORMATION COMMISSIONER
WESTERN AUSTRALIA
ANNUAL REPORT TO THE
PARLIAMENT 2005/06





OFFICE OF THE
INFORMATION COMMISSIONER

DEAR MR PRESIDENT
DEAR MR SPEAKER

In accordance with the provisions of the *Financial Administration and Audit Act 1985* and the *Freedom of Information Act 1992*, I submit my report for the year ended 30 June 2006 which has been prepared in compliance with the provisions and reporting requirements of both Acts.

A handwritten signature in blue ink that reads 'Daryl Wookey'.

D A WOOKEY
A/INFORMATION COMMISSIONER
28 September 2006

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FOREWORD

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FOREWORD



Darryl Wookey

Despite some negative publicity in recent times concerning the effectiveness or otherwise of the *Freedom of Information Act 1992* ('the FOI Act'), the statistics in this, the 13th Annual Report of the Information Commissioner to the Parliament on the operation of the FOI Act in Western Australia, suggest that in Western Australia the legislation is being used and is working reasonably well.

While the number of applications to government agencies has increased steadily from 3339 at the end of the first full financial year of operation of the FOI Act (1994/95) to 9624 in the 2005/06 financial year, the percentage of applications decided by agencies which have resulted in a complaint to the Information Commissioner has steadily

decreased, from approximately 4% in 1994/95 to only 1.35% in 2005/06. Consistent with previous years, only 9% of decisions made by agencies on access applications in the reporting period were to refuse access. 30% were to give access to edited copies of documents and 61% of decisions made by agencies were to give access in full. Access, in some form, was given by agencies in response to approximately 91% of all access applications dealt with.

Although the FOI Act is from time to time criticized for being overly-bureaucratic – and in some instances it is not administered as effectively or efficiently as it should be by agencies – many of the processes built into the Act are designed to protect essential public interests. The public interest in the openness and accountability of government is, of course, a significant one and one that the FOI Act is designed to further. However, there are other public interests that must be taken into account when dealing with applications for access to documents other than documents containing only personal information about the applicant. For example, the protection of the personal privacy of other people about whom government-held documents may contain information is also a significant public interest. The FOI Act is designed to call government to account, not to call private individuals to account or unnecessarily intrude upon their privacy unless an overwhelming public interest calls for it. Similarly, the public interest in the efficient and effective operation of government is a strong one, to be balanced against the public interest in openness and accountability.

Although FOI legislation in Australia may have its shortcomings, it is difficult to envisage a much simpler regime that would protect the competing public interests as well as promoting openness and accountability of government. What is often not recognized by critics of the legislation is that, since its introduction in 1993, there has also been a significant amount of policy development undertaken in agencies, as a result of which significantly more information than was available prior to the operation of the legislation is now made routinely available without the need for an application under the FOI Act. My office continues to promote and encourage ongoing policy development of that nature, to avoid the unnecessary complications that arise when dealing with applications for certain kinds of information under the FOI Act. Some agencies are more easily encouraged in this regard than others.

Of course, there continue to be instances in which agencies do not discharge their duties under the FOI Act as they should. One particular complaint dealt with this year, in which I formed the opinion that there was evidence that an officer of an agency had been guilty of a breach of duty in the administration of the FOI Act, is reported on in the section of this report dealing with *External Review*. I consider the publication of the outcome of such matters and my formal decisions on

complaints to be an important tool in not only bringing agencies to account for the manner in which they deal with applications under the FOI Act but also in educating agencies and members of the public as to their respective responsibilities and rights under the legislation.

A project was also commenced in the reporting period to ascertain the current level of compliance by agencies with the requirement in the FOI Act that they publish up-to-date information statements annually, to assist agencies to ensure that they are complying with that requirement. The overarching purpose of the project is to ensure that the FOI Act's objects of enabling the public to participate more effectively in governing the State and making the persons and bodies that are responsible for State and local government more accountable to the public are being furthered by the provision of comprehensive up-to-date information about the structure, operations and accessibility of agencies. The results of the first stage of that project are reported on in the section of this report dealing with *Advice and Awareness*.

As I reported in my last two annual reports, I was first appointed Acting Information Commissioner in November 2003 for a period of up to 12 months pending legislation to give the office responsibilities under a proposed new privacy law and to amalgamate the office with that of the Ombudsman. I have since been appointed to two further 12 month terms as Acting Information Commissioner and the proposed legislation has not yet been introduced into the Parliament. I understand, however, that it is imminent. As I have also indicated in my previous annual reports, it is to be hoped that the proposal will ensure the retention of the features of this office which have resulted in it being recognized nationally and internationally as a preferred model for efficient, effective, inexpensive, timely and accessible external review of FOI decisions, and I look forward to the opportunity to comment on the draft legislation.

As was reported in the press during the year the Salaries and Allowances Tribunal, without notice and without giving reasons, chose to downgrade the classification of the office (and two other independent accountability offices) during the reporting period. As was reported by a number of commentators, it does not augur well for the preservation of the independence and effectiveness of the accountability offices of this State, which are designed to be independent of the executive government, and raises questions about the appropriateness of the classification of such positions being dealt with in the same way as those of chief executive officers of government departments and other officers of the executive government, in part on advice from the executive and without the input of the Parliament, to whom the accountability officers report directly.

In terms of the work of the office this year, my dedicated and experienced staff of 9 officers continue to maintain high levels of effectiveness and efficiency in both the external review and advisory services delivered throughout the year. Pleasingly, the percentage of complaints resolved by conciliation further increased from 66% last year to 72% this year. The level of satisfaction of agencies with the advice and guidance provided was, consistent with previous years, 98% and the satisfaction of parties to complaints with the external review process was maintained at 85%.

It is to their credit that this high standard of performance by the staff of the office has been maintained throughout 3 years of uncertainty as to the future of the office and I thank them for their efforts.

Once again, we look forward to the challenges of the year ahead.

AGENCIES OVERVIEW

OVERVIEW OF APPLICATIONS DEALT WITH BY AGENCIES

Section 111 of the FOI Act requires that the Information Commissioner's annual report to the Parliament include certain specified information relating to the number and nature of applications under the FOI Act dealt with by agencies during the year. To enable that to occur, agencies are also required by s.111 to provide the Information Commissioner with the specified information. That information for 2005/06 is set out in detail in the statistical tables at the end of this report. The following is an overview.

The primary responsibility for making decisions on FOI applications and otherwise giving effect to the provisions of the FOI Act rests with agencies. Applications under the FOI Act are made in the first instance to the government agency holding or likely to hold the document sought, and the agency must deal with and decide the application. As can be seen from a review of previous annual reports of the Information Commissioner, the number of access applications made to agencies under the FOI Act has steadily increased, from 3323 at the end of the first full financial year of operation of the FOI Act (1994/95) to 9591 in the year under review. That represents an increase of approximately 188% in 11 years from 1995 and 10% from last year (8697).

From the statistical tables at the end of this report, it can be seen that, as in recent previous years, the Police Force of Western Australia received the highest number of applications made to a single agency (1543—an increase of 6.5% from last year), with the next highest being received by Royal Perth Hospital (1121—a very slight decrease of about 1.25% from last year) and Sir Charles Gairdner Hospital (1005—an increase of about 17%) respectively, and another 2846 in total received by various other health service providers (hospitals, health services and the Department of Health).

The very low amount of application fees and charges collected by the health services (for example, a total of \$210.00 in applications fees - i.e. seven application fees - and only \$124 in additional charges collected by Royal Perth Hospital) suggests that the vast majority of access applications to that agency is, as in previous years, for personal information - for example, medical records - about the access applicant, for which no application fee or other charge is payable.

Of the 9591 applications received by agencies in 2005/06, 418 (just over 4%) were received by local government agencies and 9173 (96%) by State Government agencies. Of the local government agencies, the City of Melville received the highest number of applications (29), followed by the City of Joondalup and the City of Stirling (each with 26), the City of Wanneroo (22) and the City of Perth (20). A number of the small country local Government agencies reported having received none or one.

Of the applications made to State Government agencies, 98 were made to Ministers, almost double the number made to Ministers last year. As was the case last year, the Minister receiving the highest number of applications was the Minister for Planning and Infrastructure (19), with the next highest being the Attorney General; Minister for Health; Electoral Affairs (12). The Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation and the Minister for Education and Training received 11 and 10 applications respectively. Of the decisions on access made by Ministers in the reporting period, 20 (30%) were to give full access; 36 (55%) were to give access to edited copies of documents; and 10 (15%) were to refuse access. The exemptions claimed by Ministers were 7 x clause 1 (Cabinet and Executive Council documents); 40 x clause 3 (personal information); 11 x clause 4 (commercial or business information of private persons); 3 x clause 6 (deliberative process of government); and 6 x clause 7 (legal professional privilege).

The statistical tables also reveal that 8767 decisions on access applications were made by agencies

under the FOI Act in 2005/06. Of those decisions made, 60.8% resulted in the applicant being given access in full to the documents sought; 29.7% resulted in the applicant being given access to edited copies of the documents sought; and just over 0.2% resulted in either access being given but deferred, or being given in accordance with s.28 of the FOI Act (by way of an approved medical practitioner). Those figures indicate that approximately 90.8% of the 8767 decisions made by agencies on FOI applications were to the effect that access in some form was given. Only 9.2% of the decisions made were to refuse access. That is consistent with the similar statistics for the previous year.

Also consistent with previous years, the exemption clause most frequently claimed by agencies was clause 3, which exempts from disclosure personal information about individuals other than the applicant. That clause was claimed 2425 times in the year under review. The next most frequently claimed exemptions were: clause 4, which relates to certain commercial or business information of private individuals and organisations (126 times); clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of legal professional privilege (122 times); and clause 6, which relates to the deliberative processes of government (103 times). The 2004 amendment to clause 5, which relates to law enforcement, public safety and property security, resulted in a significant decrease in the use of this exemption from 170 times in the previous reporting period to 90 in this period. Prior to the amendment, clause 5(1)(b) exempted from disclosure documents that would reveal the investigation of a contravention or possible contravention of the law in a particular case. The amendment was to delete the words “reveal the” and replace them with “prejudice an”. The effect of that is that, to establish the exemption, an agency must now be able to show that disclosure could reasonably be expected to cause some harm to an investigation.

Agencies received 155 applications for internal review of decisions relating to access applications during 2005/06. This represents about 2% of all decisions made and about 19% of decisions made to refuse access. In the year under review 148 applications for internal review were dealt with. The decision under review was confirmed on 111 occasions, varied on 29 occasions, reversed on three occasions and the application for internal review was withdrawn on 5 occasions. Thirty three applications for amendment of personal information were made to agencies during the year. Thirty two such applications were dealt with, resulting in personal information being amended on one occasion, not amended on twenty six occasions and amended, but not as requested, on three occasions. The six reported applications for internal review of decisions relating to the amendment of personal information resulted in the initial decision being confirmed on five occasions and varied on one occasion.

Figures 1-4 on the following page illustrate the performance of agencies in respect of FOI in the year under review. The number of applications decided by agencies increased, as did the number of occasions on which full access was given. As it did last year, the average time taken by agencies to deal with access applications (app. 27 days) increased, by approximately six days, from the previous year, but is still well within the maximum period of 45 days permitted by the FOI Act. It does not appear to be a significant increase, given the increase in the number of access applications being dealt with, but, as I indicated in my last two annual reports, my office will continue to monitor it. The average amount of charges imposed by agencies for dealing with access applications decreased in comparison with the previous year.

Although the conclusions that can be drawn from statistics such as these are limited, in my view these figures are a positive indicator that, overall, agencies are giving effect to the FOI Act in the manner in which it was intended to operate. Of course, there continue to be particular instances where that is not the case, and it is the ongoing goal of my office, both through the external review of complaints and through our advisory and educational activities, to ensure these positive trends continue and that problem areas are identified and addressed.

FIGURE 1

Number of Applications Decided—All Agencies

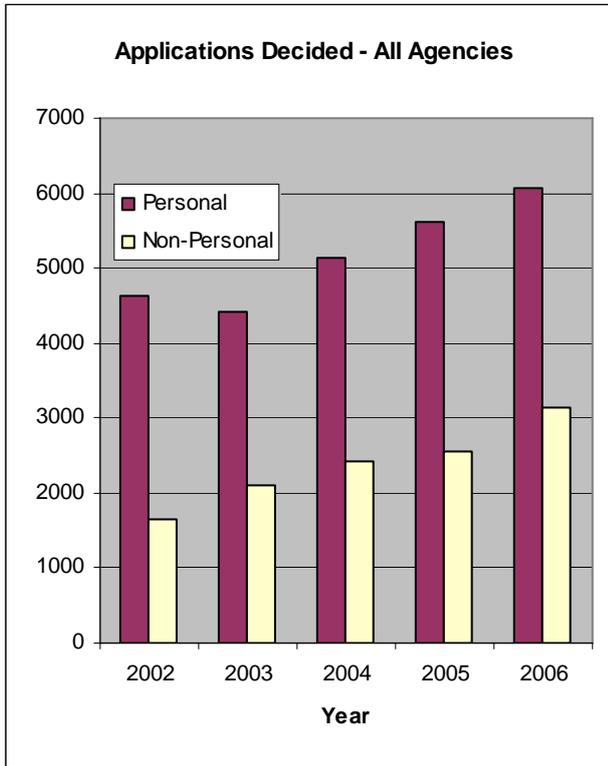


FIGURE 2

Average Days Taken to Deal with Applications – All Agencies

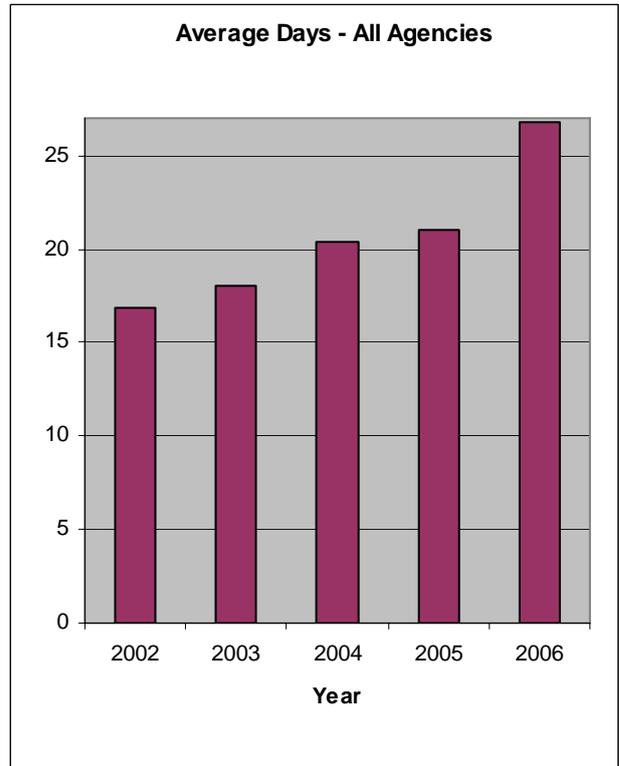


FIGURE 3

Average Charges Imposed —All Agencies (\$)

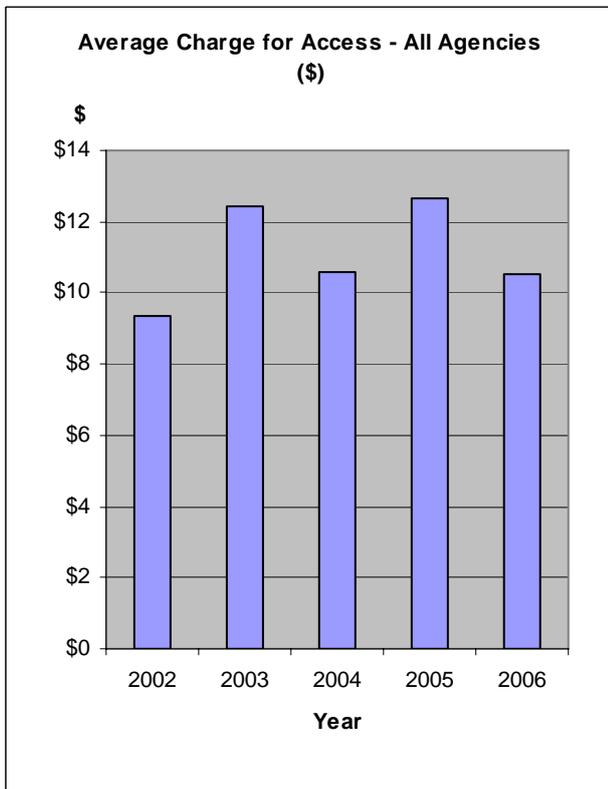
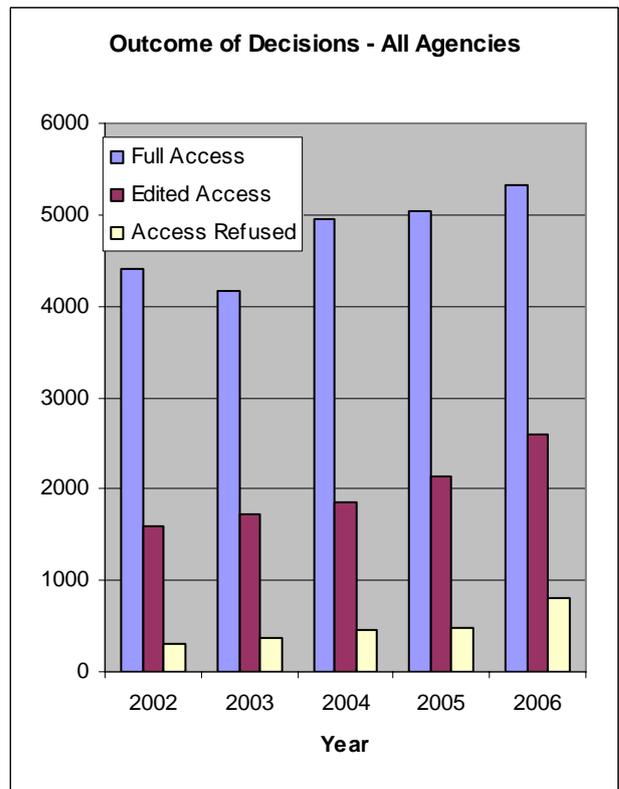


FIGURE 4

Outcome of Decisions—All Agencies



REPORT ON OPERATIONS

LEGISLATION AND MISSION STATEMENT

The office of Information Commissioner is established by s.55(1) of the the FOI Act and the occupant is directly accountable to Parliament for the performance of the functions prescribed by the FOI Act. The office is independent of executive government and reports directly to the Parliament and not to, or through, a Government Minister. The Acting Information Commissioner is appointed under s.59(1) by the Governor and is empowered to exercise all the functions of the Information Commissioner. The Attorney General is the Minister responsible for the legislation in the Parliament, but has no role under the legislation.

The main function of the office is to provide independent external review of agencies’ decisions by dealing with complaints about decisions made by agencies under the FOI Act. Other responsibilities prescribed by the FOI Act include:

- (i) ensuring that agencies are aware of their responsibilities under the FOI Act [s.63(2)(d)];
- (ii) ensuring members of the public are aware of the FOI Act and their rights under it [s.63(2)(e)];
- (iii) providing assistance to members of the public and agencies on matters relevant to the FOI Act [s.63(2)(f)]; and
- (iv) recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act be achieved [s.111(4)].

The Mission Statement and desired outcome reflect the functions and the broad ideals of openness, accountability and responsibility behind the FOI legislation.

MISSION
Public understanding and confidence in the decision-making process of government agencies through access to relevant information

DESIRED OUTCOME

The primary desired outcome is access to documents and observance of processes in accordance with the *Freedom of Information Act 1992*.

The Office of the Information Commissioner provides an FOI complaint mechanism and advisory service which is independent, objective and fair, and which balances the competing needs of applicants, agencies and Parliament, subject to the requirements and processes prescribed in the FOI Act. The Information Commissioner has a statutory duty to undertake these functions and the office accordingly has two service teams – Resolution of Complaints (External Review) and Advice and Awareness.

The following principles or values are part of the corporate philosophy of the office.

- Being accepted by participants as an independent and impartial review authority.
- Being recognised by agencies as a model of “best practice” for the FOI complaint review process.
- Serving as an example to agencies of accountability and responsibility.

