

Freedom Of Information



INFORMATION COMMISSIONER
WESTERN AUSTRALIA
ANNUAL REPORT TO THE
PARLIAMENT 2006/07



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 2007 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 2007

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FOREWORD

FOREWORD



Darryl Wookey

This is the fourteenth annual report of the Information Commissioner to the Parliament and my fourth and final annual report to Parliament as Acting Information Commissioner.

On 3 November 2003, on the recommendation of the then State Solicitor, Mr Peter Panegyres, I was appointed Acting Information Commissioner, on leave of absence from the State Ombudsman, for a period of up to 12 months until proposed legislation was enacted which would, among other things, create the new position of Privacy and Information Commissioner. On 1 November 2004, I was appointed for a further 12 month term, as I was again on 1 November 2005 and 1 November 2006, as no legislation had been forthcoming.

Finally, on 14 September 2006, I received Draft 6 of the *Information Privacy Bill 2006* and was invited to comment on it by 10 October 2006. That Bill, if enacted, would among other things establish a regime for the collection, use, exchange and disclosure of health information and other personal information by certain persons and bodies; provide for access to, and amendment of, private sector health records; establish the office of Privacy and Information Commissioner; and provide for (but not require) the concurrent appointment of the same person as Ombudsman and Privacy and Information Commissioner. On 4 October 2006, when I was in the process of finalizing my comments on the draft legislation, I received a copy of Draft 5 of the *Freedom of Information Amendment Bill 2006*, on which I was invited to comment by 13 October 2006. Among a range of proposed amendments to the FOI Act, that Bill stripped the Information Commissioner of all investigating powers and the Commissioner's decision-making power under the FOI Act, transferring the latter to the State Administrative Tribunal (the SAT) but leaving the Commissioner with a conciliation role.

As the provisions of the two Bills were so closely interrelated and interwoven, I provided my comments in respect of both on 13 October 2006. I provided detailed comments on the particular provisions to the instructing officer and comments on higher-level matters of policy to the Attorney General, Hon Jim McGinty MLA. Although I was generally supportive of the new legislation and many of the proposed changes to the FOI legislation, I had a number of concerns. As well as specific matters raised with the instructing officer, they included the exclusion of Ministers from the privacy legislation, significant deficiencies in terms of the proposed Commissioner's investigative powers, the procedures following the completion of conciliation proceedings and the lack of power for the Commissioner following audit examination or review procedures under the privacy legislation and the proposed changes to the role and powers of the Commissioner under the FOI Act, particularly the removal of the Commissioner's investigating powers and the transfer of the decision-making power to the SAT, effectively adding another layer of review, expense and delay to the external review process. I suggested several possible alternatives that would improve and simplify, rather than complicate, the process. The strongest of those was that previously recommended by the Taskforce that recommended the establishment and jurisdiction of the SAT - that the functions of the Information Commissioner remain unchanged but that the appeal on questions of law from the Commissioner's decisions be to the SAT rather than the Supreme Court as is presently the case.

Following that letter, the Attorney General and others met with me at Parliament House to discuss the concerns I had raised. Agreements reached at that meeting, including the restoration of the Commissioner's investigative powers, allayed a number of my concerns but two issues remained outstanding for further consideration following the meeting. The first of those was whether Ministers should be exempt from the operation of the privacy legislation and the second of those was the question of whether or not the Commissioner should retain the decision-making power currently exercised by the Information Commissioner under the FOI Act and/or should also have decision-making power under the privacy legislation. My letter confirming the outcome of that meeting is reproduced at pages 6-10 of this report. I received no response to that letter and no further communication from the Attorney General in respect of any of those matters or at all. The two Bills were introduced into Parliament on 28 March 2007 with those provisions unchanged.

There having been no further discussion with me about those matters, my view in respect of them remained unchanged. In the media coverage that followed, rather than addressing my substantive comments and concerns, the Attorney General chose to attack me personally. A copy of my letter of 30 March 2007 to the Attorney General concerning that is reproduced at pages 11-13 of this report. That letter, too, elicited no response.

Instead, on 3 April 2007, the Attorney General, in the course of debate on the *Medical Practitioners Bill 2006* (at Hansard 1067b-1094a/1), purported to draw a comparison between the timeliness of the SAT and the timeliness of my office in finalizing matters. The Attorney General there stated that the SAT has "*a general rule that all matters are to be determined within three months*" whereas "*a significant number of cases*" had taken more than 12 months for my office to finalize. It was not a valid comparison. In fact, a perusal of the SAT's website indicates that the three month target determination time appears to be the time between a hearing and a final determination, not the total time to deal with a matter. The information used by the Attorney General concerning complaints dealt with by me was the total time taken - from the date the complaint was lodged to the date of decision - and not merely the determination time. It is not correct to suggest that the SAT generally finalizes all matters within 3 months of receipt, that a significant number of complaints to this office took more than 12 months to finalise or that this office takes significantly longer to deal with matters than does the SAT.

Analysis of the last 50 published decisions of the SAT (leaving aside those which were decided on the papers or for which a hearing date is not ascertainable from the published decision) indicates that the average time between the matter being heard - not the matter being received - and the decision being delivered was approximately 2.94 months. Perusal of the SAT annual report for 2005/2006 reveals that in its Human Rights stream, while 90% of guardianship and administration matters were dealt with within three months, only 60% of mental health applications and 30% of equal opportunity applications were dealt with within three months (page 50). In its Vocational Regulation stream, only 50% of matters were dealt with within three months (page 58). In its Commercial and Civil stream the percentage of matters finalized within 3 months was 30% for firearms matters, 40% for commercial tenancy, building disputes and strata titles matters, 60% for subdivision matters, 70% in road traffic matters and 80% in consumer credit matters, and it set as its target for 2006/2007 to have, among other things, 50% of applications resolved within 16 weeks (page 19). In its Development and Resources stream no more than 30% of any kind of matter was finalized within 3 months and it set as its target for 2006/2007 to have 30% of matters dealt with within 3 months (page 35). All the SAT's operational streams reported having taken more than 12 months to finalize a number (unspecified) of matters (see the tables on pp19, 35, 50 and 58 of the SAT Annual Report 2006). In my office in 2005/06, only 13% of external review matters finalized took more than 12 months total time from the date of lodgement. That reduced to approximately 10% in 2006/07. In 2005/06 72% of complaints to my office were

finalized within 6 months of receipt, 55% within 3 months and 35% within a month. In 2006/07 61% were resolved within three months and 77% within 6 months.

Perusal of the 2005/2006 annual report of the SAT also indicates that the average time for resolution of matters across all streams was 93 days. As I advised the Attorney General's Chief of Staff, Mr Danny Cloghan (in an email dated 3 April 2007 (at 9.04am) correcting the wrong figure given in my letter of 30 March reproduced herein), the average time taken by my office to deal with complaints at that time was 117.8 days. It is not the case, as suggested by the Attorney General, that there is a significant difference in the time taken by each body to finalise matters and, in any event, timeliness was not an issue at the time the Attorney General first announced his intention to transfer the Commissioner's jurisdiction to the SAT.

Further, not only is it the case that the SAT does not resolve matters significantly more quickly than my office, it is also the case that a greater percentage of matters are resolved by conciliation by my office than are resolved by informal means by the SAT. In 2005/2006, the Commercial and Civil stream of the SAT reported that, of the 2110 matters finalized, 160 (approximately 7.5%) were resolved by mediation. The Development and Resources stream reported that approximately 60% of its matters were resolved without the need for final hearing (p. 32). The Human Rights stream reported that approximately 50% of matters dealt with by that stream were resolved at, or shortly after, mediation (page 48). While the Vocational stream reported that "...mediation ... has been very successful ..." (p. 57), there is no report as to the number or percentage of matters that were resolved by that method. The Office of the Information Commissioner achieved a conciliation rate of 72% of all complaints finalized in 2006 and 74% in 2007.

Also in April 2007, once again without giving any proper reasons, without full disclosure of the material on which its decision was based and - despite undertakings being given that it would - without giving me the opportunity of making informed submissions in respect of the matter, and after a year's correspondence concerning its process, the Salaries and Allowances Tribunal confirmed its decision of last year to downgrade the classification of the office. The Tribunal still refuses to make public the report on which that decision was based. I subsequently provided copies of all of that correspondence to the Public Administration Committee, a standing committee of the Legislative Council of the Parliament, which I understood to have a role in monitoring issues concerning the government accountability agencies. My letter to the Committee has not received a response.

On Monday 24 September 2007, while I was in the process of finalizing this report, I was advised by Mr Cloghan that, on the expiry of my current term as Acting Information Commissioner on 31 October 2007, the Attorney General will arrange for the Governor to appoint a public servant from the Department of the Premier and Cabinet to the position. No reason was given for the change other than that the Attorney General wants someone else to "transition" the organization. It is an unsurprising end to a term in which I have had an increasing sense of the undermining of the role of the office as an independent accountability agency. The events of this year in respect of the office bring into sharp focus the issues raised in the *"Accountability and Independence Principles"* report tabled by the accountability officers in November 2006 which detailed the *"...mechanisms that can enhance independence and reduce [the accountability officers'] vulnerability to control or influence of the Executive Government."* The full report can be accessed on the website of the Commissioner for Public Sector Standards at www.opssc.wa.gov.au. I strongly urge the Parliament to take those principles into account when considering any proposed legislation creating new accountability offices or making changes to existing ones and in considering how secure the independence of the existing offices is in reality.

Although the office has been effectively in limbo for the past 4 years, it has nonetheless been a productive time. In 2004 the office moved to collocated premises with the Ombudsman, the Commonwealth Ombudsman, the Office of Health Review and the Commissioner for Public Sector Standards, with the resultant convenience of access to complaints mechanisms by members of the public, savings to the public purse and operational efficiencies. We also reviewed and revised our performance indicators and the manner in which we reported under them in order to provide a clearer picture of the nature and number of matters dealt with by the office and their resolution. We restructured the office in preparation for the announced proposed “amalgamation” with the Ombudsman. We were consulted by jurisdictions around the world, our Information Commissioner model having been recognized as a model of best practice and the preferred model of external review.

In my time in the role, there has been a significant increase in the proportion of complaints resolved by conciliation – my preferred method of resolution – from 61.5% to 74%. That dramatic improvement has resulted in complaints taking slightly longer to deal with but, following initiatives introduced in the past 12 months, the time taken to deal with matters is steadily decreasing. The number of applications for external review received continues to decrease and it tends to be the more complex matters that come to this office on external review. Although there is no way of knowing, it is to be hoped that the decreasing number of applications for external review, while there is an increasing number of decisions made by agencies, indicates that overall agencies are dealing better with their responsibilities under the FOI Act. During the four years, among other things, we increased the number of training courses run for agencies from 10 in 2002/03 to 16 in 2006/07, gave more than 40 briefings and responded to nearly 9,000 requests for advice or assistance. We reintroduced the monitoring of agencies’ compliance with the obligation on each to publish an up-to-date information statement to ensure that the public has easy access to general information to assist in the exercise of their democratic rights.

I once again thank my small but very dedicated team of 9 officers who, in less than ideal circumstances, have continued to maintain high levels of effectiveness and efficiency in both the external review and advisory services delivered throughout the year, and have continued to look for and implement ongoing improvements in our processes and administration. Their commitment and positive attitude have never faltered and I wish them the very best with the challenges ahead.



OFFICE OF THE
INFORMATION COMMISSIONER

Our Ref: 16/064/00-01

Hon J McGinty MLA
Attorney General
4th floor, London House
216 St George's Terrace
PERTH WA 6000

Dear Attorney General

***INFORMATION PRIVACY BILL 2006 AND FREEDOM OF INFORMATION
AMENDMENT BILL 2006***

I refer to our meeting at Parliament House on Thursday 19 October 2006 concerning the above-mentioned draft legislation and the issues raised in my letter to you of 13 October 2006. I thank you for the opportunity to meet with you, Ms Pritchard, Ms Wright and Hon Justice Barker to discuss those matters.

I confirm that it was agreed at the meeting to address a number of the issues I raised in the following ways. Firstly, the specific, coercive investigative powers currently given to the Information Commissioner by ss.72 and 73 of the *Freedom of Information Act 1992* ('the FOI Act') will be retained by the proposed Information and Privacy Commissioner ('the Commissioner') under the amended FOI Act and ss.72 and 73 will not be repealed. The Commissioner will also be given similar specific investigative powers under the new privacy legislation.

It was also agreed that further provisions will be included in the proposed legislation to provide for procedures to be followed on completion of conciliation of a complaint, a mechanism for enforcement of conciliation agreements where necessary and a procedure to be followed on completion of an audit, examination or review conducted by the Commissioner, under both pieces of legislation. Finally, Ms Pritchard and I will communicate further about my other, specific comments made in my letter to her of 13 October 2006, as necessary.

My understanding was that two matters remained outstanding and for further consideration following the meeting. The first of those was whether Ministers should be exempt from the operation of the privacy legislation. I understand from our conversation that the underlying reason for the proposed exemption is to allow Ministers on occasion to publicly disclose personal information where it is considered necessary to do so for a particular purpose, such as publicly defending allegations made against the Government or a particular Minister.

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Under both freedom of information and privacy legislation there is always a balance to be struck between protecting personal rights and interests and the rights and interests of the community as a whole. I accept that, on occasion, there may well be a significant public interest in the disclosure of personal information about an individual. However, as I indicated in our meeting, I am not sure that maintaining Ministers' ability to do that requires a complete exemption of Ministers from the operation of the proposed privacy legislation. As I suggested, it appears to me that it would be preferable to retain that ability by way of a specific "public interest exemption" for Ministers, giving them the discretion to disclose personal information where it is considered to be in the public interest.