RELEVANT LEGISLATION

Freedom of Information Act 1992
Freedom of Information Regulations 1993

CONTACT DETAILS

Address: 12th floor, St Martin’s Tower Telephone: (08) 9220 7888
 44 St George’s Terrace 1800 62 1244 (Free call for
 PERTH WA 6000 WA Country regions)
 Postal Address: PO Box Z5386 Facsimile: (08) 9325 2152
 St George’s Terrace E-mail: info@foi.wa.gov.au
 PERTH WA 6831 Home Page: http://www.foi.wa.gov.au

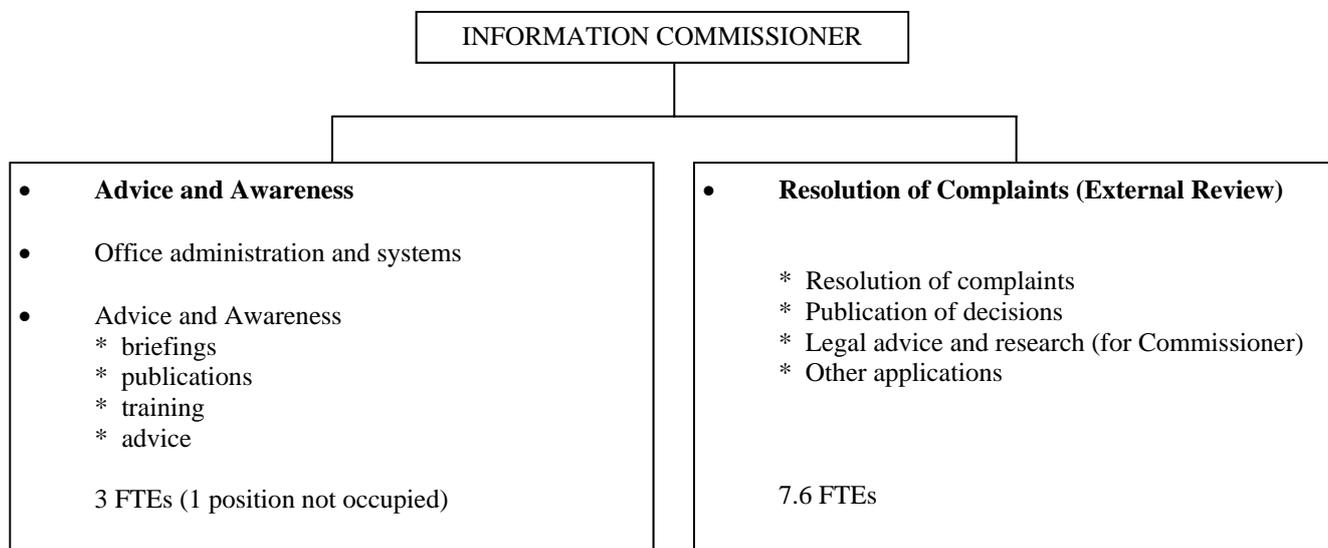
STAFF

Staff are appointed to assist me and new appointees must take an oath or affirmation, administered by me, prior to commencing their duties. The office structure is based on two separate teams, *Advice and Awareness* and *Resolution of Complaints (External Review)*, which ensures that the independence and integrity of the external review process is maintained.



Back row L to R: Rachel Crute, Legal Officer (Research and Investigations); Darryl Wookey, A/Information Commissioner; Vivien Hillyard, Investigations Officer; Tony Pruyn, Senior Investigations Officer; Kim Bracknell, Information Services Manager;
Front row L to R: Michelle Painter, Administrative Assistant; Grace Grandia, Advisory/Projects Officer; Sylvie de Laroche, Personal Assistant; Tim Kennedy, Senior Legal Officer; Anne Marshall, Legal Officer.

OFFICE STRUCTURE



EXTERNAL REVIEW

The *Resolution of Complaints (External Review)* team deals with complaints lodged by access applicants, applicants for amendment of personal information and third parties seeking external review of decisions made by agencies under the FOI Act. The external review team also deals with applications made under ss.13(4) (reduction of time), 13(5) (extension of time), 35(1) (waiver of requirement to consult), 66(4) (lodge a complaint out of time) and 66(6) (lodge a complaint where no internal review) of the FOI Act.

The process under the FOI Act is that a written application must be made to the agency holding - or likely to hold - the documents sought. The agency must deal with the application in accordance with the FOI Act and give the applicant (and in some cases third parties) written notice of its decision - and if access is refused, reasons - within a maximum of 45 days. If the applicant or a defined third party is dissatisfied with the agency's decision, he or she may apply to the agency for internal review of the decision. An officer of the agency who is not subordinate to the original decision-maker must deal with the review application and give the applicant written notice of its decision and reasons, if necessary, within a maximum of 15 days.

Generally it is only after having gone through that process that a complainant or third party who remains dissatisfied with the agency's decision can make a complaint to the Information Commissioner. The role of the Information Commissioner is to conduct a full merits review of the agency's decision. Following that review the Information Commissioner can decide to confirm, vary or set aside the agency's decision and substitute it with the Information Commissioner's decision. The Information Commissioner's decision is binding on the parties, subject only to a right of appeal to the Supreme Court on a question of law.

The emphasis in the external review process, however, is on informal resolution processes such as conciliation and negotiation where appropriate and, where conciliation cannot be achieved, the determinative function, which involves more formal processes, is undertaken. The external review process is intended to be speedy, accessible and informal where possible and practicable. It is the policy of the office to avoid, where possible, too technical an approach to external review, whilst recognizing that it is necessary and desirable for the external review process to conform to the statutory requirements of the FOI Act, the principles of administrative law and accepted professional standards of practice in merit review.

Accordingly, every member of the external review team has been given broad delegated authority by the Information Commissioner, to enable team members to manage and deal with complaints assigned to them, having regard to the nature of each complaint, the issues in dispute between the parties and an initial assessment as to whether there are real prospects that a particular complaint may be resolved through negotiation and conciliation. That delegation empowers external review team members to determine the procedure to be followed in dealing with each complaint, with a view to achieving a conciliated outcome. The procedures followed by members of the team during the negotiation and conciliation process are necessarily flexible. For example, in most complaints, conciliation will be pursued through face to face meetings and discussions, usually with officers of the relevant agency in the first instance and then with the complainant. In other complaints - for example, where one or more of the parties resides at significant distance from the metropolitan area - the procedure adopted will include telephone discussions and correspondence with the parties as well as inviting the parties to provide written submissions, outlining their respective positions on a complaint. Submissions are usually exchanged between the parties, in order to clearly clarify and narrow the issues in dispute between the parties and to give each an opportunity to respond to the other's case.

As was reported in last year’s annual report, the measures by which we assess our performance and record and report on our work were reviewed in that year to more accurately reflect the nature of the matters dealt with. The way in which the applications received by the office are classified and the method by which we calculate some of our performance indicators are explained in more detail in the “Performance Indicators” section of this report.

As noted in last year’s annual report, a number of applications that were in the past included in the figures for “complaints” received and dealt with were more properly classified requests for advice or were misdirected access applications. Those are now separately identified; they are not included in the numbers of complaints received and dealt with and are reported on as part of the Advice and Awareness service.

The fact that the total number of complaints (including the informal/invalid complaints) lodged with my office against decisions of agencies was 135 means that only 1.35% of all access applications and applications for amendment dealt with by agencies under the FOI Act (8799) in the reporting period resulted in complaints being lodged with my office.

In my last annual report, I noted that an unusual feature of the 2004/2005 reporting period was that almost one quarter of the total number of valid complaints made to my office in that reporting period were lodged by seven complainants and that, in most of those cases, the second or third complaints received by my office were in relation to successive access applications made to the same agency by the same complainant. In this reporting period, almost nineteen percent of the valid complaints to my office were lodged by four complainants.

EXTERNAL REVIEW APPLICATIONS AND OTHER APPLICATIONS

A total of 154 applications, composed of 135 external review applications (including 28 informal/invalid complaints) and 19 other kinds of applications under the FOI Act were received in 2005/2006. Table 1 shows the kinds of applications received.

TABLE 1: APPLICATIONS RECEIVED BY THE INFORMATION COMMISSIONER

APPLICATIONS FOR EXTERNAL REVIEW	NUMBER
Complaints (including informal/invalid)	135
Section 66(6) applications (No internal review)	7
Section 66(4) applications (Out of time)	5
Sections 66(4) and 66(6) applications	2
Section 35(1): Waiver of requirement to consult	1
Section 13(4): Applications for reduction of time	3
Section 13(5): Applications for extension of time	1
TOTAL	154

COMPLAINTS

Complaints may be made in respect of an agency’s decision to:

- refuse access to documents;
- give access to documents;
- give access to edited copies of documents;
- refuse to deal with access applications;
- defer giving access to documents;
- apply section 28 of the FOI Act;
- impose a charge or require the payment of a deposit; or
- not to amend personal information or make a notation as requested.

The 28 informal/invalid complaints received included, for example, matters in which the complainant endeavoured to lodge his or her complaint with me out of time or without first seeking internal review from the relevant agency, or the complaint was about the manner in which an agency had processed or dealt with the complainant's access application or application for amendment, but was not a complaint about a decision of a kind set out in s.65(1) or s.65(3) of the FOI Act.

Table 2 shows a summary of complaints received by agency type.

TABLE 2: COMPLAINTS RECEIVED (BY AGENCY TYPE)

AGENCY TYPE	COMPLAINTS		INVALID		TOTAL	
	No.	%	No.	%	No.	%
State	80		21		101	75
Minister	2		0		2	1.5
Local	25		5		30	22
Other	0		2		2	1.5
TOTAL	107	79	28	21	135	100

Table 3 details the number of complaints received in 2005/06 and the agencies concerned.

TABLE 3: COMPLAINTS RECEIVED

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Minister for Health	1		1	Corrective Services, Department of	5		5
Augusta-Margaret River, Shire of	2	1	3	Cottesloe, Town of	1		1
Bayswater, City of	2		2	Curtin University of Technology	1		1
Belmont, City of	1		1	Edith Cowan University	3	3	6
Bentley Health Service	2	1	3	Education, Department of		1	1
Bunbury, City of		1	1	Education and Training, Department of	8	1	9
Cambridge, Town of	4		4	Environment, Department of	1		1
Canning, Town of	2	1	3	Fremantle Hospital and Health Service	1	1	2
Claremont, Town of		1	1	Graylands Selby-Lemnos and Special Care Health Service	1		1
Community Development, Department for		1	1	Guardianship and Administration Board		1	1
Consumer and Employment Protection, Department of	4	1	5	Health, Department of	1		1

TABLE 3: COMPLAINTS RECEIVED (cont...)

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Heritage Council of Western Australia	1		1	Police Force of Western Australia	11	4	14
Housing and Works, Department of	2	1	3	Premier and Cabinet, Department of the	2		2
Industry and Resources, Department of	5		5	Public Sector Standards Commissioner, Office of the	1		1
Insurance Commission of Western Australia	1		1	Public Transport Authority, Office of the	1		1
Joondalup, City of	1		1	Public Trust Office	1	1	2
Justice, Department of	2	1	3	Rockingham, City of	1		1
Kimberley Health Region	1		1	Royal Perth Hospital	3	2	5
King Edward Memorial and Princess Margaret Hospitals	1		1	Salaries and Allowances Tribunal	1		1
Kwinana, Town of	1		1	Serpentine/Jarrahdale, Shire of	1		1
Land Authority (Landcorp), Western Australian	4		4	South Perth, City of	2		2
Legal Aid Western Australia	1		1	State Administrative Tribunal	1	1	2
Local Government and Regional Development, Department of	1		1	Swan, City of	1		1
Medical Board of Western Australia	1		1	Swan Health Service	1		1
Melville, City of	2		2	University of Western Australia	2	1	3
Minister for Planning and Infrastructure	1		1	Victoria Park, Town of		1	1
Murdoch University	1		1	Vincent, Town of	2		2
North Metropolitan Area Health Service	1		1	Wanneroo, City of	1		1
Perth, City of	1		1	Water Corporation	1		1
Pilbara and Gascoyne Health Region	1		1	Worksafe Western Australia	1		1
Planning and Infrastructure, Department for	4		4	Unknown Agency		2	2
				TOTAL	107	28	135

OTHER APPLICATIONS

Other applications received fell into the following categories:

- by applicants or third parties seeking to lodge complaints out of time, pursuant to section 66(4) of the FOI Act or without internal review, pursuant to section 66(6), or both;
- by agencies for waiver of the requirement to consult with third parties when processing an application, pursuant to section 35(1); and
- by applicants seeking a reduction of the permitted period of 45 days within which an agency must deal with an application (s.13(4)) and by agencies seeking an extension of the permitted period (s.13(5)).

Nineteen such applications were received in 2005/06, six less than the number of such applications received in the previous reporting period.

Table 4 gives a detailed breakdown of these applications and the agencies concerned.

TABLE 4: OTHER APPLICATIONS RECEIVED

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	BOTH s.66(4) & s.66(6)	WAIVER OF REQ'MENT TO CONSULT s.35(1)	REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5)	TOTAL
Bunbury, City of						1	1
Cambridge, Town of	1				1		2
Consumer and Employment Protection, Department of		1					1
Disability Services Commission		1					1
Edith Cowan University					1		1
Health, Department of	1						1
Justice, Department of		2					2
Local Government and Regional Development, Department of			1				1
Minister for Housing and Works; Consumer Protection; Heritage, Land Information	1						1
Planning and Infrastructure, Department for					1		1
Police Force of Western Australia	2	1					3
Premier and Cabinet, Department of the				1			1
University of Western Australia			1				1
Vincent, Town of		1					1
Water Corporation		1					1
TOTAL	5	7	2	1	3	1	19

EXTERNAL REVIEW OUTCOMES

A total of 169 applications, made up of 148 complaints (including informal/invalid complaints) and 21 other applications were finalised during the year. Table 5 gives details of the types of applications dealt with in the 2005/2006 reporting period.

TABLE 5: APPLICATIONS DEALT WITH

TYPE OF APPLICATION	NUMBER
Complaints (including informal/invalid)	148
Section 66(4) Out of time	5
Section 66(6) No internal review	8
Both Section 66(4) and (6)	3
Application for reduction of time	3
Application for extension of time	1
Application for waiver of requirement to consult	1
TOTAL	169

Table 6 shows a summary of the outcomes of complaints finalised during the year, by agency category.

TABLE 6: OUTCOME OF COMPLAINTS FINALISED (BY AGENCY CATEGORY)

AGENCY TYPE	CONCILIATED		PUBLISHED DECISION		DECLINED		TOTAL	
	No.	%	No.	%	No.	%	No.	%
State	61	54.0	22	19.5	30	26.5	113	76.4
Minister	2	100.0	0	0.0	0	0.0	2	1.3
Local	23	74.2	3	9.7	5	16.1	31	21.0
Other	0	0.0	0	0.0	2	100.0	2	1.3
Total	86	58.1	25	18.8	37	25.0	148	100

It can also be seen from Table 6 that only 19.5% of complaints concerning decisions of State Government agencies and 9.7% of complaints concerning decisions of local government agencies required resolution by way of a formal decision. Resolution by conciliation was achieved in 54% of complaints concerning State Government agencies' decisions, 74.2% of complaints concerning local government agencies' decisions and 100% of complaints concerning decisions by Ministers.

Tables 7 and 8 show details of the outcomes of the complaints dealt with during the year.

A total of 148 complaints (including 28 informal/invalid complaints) were finalised in the 2005/2006 reporting period. Of the 120 formal complaints, as defined in the FOI Act, that were finalised in the 2005/2006 reporting period, 25 proceeded to a published decision. The agency's decision was confirmed on 21 occasions; varied on 2 occasions; and set aside and substituted on 2 occasions.

Eighty six (58.1%) of the valid complaints resolved in the 2005/2006 reporting period were resolved by conciliation without the need for a formal decision. Thirty five complaints (including the twenty informal/invalid complaints) were declined under s.67(1)(a) of the FOI Act (no jurisdiction) and two complaints were declined under s.67(1)(b) of the FOI Act (lacking in substance).

TABLE 7: OUTCOME OF COMPLAINTS FINALISED

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b))*	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Acacia Prison	1					1
Augusta-Margaret River, Shire of	2				1	3
Bayswater, City of	1					1
Belmont, City of	1					1
Bentley Health Service	2				1	3
Bunbury, City of					1	1
Cambridge, Town of	1					1
Canning, City of	2				1	3
Claremont, Town of		1			1	2
Community Development, Department for					1	1
Consumer and Employment Protection, Department of	3	1			2	6

TABLE 7: OUTCOME OF COMPLAINTS FINALISED (cont...)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b))*	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Corrective Services, Department of	3					3
Curtin University of Technology	2					2
Deputy Premier; Treasurer; Minister for Energy	1					1
Edith Cowan University	2	1			4	7
Education, Department of					1	1
Education and Training, Department of	5	2			1	8
Environment, Department of	1	1				2
Fremantle Hospital and Health Service					1	1
Graylands Selby-Lemnos and Special Care Health Service	1					1
Guardianship and Administration Board					1	1
Health, Department of	1					1
Housing and Works, Department of	4				2	6
Industrial Relations Commission	1					1
Industry and Resources, Department of	2					2
Insurance Commission of Western Australia	2					2
Joondalup, City of	3	1			1	5
Justice, Department of	2				2	4
Kimberley Development Commission		1				1
Kwinana, Town of	1					1
Land Authority (Landcorp), Western Australian	5					5
Legal Aid Western Australia	1					1
Local Government and Regional Development, Department of	1					1
Melville, City of	1					1
Minister for Health	1					1
Minister for Planning and Infrastructure	1					1
Murdoch University	2					2
North Metropolitan Health Service	1					1
Pilbara and Gascoyne Health Region	1					1
Planning and Infrastructure, Department for	1	1			1	3
Police Force of Western Australia	7	4			6	17
Premier and Cabinet, Department of the	1	2				3
Public Sector Standards Commissioner, Office of the	2					2

TABLE 7: OUTCOME OF COMPLAINTS FINALISED (cont...)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) & s.67(1)(b) * *	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Public Trust Office		1			1	2
Rockingham, City of	1		1			2
Royal Perth Hospital	2				2	4
Serpentine-Jarrahdale, Shire of	1					1
South Perth, City of	3					3
State Administrative Tribunal		2			1	3
Stirling, City of	2					2
Swan, City of	1	1				2
Swan Health Service	1					1
University of Western Australia					1	1
Victoria Park, Town of					1	1
Vincent, Town of	2					2
Wanneroo, City of	1					1
Water Corporation	2	2			1	5
Western Power Corporation			1	2		3
Worksafe Western Australia	1					1
Unknown Agency					2	2
TOTAL	86	21	2	2	37	148

*** The Information Commissioner does not deal with a complaint if it is outside jurisdiction and may not deal with it if it is frivolous, vexatious, misconceived or lacking in substance (section 67 of the Act).*

TABLE 8: PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0152005	Seven Network (Operations) Ltd	Western Power Corporation	09/08/2005
D0162005	Totino	Police Force of Western Australia	27/09/2005
D0172005	Post Newspapers Pty Ltd	Claremont, Town of	21/10/2005
D0182005	Campbell	Police Force of Western Australia	31/10/2005
D0192005	Mallet	Edith Cowan University	07/11/2005
D0202005*	Lee	Education and Training, Department of	28/11/2005
D0012006	Smithson Planning	Planning and Infrastructure, Department for	19/01/2006
D0022006	McDonald	Joondalup, City of	27/01/2006
D0032006	Mossenson and Others	Kimberley Development Commission	16/02/2006
D0042006	Carson	Swan, City of	17/02/2006
D0052006	Mossenson and Others	Premier and Cabinet, Department of the	20/02/2006

TABLE 8: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0062006	Byrnes	Environment, Department of and Ross James Sheridan	15/03/2006
D0072006	Conservation Council of Western Australia (Inc)	Western Power Corporation	31/03/2006
D0082006	Edwards	Public Trust Office	04/04/2006
D0092006	Bartucciotto	State Administrative Tribunal	13/04/2006
D0102006	West Australian Newspapers Limited	Western Power Corporation	19/05/2006
D0112006	Campbell	Police Force of Western Australia	09/06/2006
D0122006	Zurich Bay Holdings Pty Ltd	Rockingham, City of and Malavoca Pty Ltd	12/06/2006
D0132006	Barndon	Police Force of Western Australia	16/06/2006
D0142006	Ivanus	Premier and Cabinet, Department of the	21/06/2006
D0152006	Sideris	State Administrative Tribunal	27/06/2006
D0162006	Viatores cum Christo Inc	Consumer and Employment Protection, Department of	29/06/2006
D0172006*	Poprzeczny and Simmonds	Water Corporation	30/06/2006

* Please note that two applications were decided by each of decisions D0202005 and D0172006

OTHER MATTERS

There were 21 other applications finalised this year. They were applications to make a complaint out of time (s.66(4)) or where internal review had not been applied for or had not been completed (s.66(6)); applications for waiver of the requirement to consult third parties (s.35(1)); applications for a reduction of the permitted time for an agency to deal with an access application (s.13(4)); and applications for an extension of the permitted time for an agency to deal with an access application (s.13(5)). These, together with the outcomes, are shown in Table 9.

AGENCY	NO INTERNAL REVIEW s.66(6)			OUT OF TIME s.66(4)		BOTH s.66(4) and 66(6)		REDUCTION OF TIME s.13(4)			EXTENSION OF TIME S.13(5)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)		TOTAL MATTERS FINALISED
	A	R	C	A	R	R	C	R	A	R				
Augusta-Margaret River, Shire of	1													1
Bunbury, City of										1				1
Cambridge, Town of				1				1						2
Consumer and Employment Protection, Department of			1											1
Disability Services Commission	1													1
Edith Cowan University								1						1
Health, Department of				1										1
Justice, Department of			2											2
Local Government and Regional Development, Department of						1								1
Minister for Housing and Works; Consumer Protection; Heritage; Land Information					1									1
Peel Development Commission						1								1
Planning and Infrastructure, Department of								1						1
Police Force of Western Australia	1			1	1									3
Premier and Cabinet, Department of the												1		1
South Perth, City of			1											1
University of Western Australia						1								1
Vincent, Town of	1													1
TOTAL	1	3	4	3	2	3	2	1	1	1	1	1	1	21

Key: A—Approved; C—Conciliated; R—Refused

APPEALS TO THE SUPREME COURT

There were no appeals filed with the Supreme Court of Western Australia during the past year in relation to decisions I made in the reporting period. Last year I reported that there was one outstanding appeal still before the Supreme Court arising from a decision of the former Information Commissioner. It is my understanding that that appeal, from the former Information Commissioner's decision in *Re Thompson and Department of Agriculture* [2002] WAICmr 26, has not yet been heard by the Supreme Court.