A concern was expressed by Ms Pritchard that the difficulty with that would be that the exercise of such a discretion would have to be reviewable. As it seems to me that such disclosures in those circumstances would be relatively rare rather than frequent, it is not clear to me why the exercise of such a discretion should not be reviewable. Provision could be made for a limited review, in that all that could be reviewed following a complaint would be whether the Minister had reasonable grounds for considering the disclosure to be in the public interest (that is, not a full merits review to determine whether or not the disclosure was, in fact, in the public interest). If a Minister were to choose to exercise such a discretion and disclose personal information about an individual that he or she would not otherwise be able to disclose – because the Minister considered there to be a significant public interest in disclosing that information – then the Minister should have no difficulty in articulating his or her reasons for considering disclosure to be in the public interest if called upon to do so.

As I indicated in our meeting, in neither New South Wales nor Victoria are Ministers exempt from the operation of the privacy legislation of the respective States, and it is not clear to me why Ministers should be entirely unaccountable for how they treat personal information that comes into their possession in their capacity as Ministers. It seems to me that an exemption of the kind I have suggested, with limited review on complaint, would go further towards striking the balance between the public interests in the protection of personal privacy, the accountability of Ministers for their decisions and the ability of Ministers to carry out their duties for the benefit of the community. It would need to be made clear, however, that any such exemption applied only to the Minister and not to the Minister's staff.

The other matter to which you indicated further consideration would be given following the meeting was the question of whether or not the Commissioner should retain the decision-making power currently exercised by the Information Commissioner under the FOI Act. My understanding is that, although you generally accepted my advice about the inevitable reduction in the conciliation rate that would follow from separating the decision-making power and the conciliation function; the undesirability for applicants of adding another step in the process of review; and the undesirability of reducing the efficiency, effectiveness and accessibility of the current process, your major concern was having a different process of review for FOI matters and privacy matters. At the meeting, I indicated that I did not consider that was necessarily a difficulty as, while there is some overlap in principles and procedures, the two regimes generally involve different issues and processes in any event.

On reflection, I accept that it would be preferable – in terms of principle and practicality – to have similar processes for external review under both pieces of legislation. However, it seems to me that, rather than separating the conciliation and the decision-making roles under both, it would be preferable to give the Commissioner the decision-making power under both, with a right of appeal on questions of law only to a judicial member or members of the State Administrative Tribunal ('the SAT') and no further appeal. For the reasons outlined in my letter of 13 October and in our meeting, keeping the two functions together would enable the current high rate of resolution by conciliation to be maintained.

A provision that there is no further appeal from the decision of a judicial member or members of the SAT would ensure four very significant factors. Firstly, it would mean that the Commissioner's decisions were still reviewable on questions of law by a senior judicial officer (as the Information Commissioner's currently are by the Supreme Court). Secondly, it would make the right of appeal more accessible to complainants than it is currently and therefore a more "real" than illusory right. As I pointed out in our meeting, the vast majority of appeals to date have been by agencies, which have the resources and wherewithal to enable them to mount an appeal to the Supreme Court, which are often not available to complainants. Thirdly, and most significantly, it would not add any more layers of review to the process than already exist. Fourthly, it would not preclude complaints involving matters of significant public interest being further judicially reviewed by the Supreme Court by way of the prerogative writs.

As you know, in 2004 this office moved premises to collocate with the Ombudsman, the Office of Health Review, the Commissioner for Public Sector Standards and the Commonwealth Ombudsman. The primary purpose of that was to further the Government's desire to improve accessibility to the services each of these offices provides by – to the extent possible – establishing a "one-stop shop" for people seeking advice or information or seeking to make a complaint about a government agency. That initiative has, in my view, achieved that aim to a large extent and has resulted in efficiencies through, among other things, shared accommodation and corporate and administrative services and greater communication and mobility of staff between the offices. It seems to me, however, that the proposal to transfer the Commissioner's decision-making power under the FOI Act to the SAT and to also separate the conciliation function and the decision-making power under the privacy legislation is contrary to that purpose.

What it will mean in practice – if a complaint has to go through the whole process – is that a person who has a complaint under either of those pieces of legislation will first have to deal with the agency or organisation concerned, then go to the Commissioner's office, then engage in a new process at the SAT, then take an appeal to the Supreme Court. Theoretically, of course, although it has not yet happened in practice in this State, there would remain the possibility of further appeal to the full court of the Supreme Court and appeal to the High Court of Australia.

If the decision-making power under both pieces of legislation were to reside with the Commissioner, with appeal on questions of law to the judicial members of the SAT and no further appeal, then the process would be improved in terms of efficiency and accessibility, rather than those essential elements of an effective, accessible process

being reduced. Under that system an applicant would first deal with the agency or organisation concerned, then with the Commissioner, then the SAT. Judicial review would of course remain available but would be only by leave of the Supreme Court and therefore exercised rarely and only in respect of matters involving a significant public interest. It seems to me that that would be a more streamlined process that would retain the current efficiency and effectiveness that has been achieved by the Western Australian Information Commissioner model and extend it to the new privacy regime.

I note that, in the costings that were provided to you, the SAT estimated an average cost of \$3948 per complaint dealt with. That cost would be on top of the cost of any conciliation process undertaken by the Commissioner's office before the matter went to the SAT. It should be noted that the average cost per complaint dealt with by this office currently is \$5413. That cost, however, includes both the conciliation and decision-making process. It is unlikely that that average cost per complaint will reduce significantly under the new legislation as our experience is that the vast majority of the work involved in dealing with complaints is undertaken up to the point of a matter being either conciliated or requiring a formal decision. The work involved in making and publishing a formal decision is a very small proportion of the process, particularly as there is no need to start the process over, the decision-maker already being familiar with the matter and the issues involved.

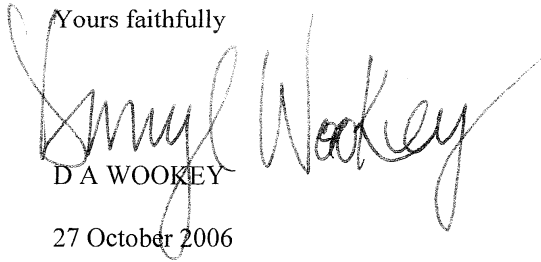
As you are aware, currently only 20% of matters dealt with by the office require a formal decision. As I explained in my letter of 13 October 2006, it is inevitable that without the "persuader" of being the ultimate decision-maker the rate of conciliated outcomes achieved by this office will significantly reduce and, in turn, the number requiring formal decision and therefore referral to the SAT will increase. It seems to me, therefore, that cost effectiveness is another strong reason for not separating the conciliation and decision-making functions and for both residing with the Commissioner.

I note that in the Commonwealth the Privacy Commissioner has the decision-making power with appeals from some decisions of the Commissioner being to the Federal Court or the Federal Magistrates Court, and appeals concerning awards of compensation by the Commissioner being to the Commonwealth equivalent of the SAT – the Administrative Appeals Tribunal. I am aware of no reason, therefore, why the Western Australian Commissioner could not exercise the decision-making power and the new office become a nationally and internationally recognised model of best practice as has the Western Australian Information Commissioner model.

As I have indicated, my primary concern is to ensure that whatever new model is adopted for both regimes remains as effective, efficient and accessible for members of the public and as effective in furthering good public administration and accountability in agencies as the current Information Commissioner model. While I understand that there is a desire to introduce the legislation into Parliament as soon as possible, I would respectfully urge you not to let that be the driving influence as to how to resolve this very significant outstanding issue. As always, I am more than happy to discuss these matters further with you at any time and to provide any assistance I can to ensure the timely introduction of the preferred model.

Thank you for your further consideration of these matters.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D A Wookey', written over the printed name 'D A WOOKEY'.

D A WOOKEY

27 October 2006

cc. Ms J Pritchard, Senior Assistant State Counsel



OFFICE OF THE INFORMATION COMMISSIONER

Hon J McGinty MLA
Attorney General
4th floor, London House
216 St George's Terrace
PERTH WA 6000

Dear Attorney General

THE AUSTRALIAN ONLINE

I refer to an article published on the website of *The Australian* newspaper this morning under the headline "AG, Commissioner Clash on FOI Reform".

I write to advise you that my comments to the reporter have been misrepresented and I have been quoted out of context.

I spoke to the journalist because I was concerned that his article in yesterday's edition of *The Australian* under the headline "State Bill to Give More FOI Access" wrongly gave the impression that the proposed amendments to the *Freedom of Information Act 1992* ('the FOI Act') will allow for greater access to information and wrongly gave the impression that there is currently no independent tribunal reviewing decisions made by government agencies under the FOI Act.

The words of mine which appear in quotation marks in the article were said in the course of explaining to the journalist that, contrary to the impression given in his article in the printed copy of *The Australian* yesterday, there does already exist an independent external arbiter of complaints under the FOI Act and that it is not the case that the Government has the last word on access to documents under the FOI Act.

As you are aware, although the provision for exemption certificates - which in 13 years of the operation of the FOI Act has never been used to prevent the disclosure of documents - is to be repealed, the exemptions available under the proposed amended FOI Act have not been reduced; to the contrary, an exemption has been added and the scope of the exemption provided by clause 8(1) will be clarified to ensure that its coverage is much broader than has been interpreted to date.

My comments in respect of the transfer of the Commissioner's decision-making power to the State Administrative Tribunal were the comments that I made to you in my letters of 13 and 27 October 2006, to the latter of which I have not yet received a reply from you. I did not say to the reporter that "...the changes were simply aimed at creating work for the SAT", or anything like that.

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As I have advised you, my primary concerns about transferring the decision-making power to the SAT and splitting the conciliation and decision-making function are, firstly, that rather than streamlining the external review process it further complicates it by adding an extra step for complainants before they can obtain a decision on their complaint and, secondly, that without the persuasive influence of the parties being aware this office will make the final decision on the complaint, our current very high conciliation rate will be significantly reduced.

Given that my comments have been so badly misrepresented, I cannot be confident that you have been correctly quoted in this morning's article. However, if you have been correctly quoted, I am disappointed to say the least that you would choose to respond to the comments the journalist said I had made by publicly attacking me personally in describing them as "*self-serving nonsense*".

I have no self-interest to serve in this matter. As you know, I am acting in the position of Information Commissioner and, whether or not the decision-making function is transferred to the SAT, once the legislation is enacted I will no longer hold this position. The views I have expressed to you and have expressed publicly are my genuinely-held views based on 13 years of experience in the field and a commitment to the principles of freedom of information and its contribution to government accountability and to practical, accessible avenues for members of the community to be able to have government decisions and administrative actions about which they are concerned reviewed.

I am also concerned that you would now seek to put forward as the rationale for the transfer of the decision-making power to the SAT an accusation of "horrendous delays" in this office.

Presently, this office finalises approximately 150 complaints per year and the average time taken by this office to finalise a complaint is 128 days. That time includes the time for investigation and attempted conciliation. The vast majority (30) of the 50 complaints presently being dealt with by this office are less than 6 months old, with 21 of those being less than 3 months old. Only 9 are more than 12 months old.

Although, on average, complaints to this office now take slightly longer to resolve than they did previously, the rate of conciliation has improved considerably in my time as Acting Information Commissioner (from 61.5% in 2002/03 to 72.4% currently). I accept that a small handful of the some 150 complaints finalised by my office each year have taken longer than desirable to finalise. However, the delay in those matters has not always been because of a delay in decision-making. For example, in one matter that was resolved by formal decision, the complaint was suspended for 4 months at the request of the complainant while he endeavoured to otherwise resolve his issues with the agency concerned. In a very small number of complaints, however, there has been a delay in decision-making.

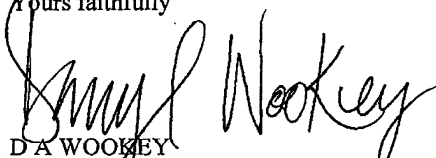
Part of the reason for that is that, when I was appointed Acting Information Commissioner, I was advised that it would be for a period of up to 12 months pending the enactment of legislation to "amalgamate" this office with that of the Ombudsman. In preparation for that, I reduced the size of the office and took on a considerable number of additional duties myself, with others distributed amongst my 9 staff

members, including my external review staff. Operating in that way was sustainable for 12 months or so but has stretched the office in the period since. Had I known then that it would take three and a half years for the legislation to be drafted and introduced into Parliament, I would not have implemented that arrangement or would have revised it in the interim.

In any event, the fact that there have been some delays in resolving a few matters in the last 3 years, while the office has essentially been in limbo, does not seem to me to be a reasonable basis for attacking and dismantling the Information Commissioner model which, as I have said, is nationally and internationally recognised as a model of best practice and which does have a proven track record over 13 years of providing an accessible, free, generally speedy, informal and independent avenue of external review of decisions. Similarly, any criticism you may have, whether justified or not, of my performance does not seem to me to be a reasonable basis for criticism of the model or dismantling it.

Clearly, you and I have different views in respect of the proposed new model. I have advised you of my view and the reasons for it, and you have advised me of yours, and I would like to think that we could each respect the other's view and agree to differ without allowing sensational and inaccurate reporting by a newspaper to detract from reasonable debate of the issue.

Yours faithfully



D A WOOLEY
A/INFORMATION COMMISSIONER
30 March 2007

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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 2006/07 is set out in detail in the statistical tables at the end of this report. The following is an overview.

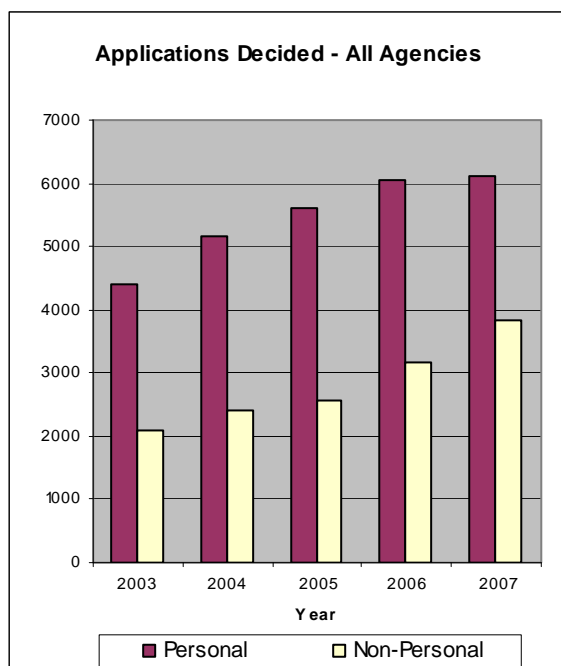
The primary responsibility for making decisions on FOI applications and otherwise giving effect to the provisions of the FOI Act rests with agencies. Applications under the FOI Act are made in the first instance to the government agency holding or likely to hold the document sought, and the agency must 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 10416 in the year under review. That represents an increase of approximately 213% in 12 years from 1995

and 8.6% from last year (9591).

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 (1771 - an increase of 14.8% from last year), with the next highest being received by Royal Perth Hospital (1187 - an increase of about 5.9% from last year) and Sir Charles Gairdner Hospital (887 - a decrease of about 11.7%) respectively, and another 3283 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 \$90.00 in applications fees - i.e. three application fees - and \$0 in additional charges collected by Royal Perth Hospital) suggests that the vast majority of access applications to that agency was, 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.

FIGURE 1
Number of Applications Decided—All Agencies



Of the 10416 applications received by agencies in 2006/07, 432 (just over 4%) were received by local government agencies and 9984 (96%) by State Government agencies. Of the local government agencies, the City of Joondalup received the highest number of applications (30), followed by the City of Mandurah (29) and the City of Stirling and City of Melville (each with 25), the City of Wanneroo (23) and the City of Fremantle (21). A number of the small country local Government agencies reported having received none or one.

Of the applications made to State Government agencies, 86 were made to Ministers, similar to the number made to Ministers last year. The Minister receiving the highest number of applications was the Hon J A McGinty, Attorney General; Minister for Health; Electoral Affairs (16), with the next highest being the Hon A MacTiernan, Minister for Planning and

Infrastructure (13). Hon J C Kobelke, the Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation and Hon S M McHale, Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection received 8 and 7 applications respectively. Of the decisions on access made by Ministers in the reporting period, 15 (25%) were to give full access; 27 (45%) were to give access to edited copies of documents; and 17 (28%) were to refuse access. The exemptions claimed by Ministers were 6 x clause 1 (Cabinet and Executive Council documents); 31 x clause 3 (personal information); 6 x clause 4 (commercial or business information of private persons); 3 x clause 4A (information provided to Treasurer under section 22 of *Bank of Western Australia Act 1995*); 10 x clause 6 (deliberative processes of government); 6 x clause 7 (legal professional privilege); and 2 x clause 8 (confidential communications).

The statistical tables also reveal that 9470 decisions on access applications were made by agencies under the FOI Act in 2006/07. Of those decisions made, 57.3% resulted in the applicant being given access in full to the documents sought; 31.5% resulted in the applicant being

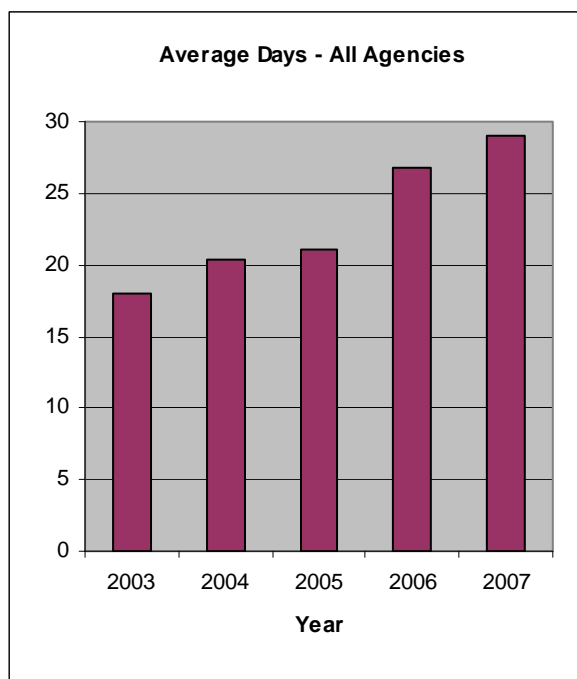
given access to edited copies of the documents sought; and just over 0.4% resulted in either access being given but deferred, or being given in accordance with s.28 of the FOI Act (by way of an approved medical practitioner). Those figures indicate that approximately 89.2% of the 9470 decisions made by agencies on FOI applications were to the effect that access in some form was given. Only 10.9% 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 2827 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 (119 times); clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of legal professional privilege (101 times); and clause 6, which relates to the deliberative processes of government (also 101 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 in 2005 to 90 in 2006 and a further decrease to 70 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 162 applications for internal review of decisions relating to access applications during 2006/07. This represents about 2% of all decisions made and about 16% of decisions made to refuse access. In the year under review 159 applications for internal review were dealt with. The decision under review was confirmed on 112 occasions, varied on 33 occasions, reversed on

FIGURE 2

**Average Days Taken to Deal with Applications
– All Agencies**

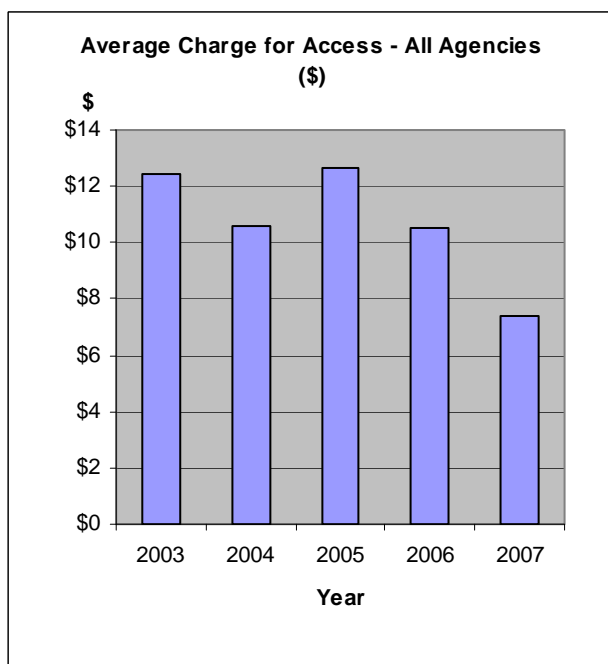


nine occasions and the application for internal review was withdrawn on five occasions. Ten applications for amendment of personal information were made to agencies during the year. Nine such applications were dealt with, resulting in personal information being amended on one occasion, not amended on five occasions and amended, but not as requested, on two occasions; and one application was withdrawn. The three reported applications for internal review of decisions relating to the amendment of personal information resulted in the initial decision being confirmed on each occasion.

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 (approx. 29 days) increased by approximately two 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. The average amount of charges imposed by agencies for dealing with access applications again decreased in comparison with the previous year.

FIGURE 3

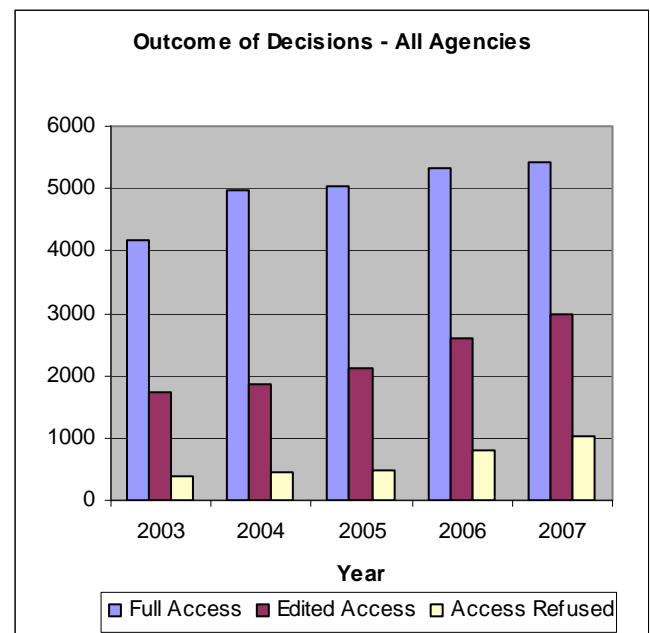
Average Charges Imposed —All Agencies (\$)



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 4

Outcome of Decisions—All Agencies



REPORT ON OPERATIONS

LEGISLATION

The office of Information Commissioner is established by s.55(1) of 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 STATEMENT

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 FOI Act.

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

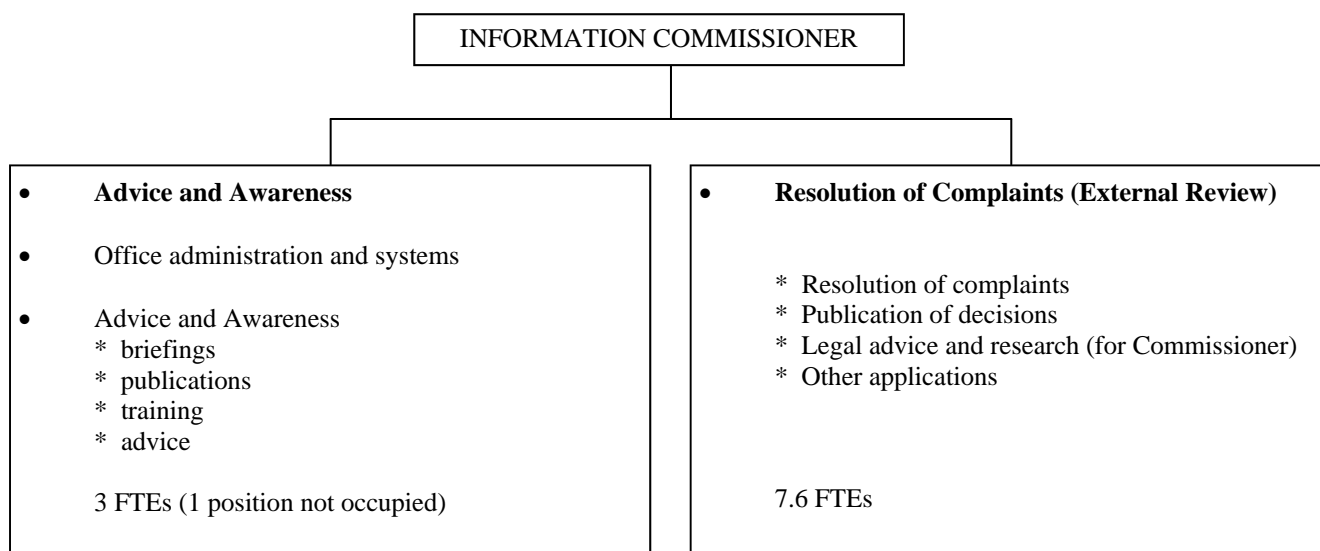
Freedom of Information Act 1992

Freedom of Information Regulations 1993

CONTACT DETAILS

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

OFFICE STRUCTURE



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: Tim Kennedy, Senior Legal Officer; Rachel Crute, Legal Officer (Research and Investigations); Tony Pruyn, Senior Investigations Officer; Kim Bracknell, Information Services Manager; Anne Marshall, Legal Officer; Sylvie de Laroche, Personal Assistant.

Front row L to R: Michelle Painter, Administrative Assistant; Vivien Hillyard, Investigations Officer; Darryl Wookey, A/Information Commissioner; Grace Grandia, Advisory/Projects Officer.

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 without 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, one or more of those parties 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 person seeking review 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 Information Commissioner 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.

Every member of the external review team has been given broad delegated authority by the Information Commissioner, to enable external review 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 enables 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 external review 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 a 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. Where it is considered appropriate, external review officers have travelled outside the metropolitan area to meet and discuss the issues in dispute with complainants. 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.

The measures by which we assess our performance and record and report on our work were reviewed in 2005 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.

In the past, a number of applications were included in the figures for “complaints” received and dealt with. However, those applications were more properly classified requests for advice or were misdirected access applications. Requests for advice and misdirected access applications are now separately identified and are no longer included in the numbers of complaints received and dealt with. They are reported on as part of the *Advice and Awareness* service.

The total number of complaints (including the informal/invalid complaints) lodged with my office in the reporting period against decisions of agencies was 113. That means that only 1.20% of all access applications and applications for amendment dealt with by agencies under the FOI Act (9351) in the reporting period resulted in complaints being lodged with my office.

In my 2004/2005 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. A similar pattern was evident in the 2005/2006 reporting period. In this reporting period, twenty three valid complaints, almost twenty four percent of all of the valid complaints to my office were lodged by five complainants and, in most 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.