SHIRE OF AUGUSTA-MARGARET RIVER – FAILURE TO CONSULT – EVIDENCE OF BREACH OF DUTY UNDER THE FOI ACT.

In August 2005, I received a complaint from a former officer ('the complainant') of the Shire of Augusta-Margaret River ('the agency') about the agency having disclosed a letter of resignation of another officer, which contained personal information about the complainant, without having first consulted the complainant. The agency released the letter, without consultation, on four occasions in response to separate access applications by four different parties. Details of the letter were subsequently published on the front page of the local newspaper.

Both the complainant and the agency were advised that this matter would be included in my annual report. It did not result in a published decision (deciding whether or not the document is exempt would serve no purpose as it has already been publicly released and the information of concern published in the press) and, in my view, it highlights a deficiency in the FOI Act. Further, the agency's response to the matter was highly unsatisfactory, in my view, but there is no further action I can take in respect of it.

I accepted the complaint as a complaint under s.65(1)(a) of the FOI Act against a decision of an agency to give access to a document. In the course of investigating that complaint, it became apparent to me that the document had been disclosed without having consulted the complainant, in breach of the obligation imposed on the agency by s.32 of the FOI Act. Following investigation of the matter, I formed the opinion that there was evidence that a number of officers of the agency, including its Chief Executive Officer, had been guilty of a breach of duty in the administration of the Act by disclosing the letter without consulting the complainant and without affording the complainant her legal rights of review and appeal under the FOI Act. There was evidence before me that at least some of the officers of the agency were aware of the requirement to consult as they had consulted third parties on other occasions and had consulted the complainant about another document containing personal information about her and had edited it before disclosing the document.

Section 63(3) of the FOI Act provides that:

"If in dealing with a complaint the Commissioner forms the opinion that there is evidence that an officer of an agency has been guilty of a breach of duty, or of misconduct, in the administration of this Act, the Commissioner may take such steps as he or she considers appropriate to bring the evidence to the notice of—

- (a) if the person is the principal officer of the agency but is not a Minister — the Minister responsible for the agency; or*
- (aa) if the person is the principal officer of a contractor or subcontractor – the Minister to whom the administration of the Court Security and Custodial Services Act 1999 or the Prisons Act 1981 is committed, as is relevant to the case; or*
- (b) if the person is a Minister — the Parliament; or*
- (c) in any other case — the principal officer of the agency."*

The agency engaged solicitors to represent it in the proceedings before me in relation to this complaint. Following investigation of the complaint – and clarification that the solicitors engaged were instructed to represent not only the agency but also the Chief Executive Officer and each of the other individual officers concerned – I advised the solicitors in writing that I had formed the opinion that there was evidence that the Chief Executive Officer and three other officers of the agency had been guilty of a breach of duty in the administration of the FOI Act and I set out the basis of that opinion in respect of each of those officers. I also advised the solicitors that I had formed the opinion that there was no evidence that a fourth officer of the agency had been guilty of a breach of duty.

I recommended that the Chief Executive Officer write to the complainant to apologise personally, and on behalf of the agency, for what had happened and that the Chief Executive Officer put in place procedures to ensure that what happened does not occur again. I also advised that I proposed to draw the matter to the attention of the Shire President of the agency and to report it in my Annual Report. I also indicated that it would be desirable for the agency if, when I were to do so, I were also able to advise the Shire President and the Parliament of Western Australia what steps had been taken by the agency's Chief Executive Officer to rectify the situation.

In respect of the other officers involved, I explained that the course of action I would normally follow in such a case would be to bring the evidence to the notice of the Chief Executive Officer, who is the agency's principal officer for the purposes of the FOI Act. However, having noted the personal involvement of the Chief Executive Officer of the agency in the decision-making processes, which led to at least three of the disclosures of the document, I advised that I did not propose to take any further action in respect of the evidence of breaches of duty by those officers. I suggested, however, that if any of them were to be involved in dealing with any FOI application in the future, they participate in the training courses run by my office and contact my Advice and Awareness officers if in doubt about any aspect of the FOI process.

The solicitors subsequently advised me that a letter of apology had been sent to the complainant and that the Chief Executive Officer had “... *agreed to put in place procedures to ensure that what happened does not occur again, including the implementation of [my] suggestions relating to the participation of relevant Shire employees in the training courses run by [my] office, and the ongoing contact with [my] Advice and Awareness officers by any Shire employee who is in doubt about any aspect of the FOI process.*”

The solicitors provided me with a copy of the letter of apology to the complainant. It was not a letter from the Chief Executive Officer personally; rather it was a letter from the solicitors.

This particular complaint highlighted the difficulty where the officer concerned is the principal officer of a local government agency. In the case of a local government agency, there is not a Minister who can be said to be “the Minister responsible for the agency” and none of the other paragraphs of s.63(3) applies. It appeared to me, therefore, that the only appropriate action I could take in those circumstances was to draw the matter to the attention of the Shire President and include an account of the matter in my annual report to the Parliament, in accordance with my responsibility to ensure that agencies and members of the public are aware of their responsibilities and rights respectively under the FOI Act.

Following is the text of my letter to the Shire President, edited to avoid further disclosure of personal information about the complainant and some other individuals:

“I write to inform you that I have been dealing with a complaint made by [the complainant, a former officer of] the Shire of Augusta-Margaret River (‘the agency’), in relation to possible breaches of duty under the Freedom of Information Act 1992 (‘the FOI Act’) by officers of the agency.”

[The complainant's] complaint concerned the disclosure, under the FOI Act, of a resignation letter, tendered on 8 December 2004, from [another former officer of] the agency ('the Letter'). Extracts from the Letter, which identified [the complainant], were afterwards published in the [local newspaper].

Under section 63(2), my functions include ensuring that agencies are aware of their responsibilities under the FOI Act and providing assistance to members of the public and agencies on matters relevant to the FOI Act. I am also required to take certain steps if I form the opinion that there is evidence that an officer has been guilty of a breach of duty or misconduct in the administration of the FOI Act.

Further to my inquiries with the agency concerning this matter, the agency's solicitors advised me that...the agency's Chief Executive Officer, and other officers and former officers of the agency, acknowledge that the Letter was disclosed in response to a number of FOI applications in breach of section 32 of the FOI Act. Those officers submitted that those breaches were inadvertent and expressed regret at the effect of this disclosure on [the complainant's] rights of review and appeal.

Statutory obligation to consult

Section 32(2) of the FOI Act provides that, among other things, an agency to which an access application has been made "...is not to give access to a document [containing personal information about an individual other than the applicant] unless the agency has taken such steps as are reasonably practicable to obtain the views of ...the third party... as to whether the document contains exempt matter under clause 3 of Schedule 1." Clause 3 exempts from disclosure under the FOI Act personal information about an individual, subject to certain limits on that exemption.

The term "personal information" is defined in the Glossary to the FOI Act to mean:

"...information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead -

- (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- (b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample".*

The Letter clearly contains personal information, as defined, about [the complainant]. Although [the complainant] is not named in the letter, she is referred to by her position title and her identity is reasonably ascertainable from that information. The agency was, therefore, obliged by section 32 to consult her and obtain her views before making a decision to disclose the Letter.

It is not in dispute that [the complainant] was not consulted by the agency to obtain her views as to whether or not the Letter contained exempt personal information about her before the Letter was disclosed in response to several access applications under the FOI Act. I understand from [the complainant] that, had she been consulted by the agency as required, the view she would have given was that the document contains information that is exempt under clause 3.

In those circumstances, if the agency had decided nonetheless to disclose the document, it would have been required by section 34 of the FOI Act to, firstly, give the complainant written notice of

the decision and, secondly, defer giving the applicants access to the document until the complainant had had the opportunity to exercise her legal rights of internal review and, if necessary, external review.

None of that occurred and the complainant was thereby denied her legal rights in respect of the proposed disclosure of personal information about her.

The purpose of the FOI Act is to further the accountability of agencies and not to unnecessarily intrude upon the privacy of individuals in the process. In my view, the requirement to consult individuals before releasing information about them - whether that information is ultimately found to be exempt or not - is a fundamental protection of individual privacy and a failure to consult those persons denies them their legal rights of review and appeal, as was the case here. I view such a breach as particularly serious.

Evidence of breach of duty

In view of that and the agency's statements, I have formed the opinion that there is evidence that the Chief Executive Officer of the agency....has been guilty of a breach of duty in the administration of the FOI Act:

(1) *under section 32 of the FOI Act because:*

in response to an access application under the FOI Act from [a councillor], he knowingly allowed the disclosure to [the councillor] of an unedited copy of the Letter containing personal information about [the complainant] without first having consulted her or caused her to be consulted; and

in response to access applications by [two media outlets and a legal firm], he authorised the release of an unedited copy of the Letter to each of those parties without having first consulted [the complainant] or caused her to be consulted; and

(2) *under section 34 of the FOI Act, by not giving [the complainant] written notice of any of the decisions to disclose the Letter - or not ensuring that another officer gave such notice - and deferring access until [the complainant] had the opportunity to exercise her legal rights of review.*

I also formed the opinion that there is evidence that other officers and former officers of the agency had been guilty of similar breaches of duty in the administration of the FOI Act.

The course of action I would normally follow in respect of those other officers would be to bring the evidence to the notice of the Chief Executive Officer, who is the agency's principal officer for the purposes of the FOI Act. However, having noted the personal involvement of the Chief Executive Officer of the agency in the decision-making processes which led to the disclosures of the Letter I do not propose to take any further action in respect of the evidence of breaches of duty by the other officers or former officers of the agency.

Nevertheless, I have written to those individuals and informed them of my opinion and suggested that should they be involved in dealing with any FOI application in the future, they should participate in the training courses run by my office and contact my Advice and Awareness officers if in doubt about any aspect of the FOI process.

My recommendations

In view of the regrets expressed by [the Chief Executive Officer] and his officers, I recommended that he write to [the complainant] to apologise personally, and on behalf of the agency, for what happened. I also recommended that [the Chief Executive Officer] put in place procedures to ensure that what happened does not occur again. I advised [the Chief Executive Officer] that I proposed to draw this matter to your attention and to report it in my Annual Report. In my letter to [the Chief Executive Officer] I also advised that I considered it would be desirable for me to be able to advise what steps had been taken by him, as Chief Executive Officer of the agency, to rectify the situation.

Action taken by the agency

Since then [the Chief Executive Officer] has not written to [the complainant] apologizing personally on behalf of the agency and the other officers. Instead, the agency's solicitors have forwarded a letter to [the complainant], which I enclose for your information. I note that that letter has not, as yet, been received by [the complainant], since it was sent to her old address. I have asked the agency's solicitors to resend it to her new address.

In that letter the agency's solicitors say that I do not question that the disclosure of the Letter was inadvertent and that I left open the possibility that, even if [the complainant] had been consulted, it would have been appropriate, in the circumstances, for unedited access to the Letter to be given, for example, under the Local Government Act rather than the FOI Act.

I would like to clarify that I made no findings in relation to the claims that the disclosure of the Letter was inadvertent. I also take issue with the statement that my findings:

“... leave open the possibility that, even if [the complainant] had been consulted, it would have been appropriate, in the circumstances, for unedited access to the....Letter to be given - for example, under the Local Government Act rather than the FOI Act.”

In my view, that statement, in context, indicates that I considered that unedited access would have been appropriate in other circumstances. That is not the case, since that was not a matter for my consideration. Moreover, I consider it to be out of place in the context of a letter of apology for an acknowledged breach of the FOI Act.

Finally, the agency's solicitors advised that [the Chief Executive Officer] has agreed to put in place procedures to ensure that what happened does not occur again but failed to mention, either to [the complainant] or to me, what those procedures are, other than to state that they include the implementation of suggestions made by me.

In view of the above, the letter sent by the agency's solicitors on behalf of the agency to [the complainant] for an acknowledged breach and the resultant denial of [the complainant's] legal rights appears to me to be an exercise in self-justification rather than a sincere expression of apology for an acknowledged and clear breach and the resultant denial of [the complainant's] legal rights.

For those reasons, I do not consider the agency's response to this matter to be adequate or appropriate in the circumstances. However, I do not consider that there is any further action I can take in respect of it other than, as I have said, to draw it to your attention and include it in my annual report to the Parliament. I would, of course, welcome any response you may care to provide.”

REPORT ON OPERATIONS continued

The Shire President subsequently responded by thanking me for the letter, advising that he had “*read with care the information and findings ...*” in my letter and thanking me for bringing the matter to his attention. No further response to this matter has been received from the agency. The complainant was subsequently advised that there was no further action I could take in respect of the matter, other than to include it in my Annual Report to the Parliament.

Those actions cannot, of course, undo any damage that may have been done by disclosure of the document without consultation and it is disappointing – and does the agency no credit – that the complainant has not, at the least, received a proper personal apology for what happened. I understand that no officers of the agency have since participated in or sought to participate in training courses run by my office and neither the Chief Executive Officer nor the Shire President has advised me any further of what, if any, steps have been taken by the agency to avoid such an occurrence in the future.

This complaint highlighted the deficiency, in my view, of s.63(3) where the Information Commissioner forms the opinion that there is evidence that there has been a breach of duty in the administration of the FOI Act by the principal officer of a local government agency. None of the actions described in s.63(3) provides for that situation. This deficiency is a matter that has been raised by the former Commissioner in the past, recommending amendment of the FOI Act in order to deal with situations such as these. However, successive governments have taken no action in respect of that and other recommendations for amendment of the legislation proposed by the former Commissioner.

ADVICE AND AWARENESS

The Advice and Awareness team provides members of the public and agencies with advice and assistance in exercising their respective rights and obligations and how to follow the correct procedures for making or dealing with an application under the FOI Act. Policy development within agencies is encouraged so that the impact of the obligations imposed on agencies by the FOI Act on their day-to-day operations is minimised. Many potential disputes are resolved informally with the assistance of my staff.

All members of my staff undertake the following functions for which the Advice and Awareness team is primarily responsible:

- training courses for agency staff;
- targeted workshops/seminars;
- provision of assistance, briefings and advice to agencies on the processes required by the FOI Act;
- visits to country regions;
- provision of advice and assistance to members of the public on the procedure for exercising their rights under the FOI Act;
- briefings to community groups;
- production of articles providing advice and guidance on the workings of the FOI Act;
- distribution of brochures to assist applicants;
- answering enquiries by e-mail, telephone or at the counter;
- dealing with general correspondence;
- maintenance of statistical data and other information to assist in reporting to Parliament; and
- executive support including matters relating to the management and funding of the office.

TRAINING COURSES AND BRIEFINGS

The office is proactive in raising the awareness and understanding of the procedures and processes prescribed by the FOI Act. Apart from requests received for training or assistance, needs in the public sector are identified from a survey of agencies. Due to staff turnover, there is a periodic need in agencies for new staff to be briefed on the FOI process and their obligations. This is done by conducting workshops, special forums, briefings, seminars, or presentations for FOI Coordinators and decision-makers. These are conducted on an interactive basis, allowing for immediate response to questions and

clarification of issues concerning FOI procedures and practices. The office provides a speaker in response to an invitation from any organisation requiring an explanation of the FOI process.

A number of formal briefings, presentations and training sessions were conducted throughout the year under review. General briefings are tailored in each case to meet the needs of applicants or agencies. Briefings, presentations and training sessions given by staff of the office are shown in Table 10.

TABLE 10: FORMAL TRAINING AND PRESENTATIONS

DATE	PRESENTATION STYLE	AUDIENCE
2 August 2005	Presentation by A/Inform. Comm.	<i>Curtin Leadership Program</i>
11 August 2005	FOI Briefing	<i>Officers from KEMH & PMH</i>
24 August 2005	FOI Briefing (1)	<i>City of Nedlands</i>
31 August 2005	FOI Briefing (2)	<i>City of Nedlands</i>
31 August 2005	Informal briefing by A/Info. Comm.	<i>Public Administration Committee of the Legislative Council of the Parliament</i>
7 September 2005	FOI Briefing	<i>WA Treasury Corporation</i>
14 September 2005	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>
6 October 2005	Presentation by A/Info. Comm.	<i>Nedlands Rotary Club</i>
12 October 2005	Decision makers Forum (with A/Info. Comm.)	<i>Officers from State and local government agencies</i>
9 November 2005	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>
6 December 2005	FOI Briefing	<i>Department of Consumer & Employment Protection</i>
15 February 2006	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>
1 March 2006	FOI Coordinators Workshop	<i>City of Armadale</i>
8 March 2006	Decision-makers Forum (with A/Info.Comm.)	<i>Officers from State and local government agencies</i>
21 March 2006	FOI Briefing	<i>FOI Coordinators Group held at CALM</i>
30 March 2006	Decision-makers Forum	<i>City of Armadale</i>
12 April 2006	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>
10 May 2006	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>
24 May 2006	FOI Briefing	<i>City of Wanneroo</i>
7 June 2006	FOI Coordinators Workshop	<i>Officers from State and local government agencies</i>

FOI Coordinator Workshops

Workshops are scheduled based on the level of demand and are conducted by the office, at no charge to the agencies. Seven one-day FOI Coordinator workshops were held during the year in the metropolitan and regional areas. The course introduces participants to the FOI legislation and the requirements which must be observed during the processing and deciding of an application. Each session covers requests for information and the process to follow; exemptions; third party consultation; application fee and charges; notices of decision; and the role of the Information Commissioner. Participants have the opportunity to raise issues of concern and have the process explained to them in a practical way. Participants meet staff of this office who can be contacted should they require assistance when dealing with FOI requests. A comprehensive manual is provided to each participant at the course, for future reference.

A benefit of the shared resources since collocation with other accountability agencies is that we were able to host the majority of the FOI Coordinators Workshops in 2005/06 at our own premises. Feedback from participants who attended the workshops was consistently very positive.

In this financial year seven ‘FOI Coordinators Workshops’ were conducted. Officers from the following agencies attended (number in attendance is shown in brackets):

AIMS Corporation (2)	Minister for Local Government and Regional Development; Fisheries; The Kimberley, Pilbara and Gascoyne, Office of the (5)
Bentley Health Service (1)	Minister for Planning & Infrastructure, Office of the (2)
Central TAFE (1)	Murdoch University (1)
City of Armadale (11)	Office of Energy (1)
City of Gosnells (2)	Office of Health Review (1)
City of Melville (1)	Osborne Park Hospital (1)
City of Nedlands (1)	Perth Market Authority (1)
City of Perth (1)	Planning & Infrastructure, Department for (1)
City of Wanneroo (2)	Public Sector Standards Commissioner, Office of the (1)
Community Development, Department for (1)	Public Trust Office (1)
Conservation & Land Management, Department of (1)	Racing, Gaming & Liquor, Department of (2)
Consumer & Employment Protection, Department of (7)	Racing & Wagering WA (1)
Culture & the Arts, Department of (1)	Shire of Bridgetown-Greenbushes (1)
Disability Services Commission (1)	Shire of Bruce Rock (1)
Education & Training, Department of (1)	Shire of Manjimup (1)
Electoral Commission (1)	Shire of Murray (1)
Energy Safety (1)	Shire of Plantagenet (2)
Environment, Department of (3)	Shire of Serpentine-Jarrahdale (1)
Government Employees Superannuation Board (1)	State Administrative Tribunal (1)
Health, Department of (Princess Margaret) (1)	Swan Health Service (1)
Heritage Council (1)	Swan & Inner City Elderly Mental Health Service (1)
Horizon Power (2)	Synergy (2)
Housing & Works, Department of (6)	Town of Cambridge (1)
Industry & Resources, Department of (1)	Town of Cottesloe (1)
Insurance Commission of WA (1)	Town of Kwinana (1)
Justice, Department of (1)	Town of Vincent (2)
Land Information, Department of (1)	University of Western Australia (3)
Local Government & Regional Development, Department of (3)	Verve Energy (1)
Minister for Education, Office of the (1)	Western Power Corporation (1)

Decision-makers

The half-day decision-makers course assists staff in agencies, including senior managers who may have to be the decision-maker in respect of an application. It covers the options available to agencies when responding to large applications; assisting an applicant to re-define the scope of the application; recommended procedures before refusing to deal with an application; the process of decision-making; exemptions; the public interest test; the preparation of a notice of decision that complies with the FOI Act; and the internal and external review processes. Attendees also establish contact with staff of the office who may be called for advice in the future, which is especially useful for those agencies which do not receive many applications. Three of these were conducted in 2005/06, attended by a total of 22 officers of State Government agencies and 15 officers of local government agencies.