EXTERNAL REVIEW APPLICATIONS AND OTHER APPLICATIONS

A total of 145 applications, composed of 113 complaints (including 17 informal/invalid complaints) and 32 other kinds of applications under the FOI Act were received in 2006/2007. 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)	113
Section 66(6) applications (No internal review)	18
Section 66(4) applications (Out of time)	4
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	5
Section 13(5): Applications for extension of time	2
TOTAL	145

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 17 informal/invalid complaints received included complaints 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		INFORMAL/INVALID		TOTAL	
	No.	%	No.	%	No.	%
State	76	67.25	13	11.50	89	78.75
Minister	4	3.50	0	0.00	4	3.50
Local	16	14.25	2	1.75	18	16.00
Other	0	0.00	2	1.75	2	1.75
TOTAL	96	85	17	15	113	100

Table 3 details the number of complaints received in 2006/07 and the agencies concerned.

TABLE 3: COMPLAINTS RECEIVED

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Albany, City of	2		2	Corrective Services, Department of	6	3	9
Armadale, City of	2		2	Culture and the Arts, Department of		1	1
Armadale Health Service	2		2	Curtin University of Technology	2		2
Attorney General	1		1	Edith Cowan University	6		6
Attorney General, Department of the	3	1	4	Education and Training, Department of	1	1	2
Augusta-Margaret River, Shire of	2		2	Environment and Conservation, Department of	1		1
Bayswater, City of	1		1	Goldfields and South East Health Region	1	1	2
Bentley Health Service		2	2	Graylands Selby-Lemnos and Special Care Health Service	3		3
Busselton, Shire of	1		1	Great Southern Development Commission	1		1
Cambridge, Town of		1	1	Great Southern Health Region	1		1
Conservation and Land Management, Department of	1		1	Greenough, Shire of	1		1
Consumer and Employment Protection, Department of	2		2	Health, Department of	2	2	4
Heritage, Minister for	1		1	Premier and Cabinet, Department of the	1		1
Heritage Council of Western Australia	2		2	Public Transport Authority	1		1

TABLE 3: COMPLAINTS RECEIVED (cont...)

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Housing and Works, Department of	3		3	Racing and Wagering Western Australia	1		1
Industrial Relations Commission	1		1	Racing, Gaming and Liquor, Department of	3		3
Industry and Resources, Department of	3		3	Royal Perth Hospital	1		1
Insurance Commission of Western Australia	5		5	Salaries and Allowances Tribunal	1		1
Legal Aid Western Australia	1		1	South Perth, City of	1		1
Legal Practitioner's Complaints Committee	1		1	South West Development Commission	1		1
Local Government and Regional Development, Department of	1		1	Sport and Recreation, Department of	2		2
Midwest and Murchison Health Region		1	1	Stirling, City of	2		2
Mundaring, Shire of	2		2	Swan, City of	1		1
Murdoch University	1		1	Swan Health Service	1		1
National Trust of Australia (WA)	1		1	Wanneroo, City of		1	1
Nedlands, City of	1		1	Water, Department of	1		1
Planning and Infrastructure, Department for	2		2	Wheatbelt Health Region	1	1	2
Planning and Infrastructure, Minister for	2		2	Unknown Agency		2	2
Police Force of Western Australia	9		9	TOTAL	96	17	113

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)).

Thirty-two such applications were received in 2006/07, thirteen more 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)	T O T A L
Armadale, City of		1					1
Augusta-Margaret River, Shire of		2					2
Belmont, City of		1					1
Community Development, Department for				1			1
Curtin University of Technology					1		1
Education and Training, Department of		1					1
Environment and Conservation, Department of		1					1
Heritage Council of Western Australia		2					2
Indigenous Affairs, Department of					1		1
Industry and Resources, Department of		2					2
Joondalup, City of		1					1
Legal Practitioners Complaints Committee, The					1		1
Native Title, Office of		1					1
Planning and Infrastructure, Department for		1					1
Planning and Infrastructure, Minister for		2					2
Police Force of Western Australia	3	1					4
Premier and Cabinet, Department of the	1						1
Psychologists Registration Board		1					1
Racing, Gaming and Liquor, Department of						1	1
Sport and Recreation, Department of					1		1
Stirling, City of					1		1
Swan Health Service			1				1
Treasury and Finance, Department of						1	1
Victoria Plains, Shire of			1				1
Water, Department of		1					1
TOTAL	4	18	2	1	5	2	32

EXTERNAL REVIEW OUTCOMES

A total of 140 applications, made up of 111 complaints (including informal/invalid complaints) and 29 other applications were finalised during the year. Table 5 gives details of the types of applications dealt with in the 2006/2007 reporting period.

TABLE 5: APPLICATIONS DEALT WITH

TYPE OF APPLICATION	NUMBER
Complaints (including informal/invalid)	111
Section 66(4) Out of time	4
Section 66(6) No internal review	16
Both Section 66(4) and (6)	1
Application for reduction of time	5
Application for extension of time	2
Application for waiver of requirement to consult	1
TOTAL	140

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	54	73.0	16	21.6	4	5.4	74	77.9
Minister	1	100.0	0	0.0	0	0.0	1	1.0
Local	15	75.0	4	20.0	1	5.0	20	21.1
Total	70	73.7	20	21.0	5	5.3	95	100

It can also be seen from Table 6 that only 21.6% of complaints concerning decisions of State Government agencies and 20.0% of complaints concerning decisions of local government agencies required resolution by way of a formal decision. Resolution by conciliation was achieved in 73.0% of complaints concerning State Government agencies' decisions, 75.0% 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 111 complaints (including 16 informal/invalid complaints) were finalised in the 2006/2007 reporting period. Of the 95 formal complaints, as defined in the FOI Act, that were finalised in the 2006/2007 reporting period, 20 proceeded to a published decision. The agency's decision was confirmed on 16 occasions; varied on 1 occasion; and set aside and substituted on 3 occasions. Seventy (73.7%) of the valid complaints resolved in the 2006/2007 reporting period were resolved by conciliation without the need for a formal decision. Four complaints were declined under s.67(1)(a) of the FOI Act (no jurisdiction) and one complaint was 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		
Albany, City of		1				1
Armadale, City of	1					1
Armadale Health Service	1	1				2
Attorney General	1					1
Attorney General, Department of the	2	1			1	4
Augusta-Margaret River, Shire of	1					1
Bayswater, City of	2					2
Bentley Health Service					2	2
Busselton, Shire of	1					1
Cambridge, Town of	2			1	1	4

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		
Canning, City of	1					1
Conservation and Land Management, Department of	1					1
Consumer and Employment Protection, Department of	1					1
Corrective Services, Department of	8				3	11
Cottesloe, Town of	1					1
Curtin University of Technology	1					1
Edith Cowan University	4				1	5
Education and Training, Department of	1	1	1		2	5
Environment, Department of	1					1
Fremantle Hospital and Health Service		1				1
Goldfields and South East Health Region	1				1	2
Graylands Selby-Lemnos and Special Care Health Service	1	1				2
Great Southern Health Region	1					1
Greenough, Shire of		1				1
Health, Department of	1				2	3
Heritage Council of Western Australia	2					2
Housing and Works, Department of	3					3
Industrial Relations Commission		1				1
Industry and Resources, Department of	2					2
Insurance Commission of Western Australia	3				1	4
Kimberley Health Region		1				1
King Edward Memorial and Princess Margaret Hospitals	1					1
Land Authority (LandCorp), Western Australian	1					1
Local Government and Regional Development, Department of		1				1
Medical Board of Western Australia	1					1
Melville, City of	1					1
Midwest and Murchison Health Region					1	1
Mundaring, Shire of	1					1
Murdoch University	1					1
Perth, City of	1					1
Planning and Infrastructure, Department for	2	1				3
Police Force of Western Australia	4	3			1	8

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		
Premier and Cabinet, Department of the	2			1		3
Public Transport Authority	1	1				2
Roebourne, Shire of				1		1
Royal Perth Hospital	1	1				2
South Perth, City of					1	1
Sport and Recreation, Department of	1					1
Stirling, City of	2					2
Swan, City of	1					1
University of Western Australia, The	4					4
Wanneroo, City of					1	1
Water, Department of	1					1
Wheatbelt Health Region					1	1
Unknown Agency					2	
TOTAL	70	16	1	3	21	111

*** The Information Commissioner does not deal with a complaint if it is outside her jurisdiction and may not deal with it if it is frivolous, vexatious, misconceived or lacking in substance (s.67 of the Act). Five of the 21 complaints declined related to formal complaints and the remaining 16 related to informal/invalid complaints.*

TABLE 8: PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0182006	Foot	Royal Perth Hospital	04/07/2006
D0192006	Kolo	Police Force of Western Australia	21/07/2006
D0202006	Kolo	Education and Training, Department of	25/07/2006
D0212006	Kolo	Public Transport Authority	25/07/2006
D0222006	"U"	Graylands Selby-Lemnos and Special Care Health Service	11/12/2006
D0232006	West Australian Newspapers Limited	Premier and Cabinet, Department of the	12/12/2006
D0242006	De Landgraft	Albany, City of	21/12/2006
D0252006	Post Newspapers Pty Ltd	Cambridge, Town of	22/12/2006
D0262006	Allen	Greenough, Shire of	22/12/2006
D0012007	Rogerson	Education and Training, Department of and Suzanne Cooper	11/01/2007
D0022007	"A"	Police Force of Western Australia	31/01/2007
D0032007	Kin Kin Resorts Pty Ltd	Local Government and Regional Development, Department of	23/02/2007
D0042007	"B"	Armadale Health Service	27/02/2007
D0052007	Richardson	Police Force of Western Australia	16/03/2007

TABLE 8: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0062007	Kin Kin Resorts Pty Ltd	Planning and Infrastructure, Department for	04/04/2007
D0072007	Betfair Pty Ltd	Attorney General, Department of the	13/04/2007
D0082007	Woodside Defense Group	Fremantle Hospital and Health Service	17/04/2007
D0092007	Hudson	Kimberley Health Region	18/04/2007
D0102007	Alvarez	Industrial Relations Commission, Western Australian	21/05/2007
D0112007	Geoff Ninnies Fong and Partners Pty Ltd	Roebourne, Shire of and Donovan Payne Architects Pty Ltd	13/06/2007

OTHER MATTERS

There were 29 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.

TABLE 9: OUTCOME OF OTHER APPLICATIONS FINALISED

AGENCY	NO INTERNAL REVIEW			OUT OF TIME s.66(4)		BOTH s.66(4) and	REDUCTION OF TIME s.13(4)				EXTENSION OF TIME S.13(5)		WAIVER OF REQUIREMENT TO CONSULT	TOTAL MATTERS FINALISED
	W	A	R	W	R		W	A	C	R	A	R		
Armadale, City of	1													1
Augusta-Margaret River, Shire of	1		1											2
Belmont, City of	1													1
Community Development, Department for													1	1
Curtin University of Technology								1						1
Education and Training, Department of	1													1
Environment and Conservation, Department of	1													1
Heritage Council of Western Australia	1		1											2
Indigenous Affairs, Department of								1						1
Industry and Resources, Department of			2											2
Joondalup, City of			1											1
Legal Practitioners Complaints Committee, The									1					1
Native Title, Office of			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
Psychologists Registration Board			1											1
Racing, Gaming and Liquor, Department of											1			1
Sport and Recreation, Department of									1					1
Stirling, City of									1					1
Swan Health Service						1								1
Treasury and Finance, Department of											1			1
Water, Department of			1											1
Water Corporation			1											1
TOTAL	7	1	8	2	2	1	2	1	1	1	1	1	1	29

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

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.

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.

FOI Coordinator Workshops

Workshops are scheduled based on the level of demand and are conducted by the office, at no charge to agencies. Eleven 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 fees 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 2006/07 at our own premises. Feedback from participants who attended the workshops was very positive.

TABLE 10: FORMAL TRAINING AND PRESENTATIONS

DATE	PRESENTATION STYLE	AUDIENCE
19 July 2006	Decision-makers's Forum	<i>Officers from various State and local government agencies</i>
25 July 2006	FOI Briefing	<i>FOI Coordinators' Group held at Disability Services Commission</i>
26 July 2006	FOI Coordinators' Workshop	<i>Shire of Dardanup</i>
16 August 2006	FOI Coordinators' Workshop	<i>Police Service of WA</i>
13 September 2006	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
21 September 2006	FOI Coordinators' Workshop	<i>Department of Corrective Services</i>
11 October 2006	Decision-makers's Forum	<i>Officers from various State and local government agencies</i>
18 October 2006	FOI Briefing (2)	<i>City of Belmont</i>
8 November 2006	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
1 December 2006	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
18 January 2007	FOI Briefing	<i>City of Melville</i>
30 January 2007	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
7 February 2007	FOI Briefing	<i>Sir Charles Gairdner Hospital</i>
21 February 2007	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
27 February 2007	FOI Briefing	<i>State Revenue</i>
12 March 2007	FOI Briefing	<i>Office of Katie Hodson-Thomas MLA</i>
20 March 2007	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
21 March 2007	Decision-makers's Forum	<i>Officers from various State and local government agencies</i>
27 March 2007	FOI Briefing	<i>Department of Culture and the Arts</i>
12 April 2007	FOI Briefing	<i>Worksafe</i>
18 April 2007	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
23 April 2007	Decision-makers's Forum	<i>Department of Treasury & Finance – Office of Government Procurement</i>
7 May 2007	FOI Briefing (2)	<i>Department of Treasury & Finance – Office of Government Procurement</i>
23 May 2007	FOI Coordinators' Workshop	<i>Officers from various State and local government agencies</i>
7 June 2007	FOI Briefing	<i>Graylands Selby-Lemnos & Special Care Health Service</i>
20 June 2007	Decision-makers's Forum	<i>Officers from various State and local government agencies</i>

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

AIMS Corporation (2)	Legal Practitioners Complaints Committee (2)
Agriculture & Food, Department of (3)	Medical Board of Western Australia (1)
Albany, City of (2)	Mid-West Development Commission (1)
Armadale Health Service (2)	Mindarie Regional Council (1)
Attorney General, Department of the (7)	Minister for Government Enterprises, Office of the (1)
Augusta-Margaret River, Shire of (4)	Minister for Local Government and Regional Development; Fisheries; The Kimberley; Pilbara and Gascoyne, Office of the (1)
Bentley Health Service (1)	Mundaring, Shire of (2)
Builders’ Registration Board (2)	Murdoch University (1)
Busselton, Shire of (1)	Murray, Shire of (4)
Capel, Shire of (1)	North Metropolitan Health Service (1)
Consumer & Employment Protection, Department of (23)	Northam, Town of (3)
Corrective Services, Department of (9)	Osborne Park Hospital (1)
Dardanup, Shire of (3)	Police Force of Western Australia (10)
Derby Health Service (2)	Public Advocate, Office of the (1)
Donnybrook/Balingup, Shire of (2)	Public Sector Standards Commissioner, Office of the (1)
Drug & Alcohol Office (1)	Roebourne, Shire of (2)
East Perth Redevelopment Authority (1)	Royal Perth Hospital (1)
Education & Training, Department of (2)	Serpentine-Jarrahdale, Shire of (1)
Environment, Department of (2)	South Metropolitan Mental Health Service (1)
Fire & Emergency Services Authority (2)	South West Development Commission (1)
Fremantle Hospital (1)	South West Regional College of TAFE (1)
Fremantle, City of (1)	Sports Centre Trust, Western Australian (1)
Gold Corporation (2)	State Supply Commission (1)
Gosnells, City of (2)	Stirling, City of (3)
Graylands Selby-Lemnos & Special Care Health Service (2)	Swan Health Service (1)
Harvey, Shire of (1)	Swan TAFE (1)
Health Review, Office of (2)	Swan, City of (1)
Health, Department of (1)	Tourism Commission, Western Australian (2)
Heritage Council of Western Australia (1)	Treasury & Finance, Department of (3)
Horizon Power (2)	Treasury Corporation, Western Australian (1)
Housing & Works, Department of (2)	Victoria Park, Town of (1)
Indigenous Affairs, Department of (1)	WA Country Health Service – Great Southern (1)
Insurance Commission of Western Australia (1)	WA Country Health Service – Wheatbelt (1)
Kalgoorlie-Boulder, City of (1)	Wanneroo, City of (1)
King Edward Memorial Hospital (1)	Waroona, Shire of (2)
Kwinana, Town of (1)	Water, Department of (2)
Legal Aid Western Australia (1)	Western Power (1)

Decision-makers' Forums

The half-day decision-makers' forum 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 my office who may be called for advice in the future, which is especially useful for those agencies which do not receive many applications. Five of these were conducted in 2006/07, attended by a total of 59 officers of State Government agencies and 15 officers of local government agencies.

Five 'Decision-makers Forums' were held and included officers from the following agencies (number in attendance is shown in brackets):

Bentley Health Service (1)	Gold Corporation (1)	Minister for Planning & Infrastructure, Office of (2)
Central TAFE (2)	Gosnells, City of (2)	Murdoch University (1)
Cockburn, City of (2)	Graylands Selby-Lemnos and Special Care Health Service (1)	Nedlands, City of (2)
Community Development, Department for (1)	Health, Department of (2)	Public Sector Standards Commissioner, Office of the (2)
Consumer & Employment Protection, Department of (12)	Heritage Council of Western Australia (1)	Racing & Wagering Western Australia (1)
Corrective Services, Department of (2)	Housing & Works, Department of (2)	South Perth, City of (1)
Cottesloe, Town of (1)	Industry & Resources, Department of (1)	State Administrative Tribunal (1)
Disability Services Commission (1)	Kwinana, Town of (2)	Stirling, City of (1)
Donnybrook/Balingup, Shire of (1)	Legal Aid Western Australia (4)	Treasury & Finance, Department of (13)
Edith Cowan University (1)	Legal Practitioners Complaints Committee (2)	Wanneroo, City of (2)
Energy, Office of (1)	Melville, City of (1)	Water, Department of (1)
Fremantle, City of (1)	Minister for Education, Office of the (1)	West Coast TAFE (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 (FAQs)* 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.

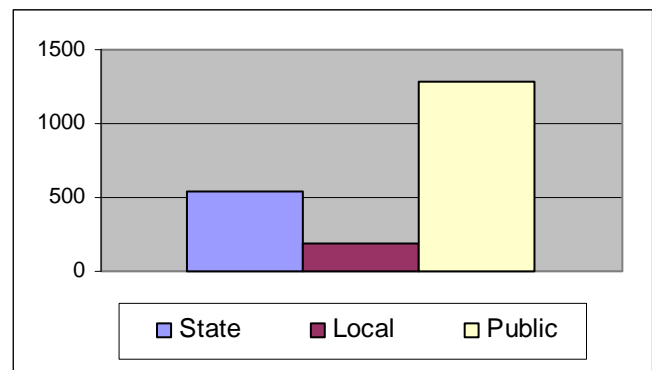
We have received positive feedback about our web site, particularly for its user-friendly links and the amount of information readily available. There has been a steadily increasing number of user sessions, which illustrates a high level of interest in FOI generally; in the process to follow in making 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 2,020 telephone enquiries received during the year (2,082 in 2005/06). Over 64% of telephone enquiries received (67% in 2005/06) 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 ENQUIRIES



State 537; Local 194; Public 1289

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

Ninety-one of these were misdirected access applications. That is, they were applications which should have been sent to the agency holding the documents sought and not to this office. As in past years, the agencies the subject of the greatest number of misdirected applications were the Police Force of Western Australia (35) and the Department of Corrective Services (16). Written enquiries, including misdirected applications, 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.

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
Attorney General, Department of the	2	Planning and Infrastructure, Department for	2
Community Development, Department for	4	Police Force of Western Australia	35
Corrective Services, Department of	16	Premier and Cabinet, Department of the	1
Environment and Conservation, Department of	2	Public Sector Standards Commissioner, Office of the	1
Fire and Emergency Services Authority of Western Australia	1	Royal Perth Hospital	1
Geraldton Health Service	1	Serpentine-Jarrahdale, Shire of	1
Graylands Selby-Lemnos and Special Care Health Service	2	Swan and Kalamunda Health Service	2
Health, Department of	1	Water Corporation	1
Indigenous Affairs, Department of	1	Western Power	1
Industry and Resources, Department of	1	Worksafe Western Australia	1
Kalamunda Health Service	1	Unknown Agency	12
Medical Board of Western Australia	1	TOTAL	91

INFORMATION STATEMENT SURVEY

In last year's annual report I advised of the results of the survey of agencies to determine the level of compliance with sections 94-96 of the FOI Act which require agencies to publish an up-to-date information statement about the agency every twelve months.

In 2007 a similar survey was sent to 133 State Government and 142 local government agencies together with the annual statistical return. The difference in the number of agencies surveyed this year as compared to last year is because the previous survey was sent to agencies whose current email address and contact details were registered with my office and others have since been identified. The survey was in three parts; the first required the agency to provide statistics as required by section 111(3) of the FOI Act; the second asked for feedback on the advisory services provided by my office; and the third requested information in relation to the agency's information statement. Responses were received from 263 government agencies (96%). Of those, 100% of State government agencies completed the statistical return. However, of those 263, 17 State government agencies (13%) and 16 (11%) of local government agencies failed to complete the section of the survey that related to the Information Statement.

The survey asked agencies to respond to the following questions about the agency's information statement:

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 (Hardcopy, Electronic, Both)?*
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?*

Responses to the question “when was your information statement last reviewed?” indicated that 24% of responding agencies last reviewed their information statements in 2007; 38% in 2006; 6% in 2005; and 6% before 2005. Twenty-six percent (26%) did not indicate or did not respond.

Agencies’ responses indicated that 17% published an information statement in 2007; 41% in 2006; 6% in 2005; and 7% before 2005. Twenty-eight percent (28%) did not indicate or did not respond.

One hundred and forty-seven (147) agencies advised that their information statement is published as a standalone document; 75 agencies incorporated the statement in their annual report and a number did not respond.

One hundred and two (102) agencies (39%) stated that the information statement was available in hardcopy; 35 (13%) stated that it was available electronically; and 100 (38%) stated it was available both as a hardcopy document and electronically.

Only 61 State and local government agencies have provided the Information Commissioner with an electronic copy or hard copy of their updated information statement in the past 12 months. All of the information statements received have been analysed for compliance with the FOI Act which prescribes as follows what the information statement is 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.

Of the information statements provided the majority did describe their agency’s structure and function, the kinds of documents held, the operation of the FOI Act and the agency’s FOI procedures. Fewer contained information concerning the ways in which their functions affect members of the public or how the public can participate, if at all, in the formulation of policy or carrying out of functions.

A number of the information statements described the agency's structure and functions but did not describe the FOI process which would be of assistance to applicants. Other agencies adequately described the FOI process but did not give sufficient details about the agency.

Each agency that provided an information statement has been given feedback about its information statement and, where necessary, how it can be changed to comply with the FOI Act.

One of the issues of concern I outlined in my previous annual report related to incorrect information being given as to the application fee and charges. A number of information statements outlined a regime of fees and charges that did not accord with the prescribed regime. Each individual agency whose statement did not comply has been notified that the application fee and charges that can be imposed are only those prescribed by the *Freedom of Information Regulations 1993* and they cannot be varied by individual agencies or without amendment of the Regulations.

Other issues that were identified included agencies requiring access applicants to complete an application form prepared by the agency. There is no requirement under the FOI Act for an access applicant to complete an application form provided by an agency. The FOI Act requires that applications be in writing; give enough information to enable identification of the requested documents; give an address in Australia; and be lodged at the agency accompanied by an application fee (where the application is for non-personal information). If an application in that form is received by an agency it is a valid application whether or not it is on an agency form and must be dealt with by the agency accordingly. Although the use of a *pro forma* form may be helpful to the agency and, in some cases, may help the applicant to make a valid application, an agency cannot insist on its own form being used and, if it refuses to accept or deal with an application solely on that basis, it will be in breach of its obligations under the FOI Act.

A random sample of 25 agencies that reported their information statements were available on the web were checked with varying results. Of the 25 agencies sampled, the information statements of 8 were readily accessible via the agency's website. Unfortunately, however, 4 were difficult to locate and in 13 cases could not be found. I recommend to those agencies that enhancements be made on the website to make the information statement readily accessible. If it is not easily accessible by my staff, it is not accessible by members of the public and not serving the purpose intended by the FOI Act. As a result of that exercise, my office has now commenced a project that entails visiting the website of each agency that has advised that its information statement is published on its website to ascertain the ease of accessibility to each. Feedback will be given where the information statement is not easily accessible and it is proposed to report on the result of that project next year.

It is the responsibility of agencies to comply with the FOI Act, and my office will continue to monitor the use of the internet to publish Information Statements and will follow up with those agencies that do not meet their responsibilities under ss.94-96.

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

None.

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 Access and Inclusion Plan (DAIP) 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 DAIP 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.146): 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.

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.

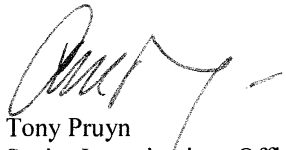
Government Policies

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.

PERFORMANCE INDICATORS

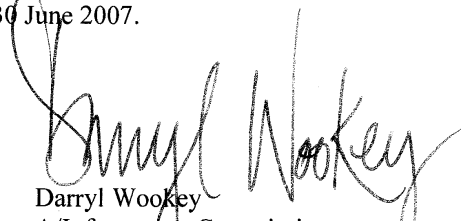
Performance Indicator Certification

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 2007.



Tony Pruyn
Senior Investigations Officer

20 September 2007



Darryl Wookey
A/Information Commissioner

20 September 2007

PERFORMANCE INDICATORS 2006/2007

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 to be achieved.

The Office of the Information Commissioner ('the Office') is made up of the Information Commissioner and the staff appointed to assist the Information Commissioner to discharge those functions and responsibilities under delegated authority. These functions take the form of 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 Information Commissioner is to ensure that wherever possible the conduct of external review proceedings is not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Information Commissioner is required to make a determination by making and 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 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 an application for amendment of personal information under the FOI Act. Policy development within agencies which establishes routine information disclosure 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 in 2005 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 in 2005 and, therefore, each of those PIs has only the new base year of 2005 to compare against.

1. EFFECTIVENESS PERFORMANCE INDICATORS

	2003	2004	2005	2006	2007
Target	90%	90%	90%	86%	80%
Outcome	85%	86%	86%	85%	75%

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 process 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 183 parties who participated in an external review process following finalisation of the review process. Of the 183 PRQs sent, 137 participants (74.9%) responded by returning a completed PRQ. 76 responses were received from agencies; 59 were received from complainants; and 2 were received from third parties. This represents a standard error of 4.2% 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 137 responders, 103 (75%) 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

	2003	2004	2005	2006	2007
Target	(a)	98%	(a)		
Outcome	(a)	100%	(a)	98%	97%

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 291 State and local government agencies and Ministers. Of the 291 surveys sent, 275 agencies (94%) responded by returning a completed survey. This represents a standard error of 1.39% at the 95% confidence level.