Armadale , City of (13)	Land Information, Department of (1)
Consumer & Employment Protection, Department of (9)	Mandurah, City of (1)
Edith Cowan University (2)	Stirling, City of (1)
Education & Training, Department of (1)	University of Western Australia (2)
Environment, Department of (1)	WA Treasury Corporation (3)
Fisheries, Department of (1)	West Coast TAFE (1)
Forest Products Commission (1)	

WEB SITE AND ELECTRONIC COMMUNICATIONS

The office web site (www.foi.wa.gov.au) contains an extensive amount of information about the FOI process. It is structured into sections including: *What is FOI?* which describes the objects of the FOI Act; *Publications* which contains the FOI Act and Regulations, brochures and articles giving guidance on the FOI process; *Frequently Asked Questions (FAQ's)* which contains guides to the FOI process and some of the most frequently cited exemption clauses; *Need Help with FOI?*; *About the Information Commissioner*; and *Decisions* which contains searchable copies of all formal decisions made on complaints.

The web site allows searches of published decisions to be conducted in a variety of ways, such as searching by agency or complainant name; by exemption clause or section of the FOI Act; by catchword; and many more. This is a valuable resource for agencies and members of the public to research the interpretation given to particular exemptions and sections of the FOI Act. Such ready access to precedents contributes to a higher level of understanding and application of the legislation by decision-makers.

From 1 July 2005, the office began including on the web site summaries of selected conciliated complaints to give agencies and members of the public some idea of alternative means of dealing with applications and resolving complaints.

There are also links to other related web sites. A section containing *What's New/Training* contains the latest news and training information available. *Contact Us* provides address, telephone, facsimile and e-mail information.

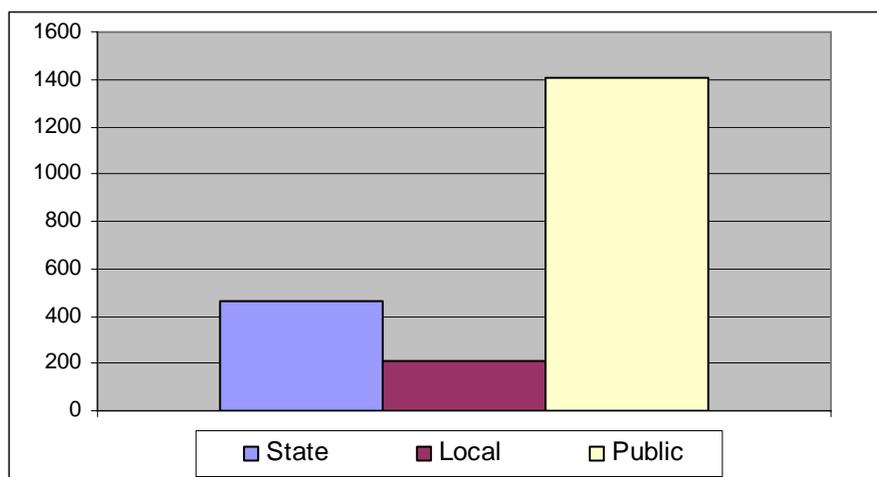
We have received positive feedback about our web site, particularly for its user-friendly links and the amount of information readily available. There has been a steadily increasing number of user sessions, which illustrates a high level of interest in FOI generally; in the process to follow in making an application; and in my published decisions. Any suggestions regarding the site or resources available online are welcome and appreciated: please send them to info@foi.wa.gov.au.

E-mail is utilised by the office wherever possible. Data, such as annual statistics from agencies and responses from participants to surveys of satisfaction levels, is also obtained through this medium where possible or via forms which can be completed and submitted online through our website.

TELEPHONE ENQUIRIES

There were 2,082 telephone calls received during the year (1,899 in 2004/05). Over 67% of telephone calls received (78% in 2004/05) were from members of the public seeking advice on how to make an application, or to enquire about or confirm their review rights. The balance were from officers of State and local government agencies seeking assistance in dealing with access applications or advice regarding other statutory obligations under the FOI Act.

FIGURE 5: TOTAL TELEPHONE CALLS



State 464; Local 208; Public 1410

WRITTEN ENQUIRIES

Written requests for advice and misdirected access applications are dealt with almost exclusively by members of the *Advice and Awareness* team. The average turnaround time for responses to written enquiries of this nature is two days. These matters are separately identified and reported on as part of the *Advice and Awareness* output.

There were 283 written enquiries for advice and assistance received and dealt with during the year. The written enquiries were received by letter and by email.

Sixty were received from officers of agencies and 223 from members of the public. Of those, 62 were misdirected access applications which should have been sent to the agency holding the documents sought and 221 were requests for advice. Of the 221 requests for advice, 85 were of a routine nature and

136 were of a more complex nature. However, all of these resulted in advice being given to the correspondent as to the proper procedures to be followed or other matters relating to the administration of the FOI Act. In some cases, where the enquiry was from an applicant concerning a particular application, enquiries were also made with the agency concerned to ascertain the status of the application to assist this office in responding helpfully to the applicant and, if necessary, advice was also given to the agency in those cases.

As in past years, the agencies the subject of the greatest number of misdirected applications were the Police Force of Western Australia (23) and the Department of Corrective Services (22).

Notwithstanding previous attempts to address this issue by this office and the staff of the FOI Units of each of those agencies, there appears to remain a significant problem with prisoners incorrectly directing their inquiries and with staff at certain police stations incorrectly referring applicants to my office.

I will continue to monitor the frequency and type of matters that are misdirected to my office and, where appropriate, contact relevant agencies to assist those agencies in attempts to minimise such matters.

Table 11 shows a summary of applications that were mistakenly directed to this office instead of to the agency holding the documents.

TABLE 11: MISDIRECTED APPLICATIONS RECEIVED

AGENCY	TOTAL	AGENCY	TOTAL	AGENCY	TOTAL
Bunbury Regional Hospital	1	Environment and Conservation, Department of (inc former Environment, Department of)	1	Premier and Cabinet, Department of the	1
Community Development, Department for	1	Kalamunda, Shire of	1	Royal Perth Hospital	1
Corrective Services, Department of (inc. former Department of	22	Planning and Infrastructure, Department for	4	Unknown Agency	6
Education and Training, Department of	1	Police Force of Western Australia	23	TOTAL	62

INFORMATION STATEMENT SURVEY

Sections 94 and 96 of the FOI Act require all agencies (other than Ministers and exempt agencies) to cause an up-to-date information statement about the agency to be published at intervals of not more than 12 months. Information statements are required to contain:

- a statement of the structure and functions of the agency;
- a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- a description of the kinds of documents that are usually held by the agency including: which kinds of documents can be inspected at the agency under a written law other than the FOI Act (whether or not inspection is subject to a fee or charge); which kinds of documents can be purchased; and which kinds of documents can be obtained free of charge;
- a description of the agency's arrangements for giving members of the public access to the documents mentioned above, including details of library facilities of the agency that are available for use by members of the public;
- a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 of the FOI Act including: the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and the address or addresses at which access applications can be lodged; and
- a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 of the FOI Act including: the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and the address or addresses at which applications for amendment of personal information can be lodged.

The FOI Act requires that a copy of the agency's information statement be provided to the Information Commissioner as soon as is practicable after the statement is published.

This is an important feature of the FOI Act, designed to contribute to openness and transparency of government agencies and to further the FOI Act's objects of greater government accountability and enabling greater public participation in government.

For a number of years, however, this office has not followed up with agencies that were not providing this office with a copy of an up-to-date information statement every 12 months. It was decided, therefore, in this reporting period to commence a project to ensure that agencies are complying with this requirement.

The first stage of the project was to survey agencies in respect of the current status of their information statements, as a precursor to following up with agencies that have not regularly published an up-to-date information statement, or have published an information statement that does not comply with the FOI Act, to ensure that agencies are aware of, and complying with, their responsibilities in this regard.

For this purpose, a questionnaire was sent to agencies asking the following questions:

1. *Are the details contained in your Information Statement current?*
2. *When was the Information Statement last reviewed and updated?*
3. *When was your Information Statement last republished?*
4. *Is the Information Statement published in your agency's annual report or as a "stand alone" document?*
5. *In what form is the Information Statement published?*
6. *If available in electronic form, web address of the document?*
7. *If only available in hardcopy form, and a copy has not been provided within the last 12 months, when can a current copy be expected to be delivered to my office?*

The questionnaire was sent to 135 State Government agencies and 118 local government agencies. By the due date for return of the survey responses had been received from 89 State Government agencies (65.93%) and 74 local government agencies (62.71%).

Of those, only 53.93% of State Government agencies and 63.51% of local government agencies responding to the survey advised that they had updated their information statements within the last 12 months. Only 51.69% of State Government agencies and 60.81% of local government agencies advised that they had published up-to-date information statements in the last 12 months.

Since the due date for return of the survey, many agencies have responded having been sent reminders to do so. However, despite several reminders, the following agencies have not yet responded to the survey:

Ashburton, Shire of	Nungarin, Shire of
Boyup Brook, Shire of	Ravensthorpe, Shire of
Coorooow, Shire of	Trayning, Shire of
Kellerberrin, Shire of	West Arthur, Shire of
Koorda, Shire of	Westonia, Shire of
Kulin, Shire of	Wongan-Ballidu, Shire of
Meekatharra, Shire of	Architects Board of WA
Merredin, Shire of	Potato Marketing Corporation of WA
Mount Marshall, Shire of	Public Trust Office
Mukinbudin, Shire of	The National Trust of Australia (WA)
Murchinson, Shire of	Water and Rivers Commission

The next stage of the project is, firstly, to follow up individually with those agencies that have not responded to the survey and, secondly, to follow up individually with those agencies that have not published up-to-date information statements within the last 12 months.

As part of this project, my office is also in the process of analysing the published information statements of agencies. One issue that has already become apparent from preliminary analysis of the information statements available is that a number of agencies are imposing fees and charges they are not entitled to impose under the FOI Act. The applicable fees and charges are prescribed in the *Freedom of Information Regulations 1993* and it is not lawful for an agency to impose any fee or charge other than those prescribed by the regulations. Some agencies are adding GST to the fees and charges imposed. The fees and charges under the FOI Act are exempt from GST and it must not be charged to applicants under the FOI Act.

This issue will be taken up with the individual agencies concerned as each information statement is analysed. It is also proposed to publish a guideline for agencies in respect of fees and charges, reinforcing that they may only impose those fees and charges authorised by the FOI Act.

It is proposed to include in next year's annual report the results of the analysis of the information statements and it is to be hoped that it will be possible then to report that all agencies have published up-to-date, compliant information statements within the next reporting period.

ADMINISTRATION

The functions I am required to perform result in the development and delivery of a range of services to the public, agencies and Parliament, and include:

- complaint resolution;
- giving advice about the FOI Act and procedures;
- the publication of formal decisions on complaints;
- the distribution of awareness raising and educational material;
- talks and information sessions for community groups;
- a free-call telephone line for country callers;
- a web site at <http://www.foi.wa.gov.au>;
- a telephone advisory service;
- FOI training sessions;
- specifically tailored meetings or advisory sessions for agencies; and
- providing an annual report on the workings of the legislation.

The office has a Customer Service Charter and Code of Conduct, which all staff are required to observe. Copies are available on request.

Performance Standards have been established to ensure that all staff undertake their duties in a manner that is a credit to the professional and independent status of the office.

STAFF CHANGES

In August 2005, Ms Rachel Crute, Legal Officer (Research and Investigations), returned to the office after a lengthy secondment to the State Ombudsman's office.

Ms Jo Merrick, who was seconded to act in Ms Crute's position for 6 months, returned to the State Ombudsman's Office.

SUPPORT SERVICES

Corporate service support, consisting of financial and human resources services including workplace safety, disability services, equal opportunity employment and language services when required, is provided by the Department of the Attorney General under a service agreement. Due to the small size of the office, human resource reporting requirements are met by the Department. The assistance provided by relevant staff of the Department of the Attorney General is acknowledged and appreciated.

COMPLIANCE WITH OTHER ACTS

Compliance with legislative and associated reporting requirements which apply to the office and which is not dealt with elsewhere in this report is reported below.

Disability Services Act 1993 (s.29): Development of a Disability Services Plan was not initiated pending, firstly, collocation with the Ombudsman, Commissioner for Public Sector Standards, Office of Health Review and Commonwealth Ombudsman, which required moving premises and, secondly, the proposed amalgamation of the offices of Information Commissioner and Ombudsman. Although collocation has been effected the development of a Disability Services Plan has not been progressed pending a firm timeframe for the proposed amalgamation.

Electoral Act 1907 (s.1752E): There was no expenditure incurred on advertising, market research polling, direct mail or media advertising activities during the year.

Equal Opportunity Act 1984 (s.145): An updated Equal Opportunity Plan was submitted in September 2003 and is effective to 2008. The office has developed strategies for EEO outcomes so no action in this area was required in the reporting period. No recruitment was undertaken in the reporting period and the

equity and diversity profile of the office remains unchanged. The office currently has only 10 officers, including the CEO. Seven (70%), including the CEO, are women and three (30%) are men. One is part-time and there is a diversity of backgrounds, including one officer from a non-English speaking background.

Occupational Health Safety and Welfare Act 1984: No health or safety issues arose for attention and there were no lost time incidents.

Public Interest Disclosure Act 2003: No public interest disclosures were made in the reporting period

Public Sector Management Act 1994: The office is not subject to the provisions of this legislation but endeavours to comply with it in respect of human resource management practices.

State Records Act 2000 (s.61 and State Records Commission Standards - Standard 2, Principle 6): The office Record Keeping Plan was approved by the State Records Office in November 2003. At the same time, an “Internal Procedures Manual for Records Management” was also created and made available to all staff in hard copy and on the office intranet. Staff were brought up to date on the correct record keeping process at that time, and those processes have not changed. Any new staff (of which there has only been one since 2003) are provided with a copy of this manual. Due to the small size of the office and the relatively small amount of incoming and outgoing correspondence, the record keeping practices of the office are simple and appropriate to the business needs of the office.

Also in 2003, the office administrative record keeping system was redesigned to adhere to the Keyword AAA record keeping system, and as part of that process the office administrative and functional thesaurus was created. All administrative files were closed on 1 January 2003 and records from that date are now filed as set out in the thesaurus. The office records manager has the responsibility of making sure all records are properly logged and filed. The records manager (and select other staff) have attended workshops and seminars centering on records management issues, and further staff instruction on the record keeping practices of the office will be conducted when the Record Keeping Plan is reviewed in 2008, as required by the State Records Office.

Government Policies

The office endeavours to comply with government policies insofar as they do not interfere with or compromise the independence of the operation of the office from executive government. Those on which action was taken in the reporting period are reported below.

Waste paper recycling: The office has always had a practice of recycling waste paper, cardboard, glass, plastics and aluminium. New arrangements to continue that practice since relocation have been organised.

Energy Smart: As an office of less than 25 FTEs the office is not required to report on energy saving initiatives. However, jointly with the other State public sector agencies with which the office is collocated (the Ombudsman, the Office of Health Review and the Commissioner for Public Sector Standards) the office has implemented the limited energy saving strategies that can practically be implemented given the nature of our operations.

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PERFORMANCE INDICATORS

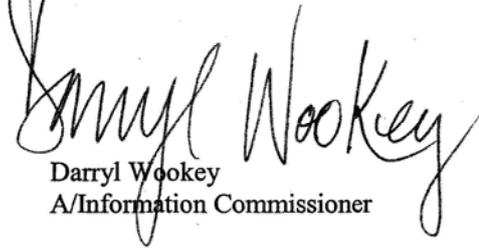
Performance Indicator Certification

We hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner, and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2006.



Tony Pruyn
Senior Investigations Officer

16 August 2006



Darryl Wookey
A/Information Commissioner

16 August 2006

PERFORMANCE INDICATORS 2005/2006

DESIRED OUTCOME

Access to documents and observance of processes in accordance with the Freedom of Information Act 1992 ('the FOI Act').

DESCRIPTION

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

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

The Office of the Information Commissioner ('the Office'), which is made up of the Information Commissioner and the staff appointed to assist the Information Commissioner under delegated authority, undertakes these functions with two outputs.

Output 1: Resolution of Complaints.

Output 2: Advice and Awareness.

The intent of the FOI Act is to ensure that proceedings on external review are conducted with as little formality and technicality as the requirements of the FOI Act and proper consideration of the matters before the Information Commissioner permit. Therefore, when dealing with complaints, the policy of the Office is to ensure that wherever possible the conduct of proceedings is not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Information Commissioner is required to make a determination by publishing a written decision with reasons.

Officers delivering the Advice and Awareness output also emphasise the spirit of the FOI Act when delivering advisory services. Wherever possible, agencies are either encouraged to release information outside the FOI process where it is reasonable to do so or, where necessary, to follow the correct processes for dealing with an access application or application for amendment of personal information under the FOI Act. Policy development within agencies is encouraged so that the impact of the obligations placed on agencies by the FOI Act on the day-to-day operations of those agencies is minimised. Many potential disputes are also resolved informally with assistance from the Office.

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

Effectiveness performance indicators

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

Efficiency performance indicators

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

REVIEW and TRANSITION

In the 2005 Annual Report it was stated that:

“Having completed a review of the PIs, it has been decided to retain all five PIs. However, it has been decided to change the method of calculation for each of the two Efficiency PIs so that the average cost for each output more accurately reflects the current operations of each output in the Office. It has also been decided to change the method of calculating the third of the Effectiveness PIs, which relates to the conciliation rate of complaints...”

As 2005 will be the transition year for the reporting of the PIs, the three PIs the subject of a revised calculation method will be reported on using both the new and the old calculation methods. From next year figures arrived at by using the old calculation method will no longer be reported.

The amendments to the PIs were effected with advice from, and in consultation with, the Office of the Auditor General. I have also taken into consideration the provisions of Amended Treasury Instruction 904 when undertaking the review of the PIs.”

In light of the above, PIs 1.1 and 1.2 will be unaffected by the review completed last year and, therefore, each of those PIs will have a five-year comparative table, whereas the method of calculating PIs 1.3, 2.1 and 2.2 changed last year and, therefore, each of those PIs will only have the new base year of 2005 to compare against.

1. EFFECTIVENESS PERFORMANCE INDICATORS

1.1 Satisfaction of parties with external review process

	2002	2003	2004	2005	2006
Target	90%	90%	90%	90%	86%
Outcome	86%	85%	86%	86%	85%

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

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

1. Were you satisfied with the external review process?
2. Do you consider that you were kept adequately informed regarding the progress of your case?
3. Was the officer assigned to your case professional in his or her dealings with you?

A PRQ was sent to each of 206 parties who participated in an external review process following finalisation of the review process. Of the 206 PRQs sent, 144 participants (69.9%) responded by returning a completed PRQ. 92 responses were received from agencies; 51 were received from complainants; and 1 was received from a third party. This represents a standard error of 4.48% at the 95% confidence level.

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

Of the 144 responders, 122 (85%) answered 'yes' to question 1 and confirmed that they were satisfied with the external review process.

1.2 Satisfaction of agencies with advice and guidance provided

	2002	2003	2004	2005	2006
Target	98%	(a)	98%	(a)	
Outcome	98.5%	(a)	100%	(a)	98%

The Advice and Awareness section of the Office provides a range of advisory services. Those services are provided indirectly through published information and the internet website of the Office. Advice is also given in person by telephone, email, and counter enquiries and through group training presentations and briefings.

A survey was sent to each of 286 State and local government agencies and Ministers. Of the 286 surveys sent, 238 agencies (83%) responded by returning a completed survey. This represents a standard error of 2.6% at the 95% confidence level.

Of the 238 respondent agencies, 187 confirmed receiving advice and guidance from this office.

Of those 187 agencies that received advice, 184 agencies (98%) expressed satisfaction with the advice and guidance provided to them by this office. Only 3 agencies (2%) expressed dissatisfaction with the advice and guidance provided to them by this office.

(a) Until 2000, surveys of agencies were undertaken annually. At that time the results indicated a consistently high level of satisfaction. Therefore, in order to reduce the burden on agencies the survey has since been conducted biennially.

Having reviewed the practice of biennial surveys, it is proposed that a survey will again be conducted on an annual basis in conjunction with the annual statistical returns of agencies.

1.3 The extent to which complaints were resolved by conciliation

The external review model adopted by the Office emphasizes informal resolution processes such as negotiation and conciliation, wherever possible. If a complaint cannot be resolved by conciliation between the parties to the complaint, the Information Commissioner is required to make a decision.

PERFORMANCE INDICATORS continued

The PI set out in 1.3 is designed to represent the success rate of the preferred resolution method. Therefore, the PI shows, as a percentage, those complaints finalized by conciliation as opposed to those complaints that required a decision by the Information Commissioner.

	2005	2006			
Target	n/a	70%			
Outcome	66%	72%			

In total, 367 matters of all types were finalised by the Office in 2005/06. However, of those 367 matters, only 120 of those matters were complaints, as defined in s.65 of the FOI Act. 86 of the 120 (72%) complaints resolved in 2005/06 were resolved by conciliation. That is, as a result of the negotiations conducted by the Office the parties agreed that no issues remained in dispute that required a decision by the Information Commissioner.

2. EFFICIENCY PERFORMANCE INDICATORS

The Office currently operates with 10 FTE's to deliver services under the two main functions described in the FOI Act. As the primary function of the Office is to deal with complaints received under the FOI Act, approximately 70% of the Office resources are allocated to the complaint resolution (external review) function. The other main function of the Office is to provide advisory services to agencies and to the public. About 30% of the Office resources are allocated to the delivery of advice and awareness services.

2.1 Output 1 – Resolution of Complaints Average cost of external reviews finalised

Included in calculating this PI are only those matters dealt with by the Resolution of Complaints section of the Office in 2005/06 which were technically formal “complaints” (see s.65 of the FOI Act) and applications that required a determination under the FOI Act rather than general complaints or requests for assistance that are not technically “complaints”. General requests for assistance or the intervention of the Office, including misdirected applications, will be reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the Office.

	2005	2006			
Budget	n/a				
Actual	\$5413	\$5270			

The table above reflects the costs incurred in resolving complaints and applications (eg. to lodge a complaint out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of complaints and applications resolved by the office in 2005/06 (169) into the net accrual cost for the Resolution of Complaints output (\$890,704 - as advised by DoTAG).

Variations in the actual and budget average cost are due primarily to fluctuations in the number of matters received and resolved in particular financial years.

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

In calculating this PI the total output units delivered by the Advice and Awareness section of the Office in 2005/06 was used. The output units recorded by the Office relate to where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, written advice given by email and letter, counter inquiries attended and recipients of training and briefings.

	2005	2006			
Budget	n/a				
Actual	\$184	\$105			

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services by the Office in 2005/06 (2655) into the net accrual cost for the Advice and Awareness output (\$278,783 - as advised by DoTAG).

Note: The net accrual cost of \$278,783 for this year is significantly less than last year (\$434,623) because a senior position was abolished and not replaced during the year. This cost reduction impacted greatly on the unit cost for the Advice and Awareness output. It is anticipated that there will less variation to the cost of delivering advisory services next year.

In past financial years, the Independent Audit Opinion of the Auditor General has been provided in two separate certifications, one for the Performance Indicators and one for the Financial Statements. This year both certifications are provided within the one document, a copy of which can be found on page 47.

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FINANCIAL STATEMENTS

OFFICE OF THE INFORMATION COMMISSIONER

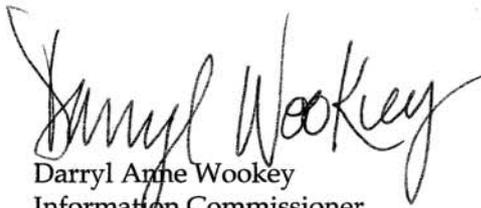
STATEMENT OF CERTIFICATION

The accompanying financial statements of the Office of the Information Commissioner have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2006 and the financial position as at 30 June 2006.

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


Mark Woodcock
A/Director Financial Management
Chief Finance Officer

16 August 2006


Darryl Anne Wookey
Information Commissioner
Accountable Officer

18th August 2006



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

OFFICE OF THE INFORMATION COMMISSIONER FINANCIAL STATEMENTS AND PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2006

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Office of the Information Commissioner at 30 June 2006 and its financial performance and cash flows for the year ended on that date. They are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions;
- (ii) the controls exercised by the Office provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key effectiveness and efficiency performance indicators of the Office are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the year ended 30 June 2006.

Scope

The Information Commissioner is responsible for keeping proper accounts and maintaining adequate systems of internal control, for preparing the financial statements and performance indicators, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, Schedule of Expenses and Revenues by Service, Summary of Consolidated Fund Appropriations and Income Estimates, and the Notes to the Financial Statements.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Act, I have independently audited the accounts, financial statements and performance indicators to express an opinion on the financial statements, controls and performance indicators. This was done by testing selected samples of the evidence. Further information on my audit approach is provided in my audit practice statement. Refer "<http://www.audit.wa.gov.au/pubs/Audit-Practice-Statement.pdf>".

An audit does not guarantee that every amount and disclosure in the financial statements and performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and performance indicators.

D D R PEARSON
AUDITOR GENERAL
29 August 2006

4th Floor Dumas House 2 Havelock Street West Perth 6005 Western Australia Tel: 08 9222 7500 Fax: 08 9322 5664

OFFICE OF THE INFORMATION COMMISSIONER

Income Statement

for the year ended 30 June 2006

	Note	2006 \$	2005 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	872,411	1,108,136
Supplies and services	7	140,460	93,756
Depreciation and amortisation expense	8	17,830	18,298
Accommodation expenses	9	90,593	129,833
Other expenses	10	77,029	95,882
Total cost of services		<u>1,198,323</u>	<u>1,445,905</u>
Income			
Revenue			
Other revenue	11	2,182	7,217
Total Revenue		<u>2,182</u>	<u>7,217</u>
Gains			
Gain on disposal of non-current assets	12	408	-
Total Gains		408	-
Total income other than income from State Government		<u>2,590</u>	<u>7,217</u>
NET COST OF SERVICES		<u>1,195,733</u>	<u>1,438,688</u>
INCOME FROM STATE GOVERNMENT			
Service appropriation		1,103,000	1,283,000
Liabilities assumed by the Treasurer		1,854	7,701
Resources received free of charge		42,092	158,267
Total income from State Government		<u>1,146,946</u>	<u>1,448,968</u>
SURPLUS /(DEFICIT) FOR THE PERIOD		<u>(48,787)</u>	<u>10,280</u>

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

OFFICE OF THE INFORMATION COMMISSIONER

Balance Sheet

as at 30 June 2006

	Note	2006 \$	2005 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23(a)	-	49,429
Receivables	14	5,266	5,313
Amounts receivable for services	15	35,000	30,000
Other current assets	16	<u>4,332</u>	<u>5,957</u>
Total Current Assets		<u>44,598</u>	<u>90,699</u>
Non-Current Assets			
Restricted cash and cash equivalents	17	2,955	-
Amounts receivable for services	15	<u>3,000</u>	<u>8,000</u>
Property, plant and equipment	18	<u>33,210</u>	<u>31,173</u>
Total Non-Current Assets		<u>39,165</u>	<u>39,173</u>
TOTAL ASSETS		<u>83,763</u>	<u>129,872</u>
LIABILITIES			
Current Liabilities			
Bank overdraft	23(a)	4,112	-
Payables	19	25,180	30,149
Provisions	20	<u>163,515</u>	<u>172,149</u>
Other current liabilities	21	<u>11,446</u>	<u>100</u>
Total Current Liabilities		<u>204,253</u>	<u>202,398</u>
Non-Current Liabilities			
Provisions	20	<u>77,297</u>	<u>76,474</u>
Total Non-Current Liabilities		<u>77,297</u>	<u>76,474</u>
Total Liabilities		<u>281,550</u>	<u>278,872</u>
EQUITY			
Contributed equity	22	25,000	25,000
Accumulated surplus / (deficiency)		<u>(222,787)</u>	<u>(174,000)</u>
Total Equity		<u>(197,787)</u>	<u>(149,000)</u>
TOTAL LIABILITIES AND EQUITY		<u>83,763</u>	<u>129,872</u>

The Balance Sheet should be read in conjunction with the accompanying notes.

OFFICE OF THE INFORMATION COMMISSIONER

Statement of Changes in Equity

for the year ended 30 June 2006

	Note	2006 \$	2005 \$
Balance of equity at start of period		(149,000)	(159,280)
CONTRIBUTED EQUITY			
Balance at start of period	22	25,000	25,000
Capital contribution		-	-
Distribution to owners		-	-
Balance at end of period		<u>25,000</u>	<u>25,000</u>
ACCUMULATED SURPLUS			
Balance at start of period	22	(174,000)	(184,280)
Net adjustment on transition to AIFRS		-	-
Surplus/(deficit) for period		<u>(48,787)</u>	<u>10,280</u>
Balance at end of period		<u>(222,787)</u>	<u>(174,000)</u>
Balance of equity at end of period		<u>(197,787)</u>	<u>(149,000)</u>
Total Income and Expense for the period		(48,787)	10,280

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

OFFICE OF THE INFORMATION COMMISSIONER
Schedule of Income and Expense by Service

for the year ended 30 June 2006

	Complaint Resolution		Advice & Awareness		TOTAL	
	2006	2005	2006	2005	2006	2005
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee expenses	687,394	741,418	185,017	384,524	872,411	1,108,136
Supplies and services	99,072	66,329	41,388	27,427	140,460	93,756
Depreciation expense	13,016	13,357	4,814	4,941	17,830	18,298
Accommodation expenses	64,578	89,209	26,015	40,624	90,593	129,833
Carrying value of non-current assets disposed of	-	-	-	-	-	-
Other expenses	48,376	49,734	28,653	28,342	77,029	95,882
Total cost of services	912,436	960,047	285,887	485,858	1,198,323	1,445,905
Income						
Revenues						
Other revenue	2,182	7,217	-	-	2,182	7,217
Total Revenue	2,182	7,217	-	-	2,182	7,217
Gains						
Gain on disposal of non-current assets	408	-	-	-	408	-
Total Gains	408	-	-	-	408	-
Total income other than income from State Government	2,590	7,217	-	-	2,590	7,217
NET COST OF SERVICES	909,846	952,830	285,887	485,858	1,195,733	1,438,688
INCOME FROM STATE GOVERNMENT						
Service appropriations	772,100	898,100	330,900	384,900	1,103,000	1,283,000
Liabilities assumed by the Treasurer	1,353	5,622	501	2,079	1,854	7,701
Resources received free of charge	30,727	115,534	11,365	42,733	42,092	158,267
Total income from State Government	804,180	1,019,256	342,766	429,712	1,146,946	1,448,968
SURPLUS/(DEFICIT) FOR THE PERIOD	(105,666)	66,426	56,879	(56,146)	(48,787)	10,280
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH WA STATE GOVERNMENT AS OWNERS	(105,666)	66,426	56,879	(56,146)	(48,787)	10,280

The Schedule of Expenses and Revenues by Service should be read in conjunction with the accompanying notes.

OFFICE OF THE INFORMATION COMMISSIONER
Summary of Consolidated Fund Appropriations and Income Estimates

for the year ended 30 June 2006

	2006 Estimate \$	2006 Actual \$	Variance \$	2006 Actual \$	2005 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 63 Net amount appropriated to deliver services Amount Authorised by Other Statutes	1,028,000	948,000	(80,000)	948,000	1,132,000	(184,000)
• Freedom of Information Act 1992	155,000	155,000	-	155,000	151,000	4,000
Total appropriations provided to deliver services	1,183,000	1,103,000	(80,000)	1,103,000	1,283,000	(180,000)
CAPITAL						
Capital Contribution	-	-	-	-	-	-
GRAND TOTAL OF APPROPRIATIONS	1,183,000	1,103,000	(80,000)	1,103,000	1,283,000	(180,000)
Details of Expenses by Services						
Review and Complaint Resolution	875,000	912,436	37,436	912,436	960,047	(47,611)
Advice and Awareness	382,000	285,887	(96,113)	285,887	485,858	(199,971)
Total Cost of Services	1,257,000	1,198,323	(58,677)	1,198,323	1,445,905	(247,582)
Less total revenues from ordinary activities	(4,000)	(2,590)	1,410	(2,590)	(7,217)	4,627
Net Cost of Services	1,253,000	1,195,733	(57,267)	1,195,733	1,438,688	(242,955)
Adjustment (I)	(70,000)	(92,733)	(22,733)	(92,733)	(155,688)	62,955
Total appropriations provided to deliver services	1,183,000	1,103,000	(80,000)	1,103,000	1,283,000	(180,000)
Capital Expenditure						
Purchase of non-current physical assets	30,000	19,867	(10,133)	19,867	18,139	1,728
Adjustments for other funding sources	(30,000)	(19,867)	10,133	(19,867)	(18,139)	(1,728)
Capital Contribution (appropriation)	-	-	-	-	-	-

(I) Adjustments are related to movements in cash balances and other accrual items such as receivables, payables and superannuation .
 The Summary of Consolidated Fund Appropriations and Revenue Estimates is to be prepared on an accruals basis.
 The Summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.
 This Summary provides the basis for the Explanatory Statement information requirements of TI 945, set out in Note 23.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements*for the year ended 30 June 2006***1 Office of the Information Commissioner mission and funding**

The mission of the Office of the Information Commissioner (the "Information Commission" for the purpose of these notes) is stated as follows:

To promote public understanding and confidence in the decision making process of government agencies through access to relevant information.

The Information Commissioner is funded by Parliamentary appropriations. It does not provide services on a fee-for-service basis. The financial statements encompass all funds through which the Information Commissioner controls resources to carry on its functions.

2 First time adoption of Australian equivalents to International Financial Reporting Standards**General**

This is the Commission's first published financial statements prepared under Australian Equivalents to International Financial Reporting Standards (AIFRS). AASB 1 'First-time adoption of Australian Equivalents to International Financial Reporting Standards' has been applied in preparing these financial statements. The financial statements of the Commission

The Australian Accounting Standards Board (AASB) adopted the Standards of the International Accounting Standards Board (IASB) for application to reporting periods beginning on or after 1 January 2005 by issuing AIFRS which comprise a Framework for the Preparation and Presentation of Financial Statements, Australian Accounting Standards and the Urgent Issues Group (UIG) Interpretations.

In accordance with the option provided by AASB 1 paragraph 36A and exercised by Treasurer's Instruction (TI) 1101 'Application of Australian Accounting Standards and Other Pronouncements', financial instrument information prepared under AASB 132 and AASB 139 will apply from 1 July 2005 and consequently comparative information for financial instruments is presented on the previous AGAAP basis. All other comparative information has been prepared under the

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. This TI requires the early adoption of revised AASB 119 'Employee Benefits' as issued in December 2004, AASB 2004-3 'Amendments to Australian Accounting Standards' and 2005-3 'Amendments to Australian Accounting Standards [AASB 119]'; AASB 2005-4 'Amendments to Australian Accounting Standard [AASB 139, AASB 132, AASB 1, AASB 1023 & AASB 1038]' and AASB 2005-6 'Amendments to Australian Accounting Standards [AASB 3]' to the annual reporting period beginning 1 July 2005. AASB 2005-4 amends AASB 139 'Financial Instruments: Recognition and Measurement' so that the ability to designate financial assets and financial liabilities at fair value is restricted. AASB 2005-6 excludes business combinations involving common control from the scope of AASB 3 'Business Combinations'.

Reconciliations explaining the transition to AIFRS as at 1 July 2004 and 30 June 2005 are provided further on at 'Reconciliations explaining the transition to AIFRS'.

3 Summary of significant accounting policies**(a) General Statement**

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also satisfy accountability requirements.

Where any such modification is required and has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect is disclosed in individual notes to the financial

(b) Basis of preparation

The financial statements have been prepared in accordance with Accounting Standard AAS29 'Financial Reporting by Government Departments' on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

(c) Reporting entity

The reporting entity comprises the Commission and no other related bodies.

(d) Contributed Equity

UIG 1038 "Contributions by Owners Made to Wholly-Owned Public Sector Entities" transfers in the nature of equity contributions must be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity.

(e) Income

Revenue

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business unit as follows:

Sale of goods

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership transfer to the purchaser.

Rendering of services

Revenue is recognised upon delivery of the service to the client or by reference to the stage of completion.

Interest

Revenue is recognised as the interest accrues.

Service Appropriations

Service Appropriations are recognised as revenue in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited into the Commission's bank account or credited to the holding account held at the Department of Treasury and Finance.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements*for the year ended 30 June 2006**Grants, donations, gifts and other non-reciprocal contributions*

Revenue is recognised at fair value when the Commission obtains control over the assets comprising the contributions which is usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

Net Appropriation Determination

Pursuant to section 23A of the Financial Administration and Audit Act, the net appropriation determination by the Treasurer provides for retention of the following moneys received by the Information Commissioner:

- Executive Vehicle Scheme;
- Other receipts.

In accordance with the determination, the Information Commissioner retained \$2,182 in 2006 (\$7,217 in 2005)

Retained revenues may only be applied to the services specified in the 2005-2006 Budget Statements.

(f) Property, Plant and Equipment*Capitalisation/Expensing of assets*

Items of property, plant and equipment costing over \$1,000 are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost. For items of property, plant and equipment acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the Commission uses the cost model for property, plant and equipment. Items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Refer to note 18 'Property, plant and equipment' for further information on revaluations.

Assets acquired at no cost or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner which reflects the consumption of their future economic benefits.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

Depreciation is calculated on the straight line basis, using rates which are reviewed annually. Expected useful lives for each class of depreciable asset are:

Office equipment	2-5 years
Computer hardware	2 years
Computer software	2 years

Motor vehicles are not depreciated as they are leased via operating lease arrangements.

(g) Impairment of Assets

Property, plant and equipment assets are tested for any indication of impairment at each reporting date. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Commission is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated or where the replacement cost is falling. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at each reporting date irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at each reporting date.

(h) Leases

The Information Commissioner has entered into operating lease arrangements for buildings and motor vehicles. The lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Lease payments are expensed on a straight line basis over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

(i) Financial Instruments

The Commission has two categories of financial instrument:

- Loans and receivables (cash and cash equivalents, receivables); and
- Non-trading financial liabilities (payables, Treasurer's advance).

(j) Cash and Cash equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash, and which are subject to insignificant risk of changes in value.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements*for the year ended 30 June 2006***(k) Accrued salaries**

The accrued salaries suspense account (refer note 17) consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 21) represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Information Commissioner considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(l) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(m) Payables

Payables, including accruals not yet billed, are recognised when the Information Commissioner becomes obliged to make future payments as a result of a purchase of assets or services. Payables are generally settled within 30 days.

(n) Provisions

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of economic benefits is probable and can be measured reliably. Provisions are reviewed at each balance sheet reporting date. See note 20 'Provisions'.

Provisions- Employee Benefits*Annual Leave and Long Service Leave*

This entitlement is recognised at the reporting date in respect to employees' services up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price Waterhouse Coopers in 2004 determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

This method of measurement of the liability is consistent with the requirements of Australian Accounting Standards AASB 119 "Employee Benefits".

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Superannuation

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes. Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members. The Commission has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by Treasurer.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

Employees who are not members of either the Pension or the GSS Schemes become non-contributory members of the West State Superannuation Scheme (WSS), an accumulation fund. The Commission makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS Scheme. The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

(o) Superannuation expense

The superannuation expense is comprised of the following elements:

- (i) Defined benefit plans- Change in the unfunded employer's liability in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) Defined contribution plans- Employer contributions paid to the Gold State Superannuation Scheme and West State Superannuation Scheme.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided by the Commission in the current year.

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Income from State Government in the Income Statement as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Income from State Government in the Income Statement as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

Defined contribution plans - in order to reflect the Commission's true cost of services, the Commission is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Fund.

The GSS Scheme is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, apart from the transfer benefit, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

(p) Resources received free of charge or for nominal value

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

(q) Comparative figures

Comparative figures have been restated on the AIFRS basis except for financial instruments information, which has been prepared under the previous AGAAP Australian Accounting Standard AAS 33 'Presentation and Disclosure of Financial Instruments'. The transition date to AIFRS for financial instruments is 1 July 2005 in accordance with the exemption allowed under AASB 1, paragraph 36A and Treasurer's Instruction 1101.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements*for the year ended 30 June 2006***4 Services of the Information Commissioner**

Information about the Information Commissioner's services is set out in the Schedule of Expenses and Revenues by Service.

The two key service of the Information Commissioner:

Service 1: Resolution of complaints

Provides an independent review and complaint resolution process which resolves cases in a timely manner and balances the competing needs and expectations of applicants, agencies and Parliament within legislative requirements prescribed by the Freedom of Information Act 1992.

Service 2: Freedom of information advice and awareness

Provide objective advice and information to members of the public and staff of agencies to assist in the proper lodgement and processing of applications under the Freedom of Information Act 1992. Propose initiatives to enhance administrative efficiency in agencies when dealing with applications received.

The Department of the Attorney General provides overall corporate support in human resources and financial services (refer to note 13 for details of charge).

5 Disclosure of changes in accounting policy and estimates**Future impact of Australian Accounting Standards not yet operative**

The Commission cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. As referred to in Note 2, TI 1101 has only mandated the early adoption of revised AASB 119, AASB 2004-3, AASB 2005-3, AASB 2005-4 and AASB 2005-6. Consequently, the Commission has not applied the following Australian Accounting Standards and UIG Interpretations.

1. AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007. The Standard is considered to result in increased disclosures of an entity's risks, enhanced disclosure about components of financial position and performance, and changes to the way of presenting financial statements, but otherwise there is no financial impact.

2. AASB 2005-9 'Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 & AASB 132]' (Financial guarantee contracts). The amendment deals with the treatment of financial guarantee contracts, credit insurance contracts, letters of credit or credit derivative default contracts as either an "insurance contract" under AASB 4 'Insurance Contracts' or as a "financial guarantee contract" under AASB 139 'Financial Instruments: Recognition and Measurement'. The Commission does not undertake these types of transactions resulting in no financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2006.