Of the 275 respondent agencies, 195 confirmed receiving advice and guidance from this office.

Of those 195 agencies that received advice, 190 agencies (97%) expressed satisfaction 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. In order to reduce the burden on agencies the survey was then conducted biennially. Therefore, a survey was not conducted in 2001, 2003 and 2005.*

Having reviewed the practice of biennial surveys in 2006, a survey is now 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.

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	2007		
Target	n/a	70%	74%		
Outcome	66%	72%	74%		

In total, 418 matters of all types were finalised by the Office in 2006/07. However, of those 418 matters, only 95 were complaints, as defined in s.65 of the FOI Act. Of the 95 complaints resolved in 2006/07, 70 (74%) were resolved by conciliation. That is, as a result of negotiations conducted by the Office the parties agreed that no issues remained in dispute which required a decision by the Information Commissioner.

2. EFFICIENCY PERFORMANCE INDICATORS

The Office currently operates with 10 FTEs to deliver services under the two main functions prescribed by 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's 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's 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 2006/07 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, are reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the Office.

	2005	2006	2007		
Budget	n/a	\$4166	\$5548		
Actual	\$5413	\$5270	\$6456		

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 2006/07 (140) into the net accrual cost for the Resolution of Complaints output (\$903,788 - 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 2006/07 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	2007		
Budget	n/a	\$55	\$120		
Actual	\$184	\$105	\$92		

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services provided by the Office in 2006/07 (2951) into the net accrual cost for the Advice and Awareness output (\$270,507 - as advised by DoTAG).

Note: The net accrual cost for 2005 was significantly higher than 2006 and 2007 because of a one-off redundancy payment made to a former senior officer.

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 again provided within the one document, a copy of which can be found on page 54.

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FINANCIAL STATEMENTS

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OFFICE OF THE INFORMATION COMMISSIONER

CERTIFICATION OF FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2007

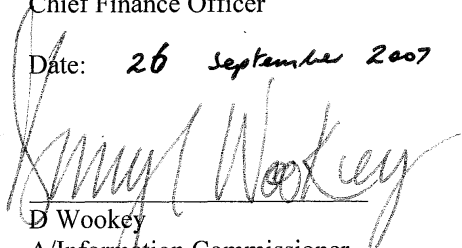
The accompanying financial statements of the Office of the Information Commissioner have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2007 and the financial position as at 30 June 2007.

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



A Andersson
Chief Finance Officer

Date: 26 September 2007


D Wookey

A/Information Commissioner

Date: 26 September 2007



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

OFFICE OF THE INFORMATION COMMISSIONER FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2007

I have audited the accounts, financial statements, controls and key performance indicators of the Office of the Information Commissioner.

The financial statements comprise the Balance Sheet as at 30 June 2007, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

Information Commissioner's Responsibility for the Financial Statements and Key Performance Indicators

The Information Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. 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 key 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 key performance indicators.

Office of the Information Commissioner
Financial Statements and Key Performance Indicators for the year ended 30 June 2007

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 2007 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Information Commissioner provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Information Commissioner are relevant and appropriate to help users assess the Information Commissioner's performance and fairly represent the indicated performance for the year ended 30 June 2007.



COLIN MURPHY
AUDITOR GENERAL
26 September 2007

FINANCIAL STATEMENTS continued

OFFICE OF THE INFORMATION COMMISSIONER

Income Statement

For the year ended 30 June 2007

	Note	2007 \$	2006 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	948,195	872,411
Supplies and services	7	143,585	140,460
Depreciation expense	8	21,910	17,830
Accommodation expenses	9	98,676	90,593
Other expenses	10	61,905	77,029
Total cost of services		<u>1,274,271</u>	<u>1,198,323</u>
Income			
<i>Revenue</i>			
Other revenue	11	<u>4,345</u>	<u>2,182</u>
Total Revenue		<u>4,345</u>	<u>2,182</u>
<i>Gains</i>			
Gain on disposal of non-current assets	12	<u>-</u>	<u>408</u>
Total Gains		<u>-</u>	<u>408</u>
Total income other than income from State Government		<u>4,345</u>	<u>2,590</u>
NET COST OF SERVICES		<u>1,269,926</u>	<u>1,195,733</u>
INCOME FROM STATE GOVERNMENT	13		
Service appropriation		1,246,000	1,103,000
Liabilities assumed by the Treasurer		5,079	1,854
Resources received free of charge		44,670	42,092
Total income from State Government		<u>1,295,749</u>	<u>1,146,946</u>
SURPLUS /(DEFICIT) FOR THE PERIOD		<u>25,823</u>	<u>(48,787)</u>

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

OFFICE OF THE INFORMATION COMMISSIONER

Balance Sheet*As at 30 June 2007*

	Note	2007 \$	2006 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23	71,213	-
Receivables	15	5,837	5,266
Amounts receivable for services	16	33,000	35,000
Other current assets	17	5,078	4,332
Total Current Assets		<u>115,128</u>	<u>44,598</u>
Non-Current Assets			
Restricted cash and cash equivalents	14	5,864	2,955
Amounts receivable for services	16	-	3,000
Property, plant and equipment	18	13,875	33,210
Total Non-Current Assets		<u>19,739</u>	<u>39,165</u>
TOTAL ASSETS		<u><u>134,867</u></u>	<u><u>83,763</u></u>
LIABILITIES			
Current Liabilities			
Bank overdraft	23	-	4,112
Payables	19	31,525	25,180
Provisions	20	187,575	163,515
Other current liabilities	21	3,465	11,446
Total Current Liabilities		<u>222,565</u>	<u>204,253</u>
Non-Current Liabilities			
Provisions	20	84,266	77,297
Total Non-Current Liabilities		<u>84,266</u>	<u>77,297</u>
Total Liabilities		<u>306,831</u>	<u>281,550</u>
NET ASSETS		<u>(171,964)</u>	<u>(197,787)</u>
EQUITY			
Contributed equity	22	25,000	25,000
Accumulated surplus/(deficit)		<u>(196,964)</u>	<u>(222,787)</u>
TOTAL EQUITY		<u><u>(171,964)</u></u>	<u><u>(197,787)</u></u>

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

FINANCIAL STATEMENTS continued

OFFICE OF THE INFORMATION COMMISSIONER

Statement of Changes in Equity

For the year ended 30 June 2007

	Note	2007 \$	2006 \$
Balance of equity at start of period		<u>(197,787)</u>	<u>(149,000)</u>
CONTRIBUTED EQUITY	22		
Balance at start of period		25,000	25,000
Capital contribution		-	-
Distribution to owners		-	-
Balance at end of period		<u>25,000</u>	<u>25,000</u>
ACCUMULATED SURPLUS	22		
Balance at start of period		(222,787)	(174,000)
Surplus/(deficit) for the period		25,823	(48,787)
Balance at end of period		<u>(196,964)</u>	<u>(222,787)</u>
Balance of equity at end of period		<u>(171,964)</u>	<u>(197,787)</u>
Total income and expense for the period		<u>25,823</u>	<u>(48,787)</u>

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

30 Schedule of Income and Expenses by Service

	Complaint Resolution		Advice & Awareness		TOTAL	
	2007	2006	2007	2006	2007	2006
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	742,222	687,394	205,973	185,017	948,195	872,411
Supplies and services	102,052	99,072	41,533	41,388	143,585	140,460
Depreciation expense	15,994	13,016	5,916	4,814	21,910	17,830
Accommodation expenses	71,071	64,578	27,605	26,015	98,676	90,593
Carrying value of non-current assets disposed of	-	-	-	-	-	-
Other expenses	47,598	48,376	14,307	28,653	61,905	77,029
Total cost of services	978,937	912,436	295,334	285,887	1,274,271	1,198,323
Income						
Revenues						
Other revenue	4,345	2,182	-	-	4,345	2,182
Total Revenue	4,345	2,182	-	-	4,345	2,182
Gains						
Gain on disposal of non-current assets	408	408	-	-	-	408
Total Gains	-	408	-	-	-	408
Total income other than income from State Government	4,345	2,590	-	-	4,345	2,590
NET COST OF SERVICES	974,592	909,846	295,334	285,887	1,269,926	1,195,733
INCOME FROM STATE GOVERNMENT						
Service appropriation			-		1,246,000	1,103,000
Liabilities assumed by the Treasurer					5,079	1,854
Resources received free of charge	872,200	772,100	373,800	330,900	44,670	42,092
Total income from State Government	872,200	772,100	373,800	330,900	1,295,749	1,146,946
Surplus/(deficit) for the period	(102,392)	(137,746)	78,466	45,013	25,823	(48,787)

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 2007

	2007 Estimate \$	2007 Actual \$	Variance \$	2007 Actual \$	2006 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 63 Net amount appropriated to deliver services	1,067,000	1,083,000	16,000	1,083,000	948,000	135,000
Amount Authorised by Other Statutes						
- Freedom of Information Act 1992	160,000	164,000	4,000	164,000	155,000	9,000
Total appropriations provided to deliver services	1,227,000	1,247,000	20,000	1,247,000	1,103,000	144,000
CAPITAL						
Capital Contribution	-	-	-	-	-	-
GRAND TOTAL OF APPROPRIATIONS	1,227,000	1,247,000	20,000	1,247,000	1,103,000	144,000
Details of Expenses by Services						
Review and Complaint Resolution	910,000	978,937	68,937	978,937	912,436	66,501
Advice and Awareness	391,000	295,334	(95,666)	295,334	285,887	9,447
Total Cost of Services	1,301,000	1,274,271	(26,729)	1,274,271	1,198,323	75,948
Less total revenues from ordinary activities	(4,000)	(4,345)	(345)	(4,345)	(2,590)	(1,755)
Net Cost of Services	1,297,000	1,269,926	(27,074)	1,269,926	1,195,733	74,193
Adjustment ^(a)	(70,000)	(22,926)	47,074	(22,926)	(92,733)	69,807
Total appropriations provided to deliver services	1,227,000	1,247,000	20,000	1,247,000	1,103,000	144,000
Capital Expenditure						
Purchase of non-current physical assets	35,000	2,575	(32,425)	2,575	19,867	(17,292)
Adjustments for other funding sources	(35,000)	(2,575)	32,425	(2,575)	(19,867)	17,292
Capital Contribution (appropriation)	-	-	-	-	-	-

^(a) 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 25.

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

1 Office of the Information Commissioner mission and funding

The mission of the Office of the Information Commissioner (the "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 Commission 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 Commission controls resources to carry on its functions.

2 Australian Equivalents to International Financial Reporting Standards

General

The Commission's financial statements for the year ended 30 June 2007 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Commission has adopted, where relevant to its operations, new and revised standards and interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

The Australian Accounting Interpretations are adopted through AASB 1048 'Interpretation and Application of Standards' and are classified into those corresponding to International Accounting Standards Board (IASB) Interpretations and those only applicable in Australia.

The AASB has decided to maintain the Statements of Accounting Concepts (SAC 1 and SAC 2) and has continued to revise and maintain accounting standards and the interpretations that are of particular relevance to the Australian environment, especially those that deal more specifically with not-for-profit entity issues and/or do not have an equivalent IASB Standard or Interpretation.

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No standards and interpretations that have been issued or amended but are not yet effective have been early adopted by the Commission for the financial year ended 30 June 2007.

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 the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's Instructions (TI's). Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording. For example, AASB 116 requires land and buildings to be measured at cost or fair value; TI 954 mandates the fair value option.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2007

The Financial Management 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 AASB.

Where modification is required and has a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

Modifications or clarifications to accounting standards through the TI's are to provide certainty and ensure consistency and appropriate reporting across the public sector.

(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.

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 Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers in the nature of equity contributions to 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. Capital contributions (appropriations) have been designated as contributions by owners by TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

(e) Income

Revenue Recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities 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 control transfer to the purchaser and can be measured reliably.

Rendering of Services

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

Service Appropriations

Service appropriations are recognised as revenues at nominal value 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. See note 13 'Income from State Government' for further detail.

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Commission. In accordance with the determination specified in the 2006-2007 Budget Statements, the Commission retained \$4,345 in 2007 (2006: \$2,182) from the following:

- executive vehicle scheme
- other receipts

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.

(f) Property, Plant and Equipment

Capitalisation/Expensing of assets

Items of property, plant and equipment costing \$1,000 or more 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 recognised as an expense in 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 cost, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the cost model is used for the measurement of property, plant and equipment. Items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses. See note 18 'Property, Plant and Equipment'.

Depreciation

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

Depreciation is calculated using the straight line method, using rates which are periodically reviewed. Estimated useful lives for each class of depreciable asset are:

Office equipment	2 to 5 years
Computers	2 years

(g) Impairment of Assets

Property, plant and equipment are tested for any indication of impairment at each balance sheet 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 cost to sell and depreciated replacement cost.

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

See note 3(m) 'Receivables' for impairment of receivables.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2007

(h) Leases

The Commission holds operating leases 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 represents the pattern of benefits derived from the leases.

(i) Financial Instruments

The Commission has two categories of financial instrument:

- loans and receivables (cash and cash equivalents, receivables)
- non-trading financial liabilities (payables)

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(j) Cash and Cash equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents include 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.