3. UIG Interpretation 4 'Determining whether an Arrangement Contains a Lease'. This Interpretation deals with arrangements that comprise a transaction or a series of linked transactions that may not involve a legal form of a lease but by their nature are deemed to be leases for the purposes of applying AASB 117 'Leases'. At reporting date, the Commission has not entered into any arrangements as specified in the Interpretation resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2006.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006 \$	2005 \$
6 Employee benefits expense		
Salaries and wages	695,459	874,057
Annual and long service leave	76,881	119,401
Superannuation - West State	82,686	91,054
Other related expenses	17,385	23,624
	<u>872,411</u>	<u>1,108,136</u>
7 Supplies and Services		
Goods and supplies	30,937	32,949
Services and contracts	67,431	20,268
Resources received free of charge (note 13)	42,092	40,539
	<u>140,460</u>	<u>93,756</u>
8 Depreciation expense		
Equipment	<u>17,830</u>	<u>18,298</u>
9 Accommodation expenses		
Building rental operating lease expense	90,593	12,105
Rental received free of charge (note 12)	-	117,728
	<u>90,593</u>	<u>129,833</u>
10 Other expenses		
Equipment and vehicles operating lease expense	19,797	29,674
Communication expenses	15,314	12,314
Insurance	6,806	12,137
Printing and binding	3,692	2,357
Buildings, equipment and vehicles repairs and maintenance	3,647	6,927
Electricity	1,477	4,890
Other expenses (a)	26,296	27,583
	<u>77,029</u>	<u>95,882</u>
(a) Includes workers compensation insurance, staff travel and accommodation and staff training.		
11 Other revenues		
Contributions to motor vehicles scheme	2,032	4,147
Other revenue	150	3,070
	<u>2,182</u>	<u>7,217</u>
12 Gain on sale of assets		
<u>Gain on Disposal of Non-Current Assets</u>		
Equipment	<u>408</u>	<u>-</u>

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006	2005
	\$	\$
13 Income from State Government		
Appropriation revenue received during the year:		
Service appropriations (I)	1,103,000	1,283,000
	<u>1,103,000</u>	<u>1,283,000</u>
The following liabilities have been assumed by the Treasurer during the financial year:		
- Superannuation (II)	1,854	7,701
	<u>1,854</u>	<u>7,701</u>
Resources received free of charge (III)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	39,173	38,206
Department of Housing and Works (Commercial Property Branch)		
- property management services (notional management fee based on lease payments)	2,919	2,333
State Ombudsman's Office (Rental paid for OIC)	-	117,728
	<u>42,092</u>	<u>158,267</u>
	<u>1,146,946</u>	<u>1,448,968</u>

(I) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(II) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation scheme.

(III) Where assets or services have been received free of charge or for nominal consideration, the Information Commissioner recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the Information Commissioner shall make a direct adjustment of equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006 \$	2005 \$
14 Receivables		
Debtors	-	48
GST receivable	5,266	5,265
	<u>5,266</u>	<u>5,313</u>
15 Amounts receivable for services		
Current	35,000	30,000
Non-Current	3,000	8,000
	<u>38,000</u>	<u>38,000</u>
16 Other current assets		
Prepayments	<u>4,332</u>	<u>5,957</u>
17 Restricted cash and cash equivalents		
Non-current		
Accrued salaries suspense account (I)	<u>2,955</u>	-
	<u>2,955</u>	-
<p>(I) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.</p>		
18 Property, plant and equipment		
Office equipment and computers		
At cost	174,119	188,974
Accumulated depreciation	(140,909)	(157,801)
	<u>33,210</u>	<u>31,173</u>
<u>Reconciliation</u>		
<p>A reconciliation of the carrying amount of Office equipment and computers at the beginning and end of the current financial year is set out below.</p>		
Carrying amount at start of year	31,173	31,332
Additions	19,867	18,139
Cost of Disposals	-	-
Depreciation	(17,830)	(18,298)
Carrying amount at end of year	<u>33,210</u>	<u>31,173</u>
19 Payables		
Trade and other creditors	25,180	30,149

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006 \$	2005 \$
20 Provisions		
Employee entitlements		
<u>Current</u>		
Annual leave	25,302	37,374
Long service leave	118,472	116,253
Superannuation on-cost	15,052	13,362
	<u>158,826</u>	<u>166,989</u>
Other Provisions		
Employment on-cost provision		
Carrying amount at start of year	5,160	4,546
Additional provisions recognised	(471)	614
Carrying amount at end of year	<u>4,689</u>	<u>5,160</u>
	<u>163,515</u>	<u>172,149</u>
<u>Non-current</u>		
Long service leave	67,806	66,535
Superannuation on-cost	7,269	7,647
	<u>75,075</u>	<u>74,182</u>
Other Provisions		
Employment on-cost provision		
Carrying amount at start of year	2,292	2,125
Additional provisions recognised	(70)	167
Carrying amount at end of year	<u>2,222</u>	<u>2,292</u>
	<u>77,297</u>	<u>76,474</u>
21 Other current liabilities		
<u>Current</u>		
<u>Accrued Salaries</u>		
4.5% salary increase accrual (I)	8,725	-
1 day salary accrual (II)	2,721	-
<u>Advances</u>		
Amount owing to Department of the Attorney General	-	100
	<u>11,446</u>	<u>100</u>

(I) As part of the Public Service General Agreement (PSGA), a 4.5% salary increase for all PSGA employees was effective from the first pay period commencing on or after 26 February 2006 (this being the payroll of 10 March, 2006). As none of this remuneration had been paid at 30 June 2006, a salary accrual for all PSGA employees was required to be taken up.

(II) The last pay day of the 2005/06 financial year was on 29 June 2006. A salary accrual of one working day's pay was required to be taken up. (Nil working days accrued to 30 June 2005).

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006 \$	2005 \$
22 Equity		
Liabilities exceed assets for the Information Commissioner and there is therefore no residual interest in the assets of the Information Commissioner. This deficiency arose through expenses such as depreciation and accrual of employee entitlements for leave not involving the payment of cash in the current period being recognised in the Income Statement.		
Contributed equity		
Balance at the start of the year	25,000	25,000
Capital contributions (I)	-	-
Balance at the end of the year	<u>25,000</u>	<u>25,000</u>
(I) Capital Contributions have been designated as contributions by owners and are credited straight to equity in the Balance Sheet.		
Accumulated surplus / (deficiency)		
Balance at the start of the year	(174,000)	(184,280)
Change in net assets	(48,787)	10,280
Balance at the end of the year	<u>(222,787)</u>	<u>(174,000)</u>
23 Notes to the Cash Flow Statement		
(a) Reconciliation of cash and cash equivalents		
Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:		
Cash and cash equivalents	(4,112)	49,429
Restricted cash and cash equivalent assets (refer note 17)	2,955	-
	<u>(1,157)</u>	<u>49,429</u>
(b) Reconciliation of net cost of services to net cash flows provided by/ (used in) operating activities		
Net cost of services	(1,195,733)	(1,438,688)
Non-cash items:		
Depreciation expense	17,830	18,298
Superannuation expense	1,854	7,701
Resources received free of charge	42,092	158,267
Net (gain) / loss on sale of equipment	(408)	-
(Increase)/decrease in assets:		
Receivables	48	(48)
Other current assets	1,625	(3,576)
Increase/(decrease) in liabilities:		
Current payables	6,377	(47,410)
Current provisions	(8,634)	8,120
Non-current provisions	823	17,949
Change in GST receivables/payables	(1)	2,432
Net cash provided by/(used in) operating activities	(1,134,127)	(1,276,955)

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

	2006	2005
	\$	\$
24 Commitments for expenditure		
Lease commitments		
Commitments in relation to leases contracted for at the reporting date but not recognised as liabilities are payable:		
Within 1 year	133,488	133,216
Later than 1 year and not later than 5 years	28,877	70,932
	<u>162,365</u>	<u>204,148</u>

25 Explanatory Statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into Consolidated Fund. Appropriations are now all on an accrual basis.

The following explanations are provided in accordance with Treasurers Instruction 945. Significant variations are considered to be those greater than 10% and \$20,000.

(i) Significant variances between estimate and actual - Total appropriation to deliver services:

Advice and Awareness	Under	\$96,113
-----------------------------	--------------	-----------------

The position of Executive Director (level 9) was abolished in May 2005. 80% of the costs for this position were apportioned to this output and this change between the estimate and the actual is the full year effect of the decrease in costs.

(ii) Significant variances between actual and prior year actual - Total appropriation to deliver services:

Total appropriation to deliver services for the year	Under	\$180,000
---	--------------	------------------

\$80,000 was transferred from 2005/06 appropriations to 2004/05 to assist with covering the severance package of the level 9 position abolished in May 2005. Appropriations were also reduced due to expected savings in accommodation after the office was collocated.

Advice and Awareness	Under	\$199,971
-----------------------------	--------------	------------------

The position of Executive Director (level 9) was abolished in May 2005. 80% of the costs for this position were apportioned to this output and this change between the two financial years is the full year effect of the decrease in costs.

(iii) Significant variances between estimate and actual - Capital Contribution:

No significant variances.

(iv) Significant variances between actual and prior year actual - Capital Contribution:

No significant variance

26 Financial instruments Financial instruments**(a) Financial Risk Management Objectives and Policies**

Financials instruments held by the Commission are cash and cash equivalents, finance leases, Treasurer' advances and receivables and payables. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

Credit risk

The Commission trades only with recognised, creditworthy third parties. The Commission has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Commission's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Liquidity risk

The Commission has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Cash flow interest rate risk

The Commission is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing and have no borrowings other than the Treasurer's advance (non-interest bearing).

(b) Financial Instrument disclosures

Financial instrument information for the year ended 2005 has been prepared under the previous AGAAP Australian Accounting Standard AAS 33 'Presentation and Disclosure of Financial Instruments'. Financial instrument information from 1 July 2005 has been prepared under AASB 132 'Financial Instruments: Presentation' and AASB 139 'Financial Instruments: Recognition and Measurement'.

Interest rate risk exposure

The Commission's exposure to interest rate risk, repricing maturities and the weighted average interest rates on financial instruments at balance date are as follows:

	Weighted average interest rate	Floating interest rate	Fixed interest rate maturities			Non interest bearing	Total
			1 year or less	2 to 5 years	Over 5 years		
2006	%	\$	\$	\$	\$	\$	\$
Financial assets							
Cash and cash equivalent assets						(4,112)	(4,112)
Restricted cash and cash equivalent assets						2,955	2,955
Receivables						5,266	5,266
Other assets						42,332	42,332
Total financial assets		-	-	-	-	46,441	46,441
Liabilities							
Payables						25,180	25,180
Finance lease liabilities							-
Provisions						240,812	240,812
Other liabilities						11,446	11,446
Total financial liabilities		-	-	-	-	277,438	277,438
Net financial asset/(liabilities)		-	-	-	-	(230,997)	(230,997)
2005							
Financial assets						98,699	98,699
Financial liabilities						278,872	278,872
Net financial assets/(liabilities)		-	-	-	-	(180,173)	(180,173)

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2006

Net fair values

The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values.

27 Remuneration of Senior Officers

The number of senior officers whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:

	\$	2006	2005
	130,001 - 140,000	1	1
	160,001 - 170,000	-	1
	170,001 - 180,000	1	-
(a)	270,001 - 280,000	-	1
	The total remuneration of senior officers is:	\$307,499	\$571,682

The superannuation included here represents the superannuation expense incurred by the Information Commissioner in respect of senior officers.

(a) Includes payment of accrued leave and termination entitlements to the Executive Director whose position has been made redundant as result of collocation of the Information Commissioner with that of the Ombudsman.

In 2006, no Senior Officer was a member of the Pension Scheme.
(In 2005, nil)

28 Remuneration of Auditor

Remuneration to the Auditor General for the financial year is as follows:

Auditing the accounts, financial statements and performance indicators	\$17,200	\$16,000
--	----------	----------

29 Supplementary financial information

- There were no losses of public moneys and other public property through theft or default during the financial year (2005, nil).
- There were no gifts of public property by the Information Commissioner during the financial year (2005, nil).
- There were no revenues nor debts due to the State that were written off for the financial year (2005, nil).
- There were no events occurring after the balance date at the end of the financial year (2005, nil).
- The Information Commissioner had no related bodies during the financial year (2005, nil).
- The Information Commissioner had no affiliated bodies during the financial year (2005, nil).

OFFICE OF THE INFORMATION COMMISSIONER

RECONCILIATION OF INCOME STATEMENT UNDER AGAAP TO AIFRS

AS AT 30 JUNE 2005

	Note	AGAAP			AIFRS	
		2005	reclass	reclass	reclass gain/loss	2005
		\$	Employee benefits AASB 119	intangibles AASB 138	on sale of assets AASB 116	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	6	1,108,136				1,108,136
Supplies and services	7	93,756				93,756
Depreciation and amortisation expense	8	18,298				18,298
Accommodation expenses	9	129,833				129,833
Other expenses	10	95,882				95,882
Total cost of services		1,445,905	-	-	-	1,445,905
Income						
<i>Revenue</i>						
Other revenue	11	7,217				7,217
Total Revenue		7,217	-	-	-	7,217
Total income other than income from State Government		7,217	-	-	-	7,217
NET COST OF SERVICES		1,438,688	-	-	-	1,438,688
INCOME FROM STATE GOVERNMENT		13				
Service appropriation		1,283,000				1,283,000
Liabilities assumed by the Treasurer		7,701				7,701
Resources received free of charge		158,267				158,267
Total income from State Government		1,448,968	-	-	-	1,448,968
SURPLUS/(DEFICIT) FOR THE PERIOD		10,280	-	-	-	10,280

OFFICE OF THE INFORMATION COMMISSIONER
 RECONCILIATION OF EQUITY UNDER AGAAP TO AIFRS
 AS AT 30 JUNE 2005

	Note	AGAAP		AIFRS	
		2005	reclass	reclass	2005
		\$	Employee	intangibles	\$
			AASB 119	AASB 138	
Current assets					
Cash and cash equivalents	21(a)	49,429			49,429
Restricted cash and cash equivalents	12	-			-
Receivables	13	5,313			5,313
Amounts receivable for services	14	30,000			30,000
Other current assets	15	5,957			5,957
Total Current Assets		90,699	-	-	90,699
Non-Current Assets					
Amounts receivable for services	14	8,000			8,000
Property, plant and equipment	16	31,173			31,173
Intangible assets		-			-
Total Non-Current Assets		39,173	-	-	39,173
TOTAL ASSETS		129,872	-	-	129,872
Current Liabilities					
Payables	17	30,149			30,149
Provisions	18	130,970	41,179		130,970
Other current liabilities	19	100			100
Total Current Liabilities		161,219	41,179	-	161,219
Non-Current Liabilities					
Provisions	18	117,653	(41,179)		76,474
Total Non-Current Liabilities		117,653	(41,179)	-	76,474
Total Liabilities		278,872	-	-	278,872
Net Assets		(149,000)	-	-	(149,000)
Equity					
Contributed equity	20	25,000			25,000
Reserves		-			-
Accumulated surplus/(deficiency)		(174,000)			(174,000)
Total Equity		(149,000)	-	-	(149,000)
TOTAL LIABILITIES AND EQUITY		129,872	-	-	129,872

**OFFICE OF THE INFORMATION COMMISSIONER
RECONCILIATION OF CASH FLOW UNDER AGAAP TO AIFRS
AS AT 30 JUNE 2005**

	Notes	AGAAP 30 June 2005 \$	Adjustments	AIFRS 30 June 2005 \$
CASH FLOWS FROM STATE GOVERNMENT				
Service appropriation		1,253,000		1,253,000
Capital contributions		-		-
Holding account drawdowns		30,000		30,000
Net cash provided by State Government		1,283,000	-	1,283,000
Utilised as follows:				
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Employee benefits		(997,090)		(997,090)
Supplies and Services		(289,466)		(289,466)
GST payments on purchases		(23,032)		(23,032)
Receipts				
Receipts from services		7,169		7,169
GST receipts on sales		404		404
GST receipts from taxation authority		25,060	-	25,060
Net cash provided by/(used in) operating activities	23(b)	(1,276,955)	-	(1,276,955)
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of non-current physical assets		-		-
Purchase of non-current physical assets		(18,139)	-	(18,139)
Net cash provided by/(used in) investing activities		(18,139)	-	(18,139)
Net increase/(decrease) in cash and cash equivalents		(12,094)		(12,094)
Cash and cash equivalents at the beginning of period		61,523	-	61,523
CASH AND CASH EQUIVALENTS AT THE END	23(a)	49,429	-	49,429

OFFICE OF THE INFORMATION COMMISSIONER

RECONCILIATION OF EQUITY AT DATE OF TRANSITION TO AIFRS:1 JULY 2004

Note	AGAAP		AIFRS	
	1 July 2004	reclass	reclass	1 July 2004
	\$	Employee	intangibles	\$
		AASB 119	AASB 138	
Current assets				
Cash and Cash Equivalent	27,396			27,396
Restricted cash and cash equivalents	34,127			34,127
Receivables	7,697			7,697
Amounts receivable for services	30,000			30,000
Other current assets	2,381			2,381
Total Current Assets	101,601	-	-	101,601
Non-Current Assets				
Amounts receivable for services	8,000			8,000
Property, plant and equipment	31,332			31,332
Intangible assets	0			0
Total Non-Current Assets	39,332	-	-	39,332
TOTAL ASSETS	140,933	-	-	140,933
Current Liabilities				
Payables	47,858			47,858
Provisions	122,850	28,821		151,671
Other current liabilities	29,801			29,801
Total Current Liabilities	200,509	28,821	-	229,330
Non-Current Liabilities				
Provisions	99,704	(28,821)		70,883
Total Non-Current Liabilities	99,704	(28,821)	-	70,883
Total Liabilities	300,213	-	-	300,213
Net Assets	(159,280)	-	-	(159,280)
Equity				
Contributed equity	25,000			25,000
Reserves	0			0
Accumulated surplus/(deficiency)	(184,280)			(184,280)
Total Equity	(159,280)	-	-	(159,280)
TOTAL LIABILITIES AND EQUITY	140,933	-	-	140,933

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STATISTICAL TABLES

STATISTICAL TABLES

TABLE 12
REQUESTS RECEIVED BY AGENCIES

AGENCY NAME	No.
Acacia Prison	140
Agriculture, Department of	17
Albany, City of	3
Albany Port Authority	0
Animal Resources Authority	0
Armadale, City of	4
Armadale Health Service	216
Armadale Redevelopment Authority	0
Attorney General, Department of the	12
Augusta-Margaret River, Shire of	12
Bassendean, Town of	4
Bayswater, City of	12
Belmont, City of	8
Bentley Health Service	116
Beverley, Shire of	0
Boddington, Shire of	0
Botanic Gardens and Park Authority	0
Boyup Brook, Shire of	0
Bridgetown-Greenbushes, Shire of	4
Brookton, Shire of	0
Broome, Shire of	1
Broomehill, Shire of	0
Builders' and Painters' Registration Board	1
Bunbury, City of	5
Bunbury Port Authority	0
Busselton, Shire of	10
Cambridge, Town of	6
Canning, City of	8
Capel, Shire of	1
Carnamah, Shire of	0
Central Metropolitan College of TAFE	1
Challenger TAFE	1
Chapman Valley, Shire of	0
Claremont, Town of	3
Cockburn, City of	8
Collie, Shire of	0
Community Development, Department for	76
Conservation and Land Management, Department of	14
Conservation Commission of Western Australia	0
Consumer and Employment Protection, Department of	314

AGENCY NAME	No.
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrective Services, Department of	270
Corrigin, Shire of	0
Cottesloe, Town of	1
Country High School Hostels Authority, Office of the	0
Cranbrook, Shire of	0
Cue, Shire of	0
Culture and the Arts, Department of	0
Cunderdin, Shire of	0
Curriculum Council	4
Curtin University of Technology	13
Dampier Port Authority	1
Dandaragan, Shire of	1
Dardanup, Shire of	1
Denmark, Shire of	0
Derby-West Kimberley, Shire of	0
Disability Services Commission	16
Donnybrook-Balingup, Shire of	2
Drug and Alcohol Office	2
Dumbleyung, Shire of	0
Dundas, Shire of	0
East Fremantle, Town of	0
East Perth Redevelopment Authority	2
East Pilbara, Shire of	0
Eastern Metropolitan Regional Council	0
Edith Cowan University	28
Education and Training, Department of	88
Education Services, Department of	3
Electoral Commission, Western Australian	0
Environment, Department of	388
Equal Opportunity Commission	5
Esperance, Shire of	0
Esperance Port Authority	0
Exmouth, Shire of	0
Fire and Emergency Services Authority	71
Fisheries, Department of	3
Forest Products Commission	0
Fremantle, City of	14
Fremantle Hospital and Health Service	531
Fremantle Port Authority	2

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Gascoyne Development Commission	1
Geraldton, City of	2
Geraldton Port Authority	0
Gingin, Shire of	0
Gnowangerup, Shire of	0
Gold Corporation	1
Goldfields and South East Health Region	186
Goldfields Esperance Development Commission	0
Goomalling, Shire of	0
Gosnells, City of	11
Government Employees Housing Authority	1
Government Employees Superannuation Board	1
Graylands Selby-Lemnos and Special Care Health Service	106
Great Southern Development Commission	0
Great Southern Health Region	86
Great Southern TAFE	0
Greenough, Shire of	0
Halls Creek, Shire of	0
Harvey, Shire of	6
Health, Department of	67
Health Review, Office of	11
Heritage Council of Western Australia	7
Housing and Works, Department of	100
Indigenous Affairs, Department of	4
Industrial Relations Commission, Office of the Registrar	1
Industry and Resources, Department of	85
Insurance Commission of Western Australia	65
Irwin, Shire of	0
Jerramungup, Shire of	0
Joondalup, City of	26
Joondalup Health Campus	243
Justice, Department of	273
Kalamunda, Shire of	11
Kalgoorlie-Boulder, City of	11
Katanning, Shire of	0
Kent, Shire of	0
Kimberley College of TAFE	1
Kimberley Development Commission	0
Kimberley Health Region	265
Kojonup, Shire of	0

AGENCY NAME	No.
Kondinin, Shire of	0
Koorda, Shire of	0
Kulin, Shire of	0
Kwinana, Town of	3
Lake Grace, Shire of	0
Land Authority (LandCorp), Western Australian	5
Land Information, Department of	4
Laverton, Shire of	0
Law Reform Commission	0
Legal Aid Western Australia	7
Legal Practice Board, The	4
Legal Practitioners Complaints Committee, The	3
Leonora, Shire of	0
Local Government and Regional Development, Department of	8
Lotteries Commission	0
Mandurah, City of	17
Main Roads Western Australia	34
Meat Industry Authority, Western Australian	0
Medical Board of Western Australia	6
Melville, City of	29
Menzies, Shire of	0
Merredin, Shire of	0
Metropolitan Cemeteries Board	0
Mid West Development Commission	0
Midland Redevelopment Authority	0
Midwest and Murchison Health Region	79
Mingenew, Shire of	0
Ministers:	
Former Minister for Sport and Recreation; Citizenship and Multicultural Interests; Seniors	1
Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt	6
Attorney General; Minister for Health; Electoral Affairs	12
Minister for Community Development; Seniors and Volunteering; Youth	1
Minister for Corrective Services; Women's Interests; Minister Assisting the Minister for Federal Affairs	1
Deputy Premier; Treasurer; Minister for Government Enterprises; Minister Assisting the Minister for Public Sector Management	6
Minister for Disability Services; Citizenship and Multicultural Interests; Minister Assisting the Minister for Planning and Infrastructure	1
Minister for Education and Training	10
Minister for Energy; Science and Innovation	2
Minister for the Environment; Racing and Gaming	7
Minister for Housing and Works; Consumer Protection; Heritage; Land Information	7

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Minister for Indigenous Affairs; Tourism; Culture and the Arts	3
Minister for Local Government and Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne	6
Minister for Planning and Infrastructure	19
Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation	11
Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern	3
Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training	2
Moora, Shire of	0
Morawa Shire Council	0
Mosman Park, Town of	3
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mullewa, Shire of	0
Mundaring, Shire of	17
Murdoch University	10
Murray, Shire of	6
Nannup, Shire of	0
Narembeen, Shire of	0
Narrogin, Shire of	0
Narrogin, Town of	0
Nedlands, City of	9
Northam, Town of	0
Northampton, Shire of	0
Nurses Board of Western Australia	0
Osborne Park Hospital	103
Peel Development Commission	0
Peel Health Service	29
Perenjori, Shire of	0
Perth, City of	20
Perth Market Authority	1
Pilbara and Gascoyne Health Region	56
Pilbara College of TAFE	0
Pilbara Development Commission	0
Pingelly, Shire of	0
Planning and Infrastructure, Department for	265
Police Force of Western Australia	1,543
Port Hedland, Town of	1
Port Hedland Port Authority	0
Potato Marketing Corporation of Western Australia	1
Premier and Cabinet, Department of the	59

AGENCY NAME	No.
Psychologists Registration Board	0
Public Advocate, Office of the	2
Public Sector Standards Commissioner, Office of the	4
Public Transport Authority	16
Public Trust Office	6
Quairading, Shire of	1
Racing and Wagering Western Australia	4
Racing, Gaming and Liquor, Department of	3
Ravensthorpe, Shire of	0
Rockingham, City of	10
Rockingham/Kwinana Health Service	151
Roebourne, Shire of	2
Rottneest Island Authority	1
Royal Perth Hospital	1,121
Salaries and Allowances Tribunal	2
Sandstone, Shire of	0
Shark Bay, Shire of	0
Sir Charles Gairdner Hospital, North Metropolitan Health Service	1,005
Small Business Development Corporation	2
South Perth, City of	16
South West Area Health Service	157
South West Development Commission	0
South West Regional College of TAFE	0
Sport & Recreation, Department of	2
Sports Centre Trust	1
State Administrative Tribunal	8
State Supply Commission	1
Stirling, City of	26
Subiaco, City of	11
Subiaco Redevelopment Authority	0
Swan, City of	16
Swan and Kalamunda Health Service	22
Tambellup, Shire of	0
Tammin, Shire of	0
Three Springs, Shire of	0
Toodyay, Shire of	1
Tourism Commission	1
Trayning, Shire of	0
Treasury Corporation, Western Australian	0
Trotting Association, Western Australian	0

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
University of Western Australia, The	8
Victoria Park, Town of	10
Victoria Plains, Shire of	0
Vincent, Town of	15
Wagin, Shire of	0
Wandering, Shire of	0
Wanneroo, City of	22
Waroona, Shire of	0
Water Corporation	31
West Arthur, Shire of	0
West Coast College TAFE	0
Western Power	7
Western Power Corporation (Obs.)	20
Westonia, Shire of	0
Wheatbelt Health Region	213
Wickepin, Shire of	0
Wiluna, Shire of	0
Women and Children's Health Service	220
Wongan-Ballidu, Shire of	0
Woodanilling, Shire of	0
Workers' Compensation & Rehabilitation Commission (WorkCover)	15
Wyalkatchem, Shire of	0
Wyndham-East Kimberley, Shire of	3
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	1
Zoological Parks Authority	0
Total	9,591

Notes:

- (1) This table reflects the total number of applications lodged and includes applications which may have been transferred to another agency, withdrawn or which are still to be dealt with.
- (2) The number actually dealt with by a decision issued to the applicant is reflected in the following table.
- (3) If an agency does not appear in this table, this is because the required statistical data was not received in time for publication.

TABLE 13
DECISIONS MADE—OUTCOME

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Acacia Prison	39(32%)	77(63.1%)	0(0%)	0(0%)	6(4.9%)
Agriculture, Department of	6(33.3%)	10(55.6%)	0(0%)	0(0%)	2(11.1%)
Albany, City of	1(33.3%)	2(66.7%)	0(0%)	0(0%)	0(0%)
Armadale, City of	0(0%)	4(100%)	0(0%)	0(0%)	0(0%)
Armadale Health Service	198(95.7%)	8(3.9%)	0(0%)	1(0.5%)	0(0%)
Attorney General, Department of the	1(16.7%)	1(16.7%)	0(0%)	0(0%)	4(66.7%)
Augusta-Margaret River, Shire of	6(54.5%)	1(9.1%)	0(0%)	0(0%)	4(36.4%)
Bassendean, Town of	2(66.7%)	1(33.3%)	0(0%)	0(0%)	0(0%)
Bayswater, City of	6(66.7%)	2(22.2%)	0(0%)	0(0%)	1(11.1%)
Belmont, City of	4(66.7%)	2(33.3%)	0(0%)	0(0%)	0(0%)
Bentley Health Service	89(89.9%)	9(9.1%)	0(0%)	0(0%)	1(1%)
Bridgetown-Greenbushes, Shire of	4(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Broome, Shire of	0(0%)	0(0%)	1(100%)	0(0%)	0(0%)
Bunbury, City of	0(0%)	5(100%)	0(0%)	0(0%)	0(0%)
Busselton, Shire of	5(55.6%)	3(33.3%)	0(0%)	0(0%)	1(11.1%)
Cambridge, Town of	0(0%)	6(100%)	0(0%)	0(0%)	0(0%)
Canning, City of	4(50%)	4(50%)	0(0%)	0(0%)	0(0%)
Capel, Shire of	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Central Metropolitan College of TAFE	0(0%)	0(0%)	0(0%)	0(0%)	1(100%)
Challenger TAFE	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Claremont, Town of	3(75%)	1(25%)	0(0%)	0(0%)	0(0%)
Cockburn, City of	2(25%)	6(75%)	0(0%)	0(0%)	0(0%)
Community Development, Department for	8(15.4%)	37(71.2%)	0(0%)	0(0%)	7(13.5%)
Conservation and Land Management, Department of	5(45.5%)	5(45.5%)	0(0%)	0(0%)	1(9.1%)
Consumer and Employment Protection, Department of	8(3%)	194(73.5%)	0(0%)	0(0%)	62(23.5%)
Corrective Services, Department of	150(67.6%)	43(19.4%)	0(0%)	0(0%)	29(13.1%)
Cottesloe, Town of	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Culture and the Arts, Department of	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Curriculum Council	3(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Curtin University of Technology	5(45.5%)	1(9.1%)	0(0%)	0(0%)	5(45.5%)
Dampier Port Authority	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Dardanup, Shire of	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Disability Services Commission	6(40%)	8(53.3%)	0(0%)	1(6.7%)	0(0%)
Donnybrook-Balingup, Shire of	2(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Drug and Alcohol Office	1(50%)	0(0%)	0(0%)	0(0%)	1(50%)
East Perth Redevelopment Authority	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Edith Cowan University	4(17.4%)	9(39.1%)	0(0%)	0(0%)	10(43.5%)
Education and Training, Department of	18(26.1%)	39(56.5%)	1(1.4%)	1(1.4%)	10(14.5%)
Education Services, Department of	2(66.7%)	1(33.3%)	0(0%)	0(0%)	0(0%)
Electoral Commission, Western Australian	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)

Note: Excludes applications that were withdrawn

STATISTICAL TABLES continued

DECISIONS MADE—OUTCOME (cont...)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Environment, Department of	7(2%)	78(22.5%)	0(0%)	0(0%)	261(75.4%)
Equal Opportunity Commission	4(66.7%)	1(16.7%)	0(0%)	0(0%)	1(16.7%)
Esperance Port Authority	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Exmouth, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Fire and Emergency Services Authority	18(24.7%)	55(75.3%)	0(0%)	0(0%)	0(0%)
Fisheries, Department of	0(0%)	0(0%)	0(0%)	0(0%)	1(100%)
Forest Products Commission	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Fremantle, City of	6(42.9%)	7(50%)	0(0%)	0(0%)	1(7.1%)
Fremantle Hospital and Health Service	502(91.6%)	44(8%)	0(0%)	0(0%)	2(0.4%)
Fremantle Port Authority	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Gascoyne Development Commission	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Geraldton, City of	1(50%)	0(0%)	0(0%)	0(0%)	1(50%)
Geraldton Port Authority	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Gingin, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Gnowangerup, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Gold Corporation	0(0%)	0(0%)	0(0%)	0(0%)	1(100%)
Goldfields and South East Health Region	177(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Goldfields Esperance Development Commission	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Goomalling, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Gosnells, City of	5(55.6%)	3(33.3%)	0(0%)	0(0%)	1(11.1%)
Government Employees Housing Authority	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Government Employees Superannuation Board	0(0%)	0(0%)	0(0%)	0(0%)	1(100%)
Graylands Selby-Lemnos and Special Care Health Service	23(22.8%)	69(68.3%)	0(0%)	3(3%)	6(5.9%)
Great Southern Development Commission	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Great Southern Health Region	81(91%)	2(2.2%)	0(0%)	5(5.6%)	1(1.1%)
Great Southern TAFE	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Greenough, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Halls Creek, Shire of	0(0%)	0(0%)	0(0%)	0(0%)	0(0%)
Harvey, Shire of	6(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Health, Department of	34(63%)	11(20.4%)	0(0%)	0(0%)	9(16.7%)
Health Review, Office of	5(41.7%)	6(50%)	1(8.3%)	0(0%)	0(0%)
Heritage Council of Western Australia	1(16.7%)	5(83.3%)	0(0%)	0(0%)	0(0%)
Housing and Works, Department of	12(14.8%)	63(77.8%)	0(0%)	0(0%)	6(7.4%)
Indigenous Affairs, Department of	1(33.3%)	2(66.7%)	0(0%)	0(0%)	0(0%)
Industrial Relations Commission, Office of the Registrar	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Industry and Resources, Department of	2(2.1%)	73(76.8%)	0(0%)	0(0%)	20(21.1%)
Insurance Commission of Western Australia	6(10.9%)	43(78.2%)	0(0%)	0(0%)	6(10.9%)
Joondalup, City of	0(0%)	23(88.5%)	0(0%)	0(0%)	3(11.5%)
Joondalup Health Campus	221(97.8%)	5(2.2%)	0(0%)	0(0%)	0(0%)
Justice, Department of	136(62.4%)	56(25.7%)	0(0%)	2(0.9%)	24(11%)
Kalamunda, Shire of	4(36.4%)	7(63.6%)	0(0%)	0(0%)	0(0%)
Kalgoorlie-Boulder, City of	9(90%)	1(10%)	0(0%)	0(0%)	0(0%)
Kimberley College of TAFE	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Kimberley Health Region	258(99.2%)	0(0%)	0(0%)	0(0%)	2(0.8%)
Kwinana, Town of	0(0%)	0(0%)	0(0%)	0(0%)	3(100%)
Land Authority (LandCorp), Western Australian	1(33.3%)	2(66.7%)	0(0%)	0(0%)	0(0%)
Land Information, Department of	0(0%)	3(75%)	0(0%)	0(0%)	1(25%)
Legal Aid Western Australia	5(62.5%)	2(25%)	0(0%)	0(0%)	1(12.5%)
Legal Practice Board, The	0(0%)	3(100%)	0(0%)	0(0%)	0(0%)
Legal Practitioners Complaints Committee, The	2(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Local Government and Regional Development, Department of	2(25%)	3(37.5%)	0(0%)	0(0%)	3(37.5%)
Main Roads Western Australia	11(37.9%)	16(55.2%)	0(0%)	0(0%)	2(6.9%)
Mandurah, City of	6(50%)	6(50%)	0(0%)	0(0%)	0(0%)
Medical Board of Western Australia	2(40%)	3(60%)	0(0%)	0(0%)	0(0%)
Melville, City of	4(13.8%)	23(79.3%)	0(0%)	0(0%)	2(6.9%)
Midwest and Murchison Health Region	77(97.5%)	1(1.3%)	0(0%)	0(0%)	1(1.3%)
Ministers:					
Former Minister for Sport and Recreation; Citizenship and Multicultural Interests; Seniors	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Attorney General; Minister for Health; Electoral Affairs	3(30%)	5(50%)	0(0%)	0(0%)	2(20%)
Deputy Premier; Treasurer; Minister for Government Enterprises; Minister Assisting the Minister for Public Sector Management	4(66.7%)	2(33.3%)	0(0%)	0(0%)	0(0%)
Minister for Education and Training	2(28.6%)	4(57.1%)	0(0%)	0(0%)	1(14.3%)
Minister for Energy; Science and Innovation	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Minister for the Environment; Racing and Gaming	2(33.3%)	3(50%)	0(0%)	0(0%)	1(16.7%)
Minister for Housing and Works; Consumer Protection; Heritage; Land Information *	1(25%)	3(75%)	0(0%)	0(0%)	0(0%)
Minister for Indigenous Affairs; Tourism; Culture and the Arts	2(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Minister for Local Government and Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Minister for Planning and Infrastructure	2(14.3%)	8(57.1%)	0(0%)	0(0%)	4(28.6%)
Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation	3(37.5%)	3(37.5%)	0(0%)	0(0%)	2(25%)
Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern	0(0%)	3(100%)	0(0%)	0(0%)	0(0%)
Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training	0(0%)	2(100%)	0(0%)	0(0%)	0(0%)
Mosman Park, Town of	4(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Mundaring, Shire of	0(0%)	11(91.7%)	1(8.3%)	0(0%)	0(0%)
Murdoch University	1(14.3%)	5(71.4%)	0(0%)	0(0%)	1(14.3%)
Murray, Shire of	5(50%)	5(50%)	0(0%)	0(0%)	0(0%)
Nedlands, City of	4(44.4%)	5(55.6%)	0(0%)	0(0%)	0(0%)
Nurses Board of Western Australia	0(0%)	0(0%)	0(0%)	0(0%)	1(100%)
Osborne Park Hospital	87(87.9%)	10(10.1%)	0(0%)	0(0%)	2(2%)
Peel Health Service	20(80%)	2(8%)	0(0%)	0(0%)	3(12%)
Perth, City of	2(12.5%)	11(68.8%)	0(0%)	0(0%)	3(18.8%)
Pilbara and Gascoyne Health Region	43(97.7%)	1(2.3%)	0(0%)	0(0%)	0(0%)
Planning and Infrastructure, Department for	38(15.6%)	154(63.1%)	1(0.4%)	0(0%)	51(20.9%)

STATISTICAL TABLES continued

DECISIONS MADE—OUTCOME (cont...)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Police Force of Western Australia	123(9.9%)	995(80.4%)	1(0.1%)	0(0%)	118(9.5%)
Port Hedland, Town of	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Premier and Cabinet, Department of the	16(34%)	17(36.2%)	0(0%)	0(0%)	14(29.8%)
Public Advocate, Office of the	0(0%)	0(0%)	0(0%)	0(0%)	2(100%)
Public Sector Standards Commissioner, Office of the	0(0%)	4(100%)	0(0%)	0(0%)	0(0%)
Public Transport Authority	5(50%)	4(40%)	0(0%)	0(0%)	1(10%)
Public Trust Office	3(75%)	0(0%)	0(0%)	0(0%)	1(25%)
Racing and Wagering Western Australia	0(0%)	0(0%)	0(0%)	0(0%)	2(100%)
Racing, Gaming and Liquor, Department of	0(0%)	2(66.7%)	0(0%)	0(0%)	1(33.3%)
Rockingham, City of	7(63.6%)	3(27.3%)	0(0%)	0(0%)	1(9.1%)
Rockingham/Kwinana Health Service	146(93.6%)	9(5.8%)	0(0%)	0(0%)	1(0.6%)
Roebourne, Shire of	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Rottne Island Authority	0(0%)	2(100%)	0(0%)	0(0%)	0(0%)
Royal Perth Hospital	1134(98.8%)	14(1.2%)	0(0%)	0(0%)	0(0%)
Salaries and Allowances Tribunal	0(0%)	0(0%)	0(0%)	0(0%)	2(100%)
Sir Charles Gairdner Hospital, North Metropolitan Health Service	955(98.2%)	17(1.7%)	0(0%)	0(0%)	1(0.1%)
Small Business Development Corporation	2(100%)	0(0%)	0(0%)	0(0%)	0(0%)
South Perth, City of	11(73.3%)	3(20%)	0(0%)	0(0%)	1(6.7%)
South West Area Health Service	84(51.5%)	76(46.6%)	0(0%)	0(0%)	3(1.8%)
Sport & Recreation, Department of	0(0%)	2(100%)	0(0%)	0(0%)	0(0%)
Sports Centre Trust	0(0%)	2(100%)	0(0%)	0(0%)	0(0%)
State Administrative Tribunal	0(0%)	2(66.7%)	0(0%)	0(0%)	1(33.3%)
State Supply Commission	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Stirling, City of	6(24%)	15(60%)	1(4%)	0(0%)	3(12%)
Subiaco, City of	4(36.4%)	4(36.4%)	1(9.1%)	0(0%)	2(18.2%)
Swan, City of	3(17.6%)	8(47.1%)	0(0%)	0(0%)	6(35.3%)
Swan and Kalamunda Health Service	22(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Toodyay, Shire of	1(100%)	0(0%)	0(0%)	0(0%)	0(0%)
Tourism Commission	1(50%)	1(50%)	0(0%)	0(0%)	0(0%)
University of Western Australia, The	1(11.1%)	4(44.4%)	2(22.2%)	0(0%)	2(22.2%)
Victoria Park, Town of	2(18.2%)	7(63.6%)	0(0%)	0(0%)	2(18.2%)
Vincent, Town of	3(23.1%)	6(46.2%)	0(0%)	0(0%)	4(30.8%)
Wanneroo, City of	2(13.3%)	13(86.7%)	0(0%)	0(0%)	0(0%)
Water Corporation	9(37.5%)	9(37.5%)	0(0%)	0(0%)	6(25%)
Western Power	3(60%)	2(40%)	0(0%)	0(0%)	0(0%)
Western Power Corporation (Obs.)	9(42.9%)	11(52.4%)	0(0%)	0(0%)	1(4.8%)
Wheatbelt Health Region	154(74.8%)	3(1.5%)	0(0%)	0(0%)	49(23.8%)
Women and Children's Health Service	171(84.7%)	28(13.9%)	0(0%)	0(0%)	3(1.5%)
Workers' Compensation & Rehabilitation Commission (WorkCover)	9(75%)	0(0%)	0(0%)	0(0%)	3(25%)
Wyndham-East Kimberley, Shire of	3(100%)	0(0%)	0(0%)	0(0%)	0(0%)
York, Shire of	0(0%)	1(100%)	0(0%)	0(0%)	0(0%)
Total	5331	2607	10	13	806
	60.8%	29.7%	0.1%	0.1%	9.2%
Grand Total	8767				

TABLE 14
NUMBER OF TIMES EXEMPTION CLAUSES WERE USED BY AGENCIES

Agency	CLAUSE NUMBER OF EXEMPTION (Schedule 1 of the Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
	Acacia Prison	0	0	74	0	0	3	0	0	0	0	0	0	0	0	0
Agriculture, Department of	1	0	3	0	0	0	0	1	0	0	0	0	0	0	0	0
Albany, City of	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Armadale, City of	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Armadale Health Service	0	0	10	0	0	0	0	1	0	0	0	0	0	0	0	0
Attorney General, Department of the	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	0	1	0	0	0	2	1	0	0	0	0	0	0	0
Bayswater, City of	0	0	0	2	0	0	0	0	0	0	0	1	0	0	0	0
Belmont, City of	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0
Bunbury, City of	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0
Cambridge, Town of	0	0	5	1	0	1	0	0	0	0	0	0	0	0	0	0
Canning, City of	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0
Central Metropolitan College of TAFE	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Challenger TAFE	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	0	0	0	0	0	5	1	0	0	0	0	0	0	0
Community Development, Department for	0	0	37	0	0	11	0	2	0	0	0	0	0	0	0	0
Conservation and Land Management, Department of	0	0	5	3	0	0	0	0	0	0	0	0	0	0	0	0
Consumer and Employment Protection, Department of	0	7	194	7	0	28	1	14	10	0	0	0	0	0	0	0
Corrective Services, Department of	0	1	27	0	0	6	9	0	0	0	0	18	0	0	0	0
Cottesloe, Town of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Culture and the Arts, Department of	0	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0
Curtin University of Technology	0	0	1	0	0	0	1	0	2	0	0	1	0	0	0	0
Dandaragan, Shire of	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Disability Services Commission	1	0	6	3	0	1	3	1	0	0	0	3	0	0	0	0
East Perth Redevelopment Authority	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Edith Cowan University	0	0	5	0	0	0	1	2	0	0	0	0	0	0	0	0
Education and Training, Department of	1	0	41	1	0	0	3	2	0	0	1	1	0	1	0	0
Electoral Commission, Western Australian	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Environment, Department of	1	0	78	2	0	1	0	2	0	0	0	0	0	0	0	0
Equal Opportunity Commission	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Fire and Emergency Services Authority	0	0	55	1	0	0	0	0	1	0	0	1	0	0	0	0
Fisheries, Department of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Fremantle, City of	0	0	5	2	0	1	0	0	1	0	0	1	0	0	0	0
Fremantle Hospital and Health Service	0	0	44	0	0	1	1	0	1	0	0	1	0	0	0	0
Gascoyne Development Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Geraldton, City of	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0
Gold Corporation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1

Note: Agencies which did not cite exemptions are omitted.