(k) Accrued Salaries

The accrued salaries suspense account (see note 14 'Restricted Cash and Cash Equivalents') consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

Accrued salaries (see note 21 'Other Liabilities') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value.

(l) Amounts Receivable for Services (Holding Account)

The Commission receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement. See also note 13 'Income from State Government' and note 16 'Amounts Receivable for Services'.

(m) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any 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. See also note 3(i) 'Financial Instruments' and note 15 'Receivables'.

An allowance for impairment of receivables can only be raised if there is objective evidence of impairment.

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

(n) Payables

Payables are recognised at the amounts payable when the Commission becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See also note 3(i) 'Financial Instruments' and note 19 'Payables'.

(o) Provisions

Provisions are liabilities of uncertain timing and/or 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 resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 20 'Provisions'.

Provisions- Employee Benefits

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the end of the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

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.

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 balance sheet date.

This method of measurement of the liability is consistent with the requirements of AASB 119 'Employee Benefits'.

Superannuation

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation (GSS) Scheme, a defined benefit lump sum scheme also closed to new members. Both schemes are administered by the Government Employees Superannuation Board (GESB).

The Commission has no liabilities for superannuation charges under the Pension or the GSS Schemes. The liabilities for the unfunded Pension Scheme and the unfunded GSS Scheme transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS Scheme obligations are funded by concurrent contributions made by the Commission to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS Scheme obligations.

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.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation (WSS) Scheme. Employees commencing employment on or after 16 April 2007 became members of the GESB Super (GESBS) Scheme. Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to the GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. The WSS Scheme and the GESBS Scheme are defined contribution schemes as these contributions extinguish all liabilities in respect of the WSS Scheme and the GESBS Scheme.

See also note 3(p) 'Superannuation expense'.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2007

Provisions—Other

Employment On-Costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as expenses and liabilities when the employment, to which they relate to, has occurred. Employment on-costs are included as part of 'Other Expenses' and are not included as part of the Commission's 'Employee Benefits Expense'. The related liability is included in 'Employment on-costs provision'. See note 10 'Other Expenses' and note 20 'Provisions'.

(p) Superannuation expense

The following elements are included in calculating the superannuation expense in the Income Statement:

- Defined benefit plans - Change in the unfunded employer's liability (i. e. current service cost and actuarial gains and losses) assumed by the Treasurer 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 GSS Scheme
- Defined contribution plans - Employer contributions paid to the WSS Scheme, the GESBS Scheme and the equivalent of employer contributions to the GSS Scheme

Defined benefit plans - in order to reflect the true cost of services, the movements (i. e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer (see note 3(o)), a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under 'Income from State Government' in the Income Statement. See note 13 'Income from State Government'.

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 Account.

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 the GESB extinguish the agency's obligations to the related superannuation liability.

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.

(q) Resources Received Free of Charge

Resources received free of charge that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

(r) Comparative Figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

4 Services of the Office of the Information Commissioner

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

The services of the Commission are:

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

Provides 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. Proposes initiatives to enhance administrative efficiency in agencies when dealing with applications received.

The Department of the Attorney General provides overall corporate support in respect of human resources and financial services (see 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 Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Commission has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued but are not yet effective. These will be applied from their application date:

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 considered to result in increased disclosures, both quantitative and qualitative, of the Commission's exposure to risks, enhanced disclosure regarding components of the Commission's financial position and performance, and possible changes to the way of presenting certain items in the financial statements. The Commission does not expect any 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 2007.

2. 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]'. The amendments are as a result of the issue of AASB 7 'Financial Instruments: Disclosures', which amends the financial instrument disclosure requirements in these standards. The Commission does not expect any 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 2007.

3. AASB 101 'Presentation of Financial Statements'. This Standard was revised and issued in October 2006 so that AASB 101 has the same requirements as IAS 1 'Presentation of Financial Statements' (as issued by the IASB) in respect of for-profit entities. The Commission is a not-for-profit entity and consequently does not expect any 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 2007.

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Notes to the Financial Statements

for the year ended 30 June 2007

4. AASB 2007-4 'Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments [AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038]'. This Standard introduces policy options and modifies disclosures. These amendments arise as a result of the AASB decision that, in principle, all options that currently exist under IFRSs should be included in the Australian equivalents to IFRSs and additional Australian disclosures should be eliminated; other than those now considered particularly relevant in the Australian reporting environment. The Department of Treasury and Finance has indicated that it will mandate to remove the policy options added by this amending Standard. This will result in no impact as a consequence of application of the Standard. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

5. AASB 2007-5 'Amendment to Australian Accounting Standard - Inventories Held for Distribution by Not-for-Profit Entities [AASB 102]'. This amendment changes AASB 102 'Inventories' so that inventories held for distribution by not-for-profit entities are measured at cost, adjusted when applicable for any loss of service potential. The Department does not have any inventories held for distribution so does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

6. AASB Interpretation 4 'Determining whether an Arrangement contains a Lease [revised]'. This Interpretation was revised and issued in February 2007 to specify that if a public-to-private service concession arrangement meets the scope requirements of AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007, it would not be within the scope of Interpretation 4. At balance sheet date, the Commission has not entered into any arrangements as specified in the Interpretation or within the scope of Interpretation 12, 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 2008.

7. AASB Interpretation 12 'Service Concession Arrangements'. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the Commission if and when public-to-private service concession arrangements are entered into in the future. At balance sheet date, the Commission has not entered into any public-to-private service concession arrangements 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 2008.

8. AASB Interpretation 129 'Service Concession Arrangements: Disclosures [revised]'. This Interpretation was revised and issued in February 2007 to be consistent with the requirements in AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007. Specific disclosures about service concession arrangements entered into are required in the notes accompanying the financial statements, whether as a grantor or an operator. At balance sheet date, the Commission has not entered into any public-to-private service concession arrangements 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 2008.

The following Australian Accounting Standards and Interpretations are not applicable to the Commission as they will have no impact or do not apply to not-for-profit entities:

AASB Standards and Interpretations

AASB 8	'Operating Segments'
AASB 1049	'Financial Reporting of General Government Sectors by Governments'
AASB 2007-1	'Amendments to Australian Accounting Standards arising from AASB Interpretation 11 [AASB 2]'
AASB 2007-2	'Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139]' - paragraphs 1 to 8
AASB 2007-3	'Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 & AASB 1038]'
Interpretation 10	'Interim Financial Reporting and Impairment'
Interpretation 11	'AASB 2 - Group and Treasury Share Transactions'

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Notes to the Financial Statements
for the year ended 30 June 2007

	2007 \$	2006 \$
6 Employee benefits expense		
Salaries and wages	747,575	712,844
Annual and long service leave	117,228	76,881
Superannuation - West State	78,313	80,832
Other related expenses	5,079	1,854
	<u>948,195</u>	<u>872,411</u>
(a) Defined contribution plans include West State and Gold State (contributions paid)		
(b) Defined benefit plans include Pension Scheme and Gold State (pre-transfer benefit)		
7 Supplies and Services		
Goods and supplies	30,430	30,937
Services and contracts	68,485	67,431
Resources received free of charge (note 13)	44,670	42,092
	<u>143,585</u>	<u>140,460</u>
8 Depreciation expense		
Equipment	21,910	17,830
	<u>21,910</u>	<u>17,830</u>
9 Accommodation expenses		
Building rental operating lease expense	98,676	90,593
	<u>98,676</u>	<u>90,593</u>
10 Other expenses		
Communication expenses	13,521	15,314
Printing and binding	1,833	3,692
Equipment and vehicles operating lease expense	16,800	19,797
Electricity	4,816	1,477
Insurance	2,545	6,806
Repairs and maintenance	2,657	3,647
Other expenses ^(a)	35,087	26,296
	<u>61,905</u>	<u>77,029</u>
(a) Includes workers compensation insurance; facilities, equipment and plant hire; bank fees; freight charges; storage and transportation; computing licenses; staff travel and accommodation; staff training; and other staff costs.		
11 Other revenues		
Contributions to motor vehicles scheme	1,519	2,032
Other revenue	2,826	150
	<u>4,345</u>	<u>2,182</u>
12 Net Gain on Disposal of Non-current Assets		
<u>Proceeds from Disposal of Non-current Assets</u>		
Equipment	-	408
	<u>-</u>	<u>408</u>

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

	2007 \$	2006 \$
13 Income from State Government		
Appropriation received during the year:		
Service appropriations (I)	1,246,000	1,103,000
	<u>1,246,000</u>	<u>1,103,000</u>
The following liabilities have been assumed by the Treasurer during the financial year:		
- Superannuation (b)	5,079	1,854
	<u>5,079</u>	<u>1,854</u>
Resources received free of charge (c)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	41,682	39,173
Department of Housing and Works (Commercial Property Branch)		
- property management services (notional management fee based on lease payments)	2,988	2,919
State Ombudsman's Office (Rental paid for OIC)	-	-
	<u>44,670</u>	<u>42,092</u>
	<u>1,295,749</u>	<u>1,146,946</u>

(a) 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.

(b) The assumption of the superannuation liability by the Treasurer is a notional income to match 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 GSS Scheme. (The notional superannuation expense is disclosed at note 6 "Employee Benefits Expense".

(c) Where assets or services have been received free of charge or for nominal cost, the Commission recognises revenue (except where the contributions of assets or services are in the nature of contributions by owners in which case the Commission shall make a direct adjustment to 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.

14 Restricted Cash and Cash Equivalents

Prepayments	5,078	
Current	71,213	
Accrued salaries suspense account ^(a)	5,864	2,955
	<u>82,155</u>	<u>2,955</u>

(a) 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.

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

	2007 \$	2006 \$
15 Receivables		
Debtors	-	-
GST receivable	5,837	5,266
	<u>5,837</u>	<u>5,266</u>

16 Amounts receivable for services

Current	33,000	35,000
Non-Current	-	3,000
	<u>33,000</u>	<u>38,000</u>

This represents the non-cash component of service appropriations. See note 3(l) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.

17 Other assets

Prepayments	5,078	4,332
	<u>5,078</u>	<u>4,332</u>

18 Property, plant and equipment

Office equipment and computers

At cost	176,695	174,119
Accumulated depreciation	(162,820)	(140,909)
	<u>13,875</u>	<u>33,210</u>

Reconciliation

Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.

Carrying amount at start of year	33,210	31,173
Additions	2,575	19,867
Depreciation	(21,910)	(17,830)
Carrying amount at end of year	<u>13,875</u>	<u>33,210</u>

19 Payables

Trade and other creditors	31,525	25,180
	<u>31,525</u>	<u>25,180</u>

OFFICE OF THE INFORMATION COMMISSIONER
Notes to the Financial Statements
for the year ended 30 June 2007

	2007 \$	2006 \$
20 Provisions		
Employee entitlements		
<u>Current</u>		
Employee benefits provision		
Annual leave	36,019	25,302
Long service leave	129,155	118,472
Superannuation on-cost	17,056	15,052
	<u>182,230</u>	<u>158,826</u>
Other Provisions: Employment on-costs (c)		
Carrying amount at start of year	4,689	5,160
Additional provisions recognised	656	(471)
Carrying amount at end of year	<u>5,345</u>	<u>4,689</u>
	<u>187,575</u>	<u>163,515</u>
<u>Non-current</u>		
Employee benefits provision		
Long service leave (b)	73,919	67,806
Superannuation on-cost	7,925	7,269
	<u>81,844</u>	<u>75,075</u>
Other Provisions: Other employee on-costs (c)		
Carrying amount at start of year	2,222	2,292
Additional provisions recognised	200	(70)
Carrying amount at end of year	<u>2,422</u>	<u>2,222</u>
	<u>84,266</u>	<u>77,297</u>

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in note 10 'Other expenses'.

21 Other current liabilities

Accrued salaries due to salary increase		8,725
Accrued salaries to balance sheet date	3,465	2,721
Advance from the Department of the Attorney General		-
	<u>3,465</u>	<u>11,446</u>

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements*for the year ended 30 June 2007*

	2007 \$	2006 \$
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 Balance Sheet.		
Contributed equity		
Balance at the start of period	25,000	25,000
Capital contributions ^(a)		-
Balance at end of period	<u>25,000</u>	<u>25,000</u>
(a) Capital contributions (appropriations) have been designated as contributions by owners in Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and are credited directly to equity.		
Accumulated surplus/(deficit)		
Balance at the start of period	(222,787)	(174,000)
Result for the period	25,823	(48,787)
Balance at end of period	<u>(196,964)</u>	<u>(222,787)</u>

23 Notes to the Cash Flow Statement**Reconciliation of cash**

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)
Restricted cash and cash equivalents (see note 14)	82,155	2,955
	<u>82,155</u>	<u>(1,157)</u>

Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services	(1,269,926)	(1,195,733)
Non-cash items:		
Depreciation expense	21,910	17,830
Superannuation expense	5,079	1,854
Resources received free of charge	44,670	42,092
Net (gain) / loss on sale of equipment	-	(408)
(Increase)/decrease in assets:		
Current receivables	-	48
Other current assets	(746)	1,625
Increase/(decrease) in liabilities:		
Current payables	6,345	6,377
Current provisions	24,060	(8,634)
Other current liabilities	(7,980)	
Non-current provisions	6,969	823
Net change in GST receivables/payables	(571)	(1)
Net cash provided by/(used in) operating activities	<u>(1,170,190)</u>	<u>(1,134,127)</u>

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2007

	2007 \$	2006 \$
24 Commitments		
Commitments in relation to leases contracted for at the reporting date but not recognised as liabilities are payable as follows:		
Within 1 year	139,632	133,488
Later than 1 year and not later than 5 years	527,168	28,877
Greater than 5 years	8,148	-
	674,948	162,365

25 Explanatory Statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below.

Explanations are provided in accordance with TI 945. Significant variations are considered to be those greater than 10% or \$20,000.