STATISTICAL TABLES continued

NUMBER OF TIMES EXEMPTION CLAUSES WERE USED BY AGENCIES (cont...)

Agency	CLAUSE NUMBER OF EXEMPTION (Schedule 1 of the Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Gosnells, City of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Graylands Selby-Lemnos and Special Care Health Service	0	0	64	0	0	0	1	0	9	0	0	3	0	0	0	0
Great Southern Health Region	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Health, Department of	0	0	11	1	0	0	0	1	1	0	0	0	0	0	0	0
Health Review, Office of	0	0	0	0	0	0	6	0	4	0	0	0	0	0	0	0
Heritage Council of Western Australia	2	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Housing and Works, Department of	2	0	63	2	0	2	3	1	1	0	0	0	0	0	0	0
Indigenous Affairs, Department of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Industry and Resources, Department of	0	0	66	30	0	1	2	6	0	0	0	0	0	0	0	0
Insurance Commission of Western Australia	0	0	45	1	0	0	0	13	1	0	0	0	0	0	0	0
Joondalup, City of	0	0	23	1	0	3	3	2	1	0	0	0	0	0	0	0
Joondalup Health Campus	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Justice, Department of	0	0	41	0	0	8	12	1	0	0	0	10	0	0	0	0
Kalamunda, Shire of	0	0	7	2	0	0	1	1	0	0	0	1	0	0	0	0
Kalgoorlie-Boulder, City of	0	0	2	5	0	2	0	1	0	0	0	0	0	0	0	0
Kimberley Health Region	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Kwinana, Town of	0	0	3	0	0	0	0	2	0	0	0	0	0	0	0	0
Land Authority (LandCorp), Western Australian	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0
Land Information, Department of	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0
Legal Aid Western Australia	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Legal Practice Board, The	0	0	3	0	0	0	1	1	0	0	0	0	0	0	0	0
Legal Practitioners Complaints Committee, The	0	0	2	0	0	0	0	2	1	0	0	0	0	0	0	0
Local Government and Regional Development, Department of	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0
Main Roads Western Australia	0	0	10	4	0	0	4	6	4	0	3	0	0	0	0	0
Mandurah, City of	0	0	6	0	0	2	0	3	1	0	0	0	0	0	0	0
Medical Board of Western Australia	0	0	0	0	0	0	15	0	15	0	0	0	0	0	0	0
Melville, City of	0	0	23	0	0	1	0	1	0	0	0	0	0	0	0	0
Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Attorney General; Minister for Health; Electoral Affairs	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Deputy Premier; Treasurer; Minister for Government Enterprises; Minister Assisting the Minister for Public Sector Management	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Minister for Education and Training	1	0	1	1	0	0	0	0	1	0	0	0	0	0	0	0
Minister for the Environment; Racing and Gaming	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Minister for Housing and Works; Consumer Protection; Heritage; Land Information	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Minister for Planning and Infrastructure	2	0	7	5	0	0	1	4	0	0	0	0	0	0	0	0
Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation	1	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern	0	0	3	3	0	0	2	2	0	0	0	0	0	0	0	0

Agency	CLAUSE NUMBER OF EXEMPTION (Schedule 1 of the Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Mundaring, Shire of	0	0	11	0	0	0	1	2	0	0	0	0	0	0	0	0
Murdoch University	0	0	0	0	0	0	2	1	0	0	1	0	0	0	0	0
Murray, Shire of	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Nurses Board of Western Australia	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Osborne Park Hospital	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Peel Health Service	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Perth, City of	0	0	10	1	0	1	0	2	1	0	0	0	0	0	0	0
Perth Market Authority	4	0	0	0	0	0	5	0	2	0	8	0	0	0	0	0
Pilbara and Gascoyne Health Region	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Planning and Infrastructure, Department for	2	0	119	2	0	0	6	3	0	0	0	0	0	0	0	0
Police Force of Western Australia	0	0	989	0	0	6	1	8	0	0	0	6	0	0	0	0
Premier and Cabinet, Department of the	3	0	16	3	0	0	0	1	0	0	0	0	0	0	0	0
Public Advocate, Office of the	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Sector Standards Commissioner, Office of the	0	0	0	0	0	0	3	1	0	0	0	0	0	0	0	0
Public Transport Authority	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0	0
Public Trust Office	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Racing and Wagering Western Australia	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
Racing, Gaming and Liquor, Department of	0	0	1	1	0	0	0	2	0	0	0	0	0	0	0	0
Rockingham, City of	0	0	3	2	0	2	0	1	0	0	0	0	0	0	0	0
Rockingham/Kwinana Health Service	0	0	10	0	0	0	0	0	1	0	0	0	0	0	0	0
Royal Perth Hospital	0	0	15	0	0	0	0	0	4	0	0	0	0	0	0	0
Sir Charles Gairdner Hospital, North Metropolitan Health	0	0	18	0	0	1	1	0	6	0	0	0	0	0	0	0
South Perth, City of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
South West Area Health Service	0	0	76	0	0	0	0	0	0	0	0	0	0	0	0	0
Sport & Recreation, Department of	0	0	1	1	0	0	3	0	0	0	0	0	0	0	0	0
State Supply Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Stirling, City of	0	0	14	0	0	1	0	1	0	0	0	0	0	0	0	0
Subiaco, City of	0	0	0	6	0	1	0	1	0	0	0	1	0	0	0	0
Swan, City of	0	0	10	2	0	0	0	1	0	0	0	0	0	0	0	0
Tourism Commission	0	0	1	0	0	0	0	7	0	0	0	0	0	0	0	0
University of Western Australia, The	0	0	5	0	0	0	0	0	1	0	0	2	0	0	0	0
Victoria Park, Town of	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Vincent, Town of	0	0	6	0	0	0	2	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	12	1	0	0	0	0	0	0	0	0	0	0	0	0
Water Corporation	2	0	7	6	0	0	4	1	1	0	3	0	0	0	0	0
Western Power	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Western Power Corporation (Obs.)	0	0	11	0	0	1	0	2	0	0	0	0	0	0	0	0
Women and Children's Health Service	0	0	21	5	0	0	1	1	3	0	0	2	0	0	0	0
Workers' Compensation & Rehabilitation Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
York, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	27	8	2425	12	0	90	10	12	78	0	16	52	0	1	1	1

Note: Agencies which did not cite exemptions are omitted.

TABLE 15
OUTCOME OF REQUESTS FOR INTERNAL REVIEW

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Agriculture, Department of	2	2	0	0	0
Armadale Health Service	1	0	0	0	0
Augusta-Margaret River, Shire of	2	0	2	0	0
Belmont, City of	1	1	0	0	0
Cambridge, Town of	2	1	1	0	0
Canning, City of	1	0	1	0	0
Cockburn, City of	1	1	0	0	0
Conservation and Land Management, Department of	1	0	1	0	0
Consumer and Employment Protection, Department of	4	4	0	0	0
Corrective Services, Department of	12	7	2	1	1
Cottesloe, Town of	1	1	0	0	0
Curtin University of Technology	1	1	0	0	0
Disability Services Commission	1	0	1	0	0
Edith Cowan University	13	10	0	0	1
Education and Training, Department of	8	5	2	0	1
Education Services, Department of	1	0	1	0	0
Environment, Department of	5	4	0	0	1
Fremantle, City of	1	1	0	0	0
Fremantle Hospital and Health Service	2	1	0	1	0
Gosnells, City of	1	1	0	0	0
Graylands Selby-Lemnos and Special Care Health Service	2	1	1	0	0
Great Southern Health Region	1	1	0	0	0
Health, Department of	2	2	0	0	0
Health Review, Office of	1	1	0	0	0
Heritage Council of Western Australia	1	0	1	0	0
Housing and Works, Department of	6	5	0	0	1
Industry and Resources, Department of	4	2	2	0	0
Insurance Commission of Western Australia	2	1	1	0	0
Joondalup, City of	2	1	1	0	0
Justice, Department of	4	4	0	0	0
Kwinana, Town of	1	1	0	0	0
Land Authority (LandCorp), Western Australian	2	2	0	0	0
Legal Aid Western Australia	1	0	1	0	0
Legal Practice Board, The	1	1	0	0	0
Legal Practitioners Complaints Committee, The	1	1	0	0	0
Local Government and Regional Development, Department of	4	4	0	0	0
Medical Board of Western Australia	2	2	0	0	0

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Melville, City of	1	1	0	0	0
Mundaring, Shire of	1	0	1	0	0
Perth, City of	1	0	1	0	0
Planning and Infrastructure, Department for	6	4	2	0	0
Police Force of Western Australia	21	17	2	0	0
Premier and Cabinet, Department of the	6	4	2	0	0
Public Sector Standards Commissioner, Office of the	1	0	1	0	0
Rockingham, City of	1	1	0	0	0
Rockingham/Kwinana Health Service	1	1	0	0	0
Roebourne, Shire of	1	0	0	0	0
Royal Perth Hospital	2	2	0	0	0
Sir Charles Gairdner Hospital, North Metropolitan Health Service	1	1	0	0	0
South Perth, City of	1	1	0	0	0
State Administrative Tribunal	1	1	0	0	0
Stirling, City of	2	1	0	1	0
Subiaco, City of	1	0	1	0	0
Vincent, Town of	3	3	0	0	0
Wanneroo, City of	3	3	0	0	0
Water Corporation	1	1	0	0	0
Western Power	1	0	1	0	0
Women and Children's Health Service	1	1	0	0	0
Total	155	111	29	3	5

TABLE 16
REQUESTS FOR AMENDMENT OF PERSONAL INFORMATION

Agency	Received	Amended	Not Amended	Amended (but not as Requested)	Withdrawn
Curtin University of Technology	1	0	1	0	0
Edith Cowan University	1	0	1	0	0
Great Southern Health Region	1	0	1	0	0
Housing and Works, Department of	1	0	1	0	0
Kalgoorlie-Boulder, City of	2	0	2	0	0
Rockingham/Kwinana Health Service	1	0	0	1	0
Royal Perth Hospital	1	0	0	0	0
Sir Charles Gairdner Hospital, North Metropolitan Health Service	3	1	0	2	0
Wanneroo, City of	22	0	20	0	2
Total	33	1	26	3	2

TABLE 17
INTERNAL REVIEW RE: AMENDMENT OF PERSONAL INFORMATION

Agency	Applications	Confirmed	Varied	Reversed	Withdrawn
Wanneroo, City of	2	2	0	0	0
Housing and Works, Department of	1	1	0	0	0
Police Force of Western Australia,	1	1	0	0	0
Edith Cowan University,	1	1	0	0	0
Geraldton, City of	1	0	1	0	0
Total	6	5	1	0	0

TABLE 18
FEES AND CHARGES CALCULATED BY AGENCIES

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Agriculture, Department of	420.00	1176.20	
Albany, City of	90.00		
Armadale, City of	120.00	992.68	
Armadale Health Service	120.00		
Attorney General, Department of the	120.00		
Augusta-Margaret River, Shire of	300.00		
Bassendean, Town of	30.00		90.00
Bayswater, City of	240.00	85.40	
Belmont, City of	210.00	159.80	30.00
Bridgetown-Greenbushes, Shire of	120.00		
Broome, Shire of	30.00		
Builders' and Painters' Registration Board	30.00		
Bunbury, City of	150.00	86.00	120.00
Busselton, Shire of	300.00	487.00	
Cambridge, Town of	180.00		
Canning, City of	210.00	137.40	
Capel, Shire of	30.00		
Claremont, Town of	90.00		
Cockburn, City of	240.00	709.00	
Community Development, Department for	750.00		
Conservation and Land Management, Department of	330.00		
Consumer and Employment Protection, Department of	8550.00	2855.00	162.30
Corrective Services, Department of	210.00	251.10	
Curriculum Council	30.00		
Curtin University of Technology	210.00		
Dampier Port Authority	30.00		
Dandaragan, Shire of	30.00		
Disability Services Commission	90.00		30.00
Donnybrook-Balingup, Shire of	60.00		
Drug and Alcohol Office	30.00		
East Perth Redevelopment Authority	30.00		
Edith Cowan University	60.00		
Education and Training, Department of	870.00	90.00	
Education Services, Department of	60.00		
Environment, Department of	11520.00	1853.00	
Fire and Emergency Services Authority	2070.00	391.00	294.00
Fisheries, Department of	60.00		
Fremantle, City of	390.00	303.40	218.70
Fremantle Hospital and Health Service	150.00	1107.30	

STATISTICAL TABLES continued

FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Fremantle Port Authority	60.00		
Gascoyne Development Commission	30.00		
Geraldton, City of	70.00		
Gosnells, City of	240.00	40.00	90.00
Government Employees Housing Authority	30.00		
Great Southern Health Region	30.00	118.80	185.80
Harvey, Shire of	150.00	163.40	
Health, Department of	1020.00	139.20	
Heritage Council of Western Australia	210.00	632.40	
Housing and Works, Department of	600.00	335.20	
Indigenous Affairs, Department of	90.00		
Industry and Resources, Department of	2490.00	2671.20	305.80
Insurance Commission of Western Australia	60.00		
Joondalup, City of	720.00		30.00
Joondalup Health Campus	150.00	99.00	
Justice, Department of	330.00	788.20	
Kalamunda, Shire of	501.50	171.50	
Kalgoorlie-Boulder, City of	300.00	99.00	70.00
Kimberley Health Region		89.60	
Kwinana, Town of	90.00	34.00	
Land Authority (LandCorp), Western Australian	150.00	135.00	
Land Information, Department of	120.00	21.60	
Legal Practice Board, The	30.00	97.80	
Legal Practitioners Complaints Committee, The	90.00	64.80	3.30
Local Government and Regional Development, Department of	90.00		
Main Roads Western Australia	870.00	381.00	280.00
Mandurah, City of	420.00	478.05	23.00
Medical Board of Western Australia	180.00		
Melville, City of	825.00	73.50	64.50
Former Minister for Sport and Recreation; Citizenship and Multicultural Interests; Seniors	30.00		
Minister for Agriculture and Food; Forestry; the Mid West and Wheatbelt	180.00		
Minister for Community Development; Seniors and Volunteering; Youth	30.00		
Attorney General; Minister for Health; Electoral Affairs	270.00		
Minister for Corrective Services; Women's Interests; Minister Assisting the Minister for Federal Affairs	30.00		
Minister for Disability Services; Citizenship and Multicultural Interests; Minister Assisting the Minister for Planning and Infrastructure	30.00	30.00	
Minister for Education and Training	210.00		10.00
Minister for Energy; Science and Innovation	30.00		
Minister for the Environment; Racing and Gaming	210.00		

STATISTICAL TABLES continued

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Minister for Housing and Works; Consumer Protection; Heritage; Land Information	210.00		
Minister for Indigenous Affairs; Tourism; Culture and the Arts	90.00		
Minister for Local Government and Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne	180.00		
Minister for Planning and Infrastructure	570.00		
Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation	300.00		
Minister for Resources and Assisting the Minister for State Development; Employment Protection; Goldfields-Esperance and Great Southern	90.00		
Minister for Small Business; Peel and the South West; Minister Assisting the Minister for Education and Training	60.00		
Mosman Park, Town of	90.00	270.00	
Mundaring, Shire of	390.00		
Murdoch University	150.00	157.40	100.00
Murray, Shire of	180.00	700.00	
Nedlands, City of	270.00		
Perth, City of	540.00	71.50	310.00
Perth Market Authority	30.00	200.00	
Pilbara and Gascoyne Health Region	30.00		
Planning and Infrastructure, Department for	6120.00	386.00	90.00
Police Force of Western Australia	25555.00	10021.11	
Port Hedland, Town of	33.00		
Premier and Cabinet, Department of the	1470.00	513.80	
Public Sector Standards Commissioner, Office of the	30.00		
Public Transport Authority	360.00		
Public Trust Office	63.60		30.00
Racing and Wagering Western Australia	90.00		
Racing, Gaming and Liquor, Department of	90.00	510.20	
Rockingham, City of	270.00	22.50	
Roebourne, Shire of	60.00		
Royal Perth Hospital	210.00	124.00	
Salaries and Allowances Tribunal	60.00		
Sir Charles Gairdner Hospital, North Metropolitan Health Service	1290.00	1075.10	
Small Business Development Corporation			60.00
South Perth, City of	480.00	345.00	
South West Area Health Service	90.00		
Sport & Recreation, Department of	60.00		
Sports Centre Trust	30.00		
State Supply Commission	30.00		
Stirling, City of	667.50		
Subiaco, City of	360.00	627.00	
Swan, City of	420.00	609.75	32.80
Toodyay, Shire of	30.00		
Tourism Commission	30.00		

Note: In 2004/5, Police Force of WA reported as follows: Fees collected-\$29490; Charged Collected- \$6557; & Charges Reduced/Waived—\$36,047

STATISTICAL TABLES continued

FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
University of Western Australia, The	180.00		
Victoria Park, Town of	120.00		
Vincent, Town of	450.00		
Wanneroo, City of	660.00	34.00	
Water Corporation	570.00		
Western Power	210.00		
Western Power Corporation (Obs.)	540.00		
Workers' Compensation & Rehabilitation Commission (WorkCover)	90.00		
Wyndham-East Kimberley, Shire of	30.00	135.82	
York, Shire of	30.00		
Total	\$83,486	\$33,151	\$2,630

Notes Agencies which did not collect application fees or impose charges are omitted.

In 2004/5, Police Force of WA reported as follows:Fees collected-\$29490; Charges Collected- \$6557; & Charges Reduced/Waived—\$36,047

**TABLE 19
REASONS FOR REDUCTION OF CHARGES**

Reasons for Reduction	No.	(%)
Impecunious	21	4.76%
Pensioner	6	1.36%
Other	414	93.88%
Total	441	100.00%

FURTHER INFORMATION

For any further information on the Office of the Information Commissioner's role and functions, please contact the office at:

12th floor, St Martin's Tower
44 St George's Terrace
PERTH WA 6000

PO Box Z5386
St George's Terrace
PERTH WA 6831

Tel: (08) 9220 7888
1800 62 1244 (Free call - WA Country regions)
Fax: (08) 9325 2152

E-mail: info@foi.wa.gov.au
Home Page: <http://www.foi.wa.gov.au>

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