(i) Significant variances between estimate and actual for 2007 - total appropriations to deliver services:

Advice and Awareness	Under	\$95,666
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Expenses for this service have reduced since the abolition of a level 9 position as 80% of those expenses were allocated to this service.

(ii) Significant variances between actuals for 2006 and 2007 - total appropriation to deliver services:

Total appropriation to deliver services for the year	Under	-\$144,000
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\$80,000 was transferred from 2005/06 appropriations to 2004/05 to assist with covering the severance package of the level 9 position that was abolished, which significantly reduced the 2005/06 appropriations figure for the year. Extra funds for the CSA payrise (\$16,000) and a Salaries and Allowances Tribunal determination for the Information Commissioner's expenses (\$9000) were received during 2006/07.

Advice and Awareness	Under	-\$9,447
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No significant variance.

(iii) Significant variances between estimate and actual for 2007 - Capital Contribution:

No significant variances.

(iv) Significant variances between actuals for 2006 and 2007 - capital contribution:

No significant variance

26 Financial Instruments

(a) Financial Risk Management Objectives and Policies

Financials instruments held by the Commission are cash and cash equivalents, 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 2007**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 and cash equivalents are non-interest bearing, and it has no borrowings.

(b) Financial Instrument disclosures*Interest rate risk exposure*

The following table details the Commission's exposure to interest rate risk as at the balance date:

	Weighted average interest rate	Variable interest rate	Fixed interest rate maturities			Non interest bearing	Total
			Within 1 year	1 to 5 years	More than 5		
2006	%	\$	\$	\$	\$	\$	\$
Financial assets							
Cash and cash equivalent assets						71,213	71,213
Restricted cash and cash equivalent assets						5,864	5,864
Receivables						5,837	5,837
Amounts receivable for services						33,000	33,000
						82,914	82,914
Financial Liabilities							
Payables						31,525	31,525
						31,525	31,525
Net financial asset/(liabilities)		-	-	-	-	51,389	51,389
2006							
Financial assets						46,441	46,441
Financial liabilities						277,438	277,438
Net financial assets/(liabilities)		-	-	-	-	(230,997)	(230,997)

Net fair values

All financial assets and liabilities recognised in the balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

OFFICE OF THE INFORMATION COMMISSIONER

Notes to the Financial Statements

for the year ended 30 June 2007

27 Remuneration of Senior Officers

Remuneration

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

\$	2007	2006
130,001 - 140,000		1
140,001 - 150,000	1	
160,001 - 170,000	1	-
170,001 - 180,000		1
270,001 - 280,000		-
The total remuneration of senior officers is:	<u>\$311,483</u>	<u>\$307,499</u>

The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers.

No senior officer was a member of the Pension Scheme during the financial year (2006: nil).

28 Remuneration of Auditor

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

Auditing the accounts, financial statements and performance indicators	<u>\$17,200</u>	<u>\$17,200</u>
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The expense is included in note 7 'Supplies and services'.

29 Supplementary financial information

- There was no public property written off by the Commission during the financial year (2006: nil).
- There were no losses of public moneys, public and/or other property through theft, default or other causes during the financial year (2006: nil).
- There were no gifts of public property provided by the Commission during the financial year (2006: nil).
- There were no contingent liabilities as at 30 June 2007 (2006: nil).
- There were no events occurring after the balance sheet date (2006: nil).
- The Commission had no related bodies during the financial year (2006: nil).
- The Commission had no affiliated bodies during the financial year (2006: nil).

STATISTICAL TABLES

STATISTICAL TABLES

TABLE 12
REQUESTS RECEIVED BY AGENCIES

AGENCY NAME	No.
Acacia Prison	160
Agriculture, Department of	7
Albany, City of	9
Albany Port Authority	0
Animal Resources Authority	0
Armadale, City of	10
Armadale Redevelopment Authority	0
Ashburton, Shire of	4
Attorney General, Department of the	35
Augusta-Margaret River, Shire of	11
Bassendean, Town of	1
Bayswater, City of	16
Belmont, City of	19
Beverley, Shire of	0
Boddington, Shire of	0
Botanic Gardens and Park Authority	0
Bowler JP MLA, Hon J	3
Boyup Brook, Shire of	0
Bridgetown-Greenbushes, Shire of	0
Brookton, Shire of	0
Broomehill, Shire of	0
Bruce Rock, Shire of	0
Builders' and Painters' Registration Board	5
Bunbury, City of	5
Bunbury Port Authority	0
Busselton, Shire of	11
C Y O'Connor College of TAFE	0
C&AHS - Princess Margaret Hospital for Children	151
Cambridge, Town of	5
Canning, City of	6
Capel, Shire of	1
Carnamah, Shire of	0
Carnarvon, Shire of	0
Central Metropolitan College of TAFE	2
Challenger TAFE	1
Chance MLC, Hon K M	4
Chapman Valley, Shire of	0
Child Death Review Committee	4
Chittering, Shire of	3
Claremont, Town of	15

AGENCY NAME	No.
Cockburn, City of	7
Collie, Shire of	0
Community Development, Department for	55
Conservation Commission of Western Australia	1
Consumer and Employment Protection, Department of	541
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrective Services, Department of	432
Corrigin, Shire of	0
Cottesloe, Town of	0
Country High School Hostels Authority, Office of the	0
Cranbrook, Shire of	0
Cuballing, Shire of	0
Cue, Shire of	0
Culture and the Arts, Department of	6
Cunderdin, Shire of	0
Curriculum Council	4
Curtin University of Technology	13
Dalwallinu, Shire of	1
Dampier Port Authority	1
Dandaragan, Shire of	0
Dardanup, Shire of	3
Denmark, Shire of	0
Derby-West Kimberley, Shire of	0
Disability Services Commission	10
Donnybrook-Balingup, Shire of	4
Dowerin, Shire of	0
Drug and Alcohol Office	0
Dumbleyung, Shire of	0
Dundas, Shire of	0
East Fremantle, Town of	1
East Perth Redevelopment Authority	1
East Pilbara, Shire of	1
Eastern Metropolitan Regional Council	0
Edith Cowan University	14
Education and Training, Department of	62
Education Services, Department of	0
Electoral Commission, Western Australian	2
Ellery MLC, Hon S M	0
Environment and Conservation, Department of	354
Equal Opportunity Commission	0

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Esperance, Shire of	0
Esperance Port Authority	0
Exmouth, Shire of	0
Fire and Emergency Services Authority of Western Australia	79
Fisheries, Department of	8
Ford JP MLC, Hon J R	3
Forest Products Commission	3
Fremantle, City of	21
Fremantle Port Authority	1
Gascoyne Development Commission	0
Geraldton Port Authority	0
Gingin, Shire of	5
Gnowangerup, Shire of	0
Gold Corporation	1
Goldfields Esperance Development Commission	1
Goomalling, Shire of	0
Gosnells, City of	7
Government Employees Superannuation Board	0
Great Southern Development Commission	1
Great Southern TAFE	1
Halls Creek, Shire of	0
Harvey, Shire of	2
Health, Department of	65
Health Promotion Foundation WA	0
Health Review, Office of	4
Heritage Council of Western Australia	12
Horizon Power	6
Housing and Works, Department of	90
Indigenous Affairs, Department of	14
Industrial Relations Commission, Office of the Registrar	1
Industry and Resources, Department of	52
Insurance Commission of Western Australia	76
Irwin, Shire of	0
Jerramungup, Shire of	0
Joondalup, City of	30
Joondalup Health Campus	279
Kalamunda, Shire of	15
Kalgoorlie-Boulder, City of	12
Katanning, Shire of	0
Kellerberrin, Shire of	0
Kent, Shire of	0

AGENCY NAME	No.
Kimberley College of TAFE	0
Kimberley Development Commission	0
Kobelke BSc DipEd JP MLA, Hon J C	8
Kojonup, Shire of	0
Kondinin, Shire of	0
Koorda, Shire of	0
Kulin, Shire of	0
Kwinana, Town of	4
Land Authority (LandCorp), Western Australian	3
Land Information, Department of	3
Laverton, Shire of	0
Law Reform Commission	0
Legal Aid Western Australia	11
Legal Practice Board, The	0
Legal Practitioners Complaints Committee, The	2
Leonora, Shire of	0
Local Government and Regional Development, Department of	6
Logan BA(Hons) MLA, Hon F M	3
Lotteries Commission	0
MacTiernan BA LLB BJuris JP MLA, Hon A	13
Main Roads Western Australia	16
Mandurah, City of	29
Manjimup, Shire of	3
Marlborough MLA, Hon N R	1
McGinty BA BJuris(Hons) LLB JP MLA, Hon J A	16
McGowan BA LLB MLA, Hon M	5
McHale MLA, Hon S M	7
McRae BA MLA, Hon A	4
Meat Industry Authority, Western Australian	0
Medical Board of Western Australia	5
Meekatharra, Shire of	0
Melville, City of	25
Menzies, Shire of	0
Merredin, Shire of	0
Metropolitan Cemeteries Board	0
Mid West Development Commission	0
Midland Redevelopment Authority	0
Mingenew, Shire of	0
Morawa Shire Council	0
Mosman Park, Town of	1
Mount Marshall, Shire of	0

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Mukinbudin, Shire of	0
Mullewa, Shire of	0
Mundaring, Shire of	11
Murchison, Shire of	0
Murdoch University	4
Murray, Shire of	6
Nannup, Shire of	0
Narembeen, Shire of	0
Narrogin, Town of	0
Narrogin, Shire of	0
National Trust of Australia (WA)	1
Nedlands, City of	4
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	123
NMAHS - Osborne Park Hospital	77
NMAHS - Sir Charles Gairdner Hospital	887
NMAHS - Swan Kalamunda Health Service	231
NMAHS - Women's and Newborn Health Service	58
Northampton, Shire of	0
Nungarin, Shire of	0
Nurses Board of Western Australia	0
Peel Development Commission	0
Peppermint Grove, Shire of	0
Perenjori, Shire of	0
Perth, City of	11
Perth Market Authority	0
Pilbara College of TAFE	0
Pilbara Development Commission	0
Pingelly, Shire of	0
Planning and Infrastructure, Department for	279
Plantagenet, Shire of	0
Police Force of Western Australia	1,771
Port Hedland, Town of	3
Port Hedland Port Authority	0
Potato Marketing Corporation of Western Australia	0
Premier and Cabinet, Department of the	41
Psychologists Registration Board of WA	5
Public Advocate, Office of the	0
Public Sector Standards Commissioner, Office of the	2
Public Transport Authority	27
Public Trust Office	10
Quairading, Shire of	0

AGENCY NAME	No.
Quirk LLB(Hons) MA MLA, Hon M M	3
Racing and Wagering Western Australia	15
Racing, Gaming and Liquor, Department of	16
Ravensthorpe, Shire of	0
Ravlich BA(SocSc) DipEd DipEd(Admin) MLC, Hon L	7
Ripper BA DipEd MLA, Hon E S	4
Roberts BA DipEd MLA, Hon M H	3
Rockingham, City of	11
Roebourne, Shire of	0
Rottnest Island Authority	0
Salaries and Allowances Tribunal	0
Sandstone, Shire of	0
Shark Bay, Shire of	0
SMAH - Armadale-Kelmscott Memorial Hospital	210
SMAH - Bentley Hospital	135
SMAH - Fremantle Hospital	571
SMAH - Rockingham-Kwinana District Hospital	197
SMAH - Royal Perth Hospital	1,187
Small Business Development Corporation	1
South Perth, City of	8
South West Development Commission	3
South West Regional College of TAFE	0
Sport & Recreation, Department of	4
Sports Centre Trust	0
State Administrative Tribunal	5
State Revenue, Office of	12
State Supply Commission	0
Stirling, City of	25
Subiaco, City of	4
Subiaco Redevelopment Authority	0
Swan, City of	22
Swan TAFE	2
Tambellup, Shire of	0
Tammin, Shire of	0
Templeman MLA, Hon D A	2
Three Springs, Shire of	0
Toodyay, Shire of	3
Tourism Commission	5
Trayning, Shire of	0
Treasury and Finance, Department of	21
Treasury Corporation, Western Australian	0

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Trotting Association, Western Australian	0
University of Western Australia, The	8
Verve Energy	2
Victoria Park, Town of	18
Victoria Plains, Shire of	1
Vincent, Town of	4
WACHS - Goldfields	260
WACHS - Great Southern	102
WACHS - Kimberley	185
WACHS - Midwest	94
WACHS - Pilbara	32
WACHS - South West	221
WACHS - Wheatbelt	292
Wagin, Shire of	0
Wandering, Shire of	0
Wanneroo, City of	23
Waroona, Shire of	5
Water, Department of	108
Water Corporation	31
West Arthur, Shire of	0
West Coast College TAFE	0
Western Power	32
Westonia, Shire of	0
Wheatbelt Development Commission	0
Wickepin, Shire of	0
Williams, Shire of	0
Wiluna, Shire of	0
Wongan-Ballidu, Shire of	0
Woodanilling, Shire of	0
Workers' Compensation & Rehabilitation Commission (WorkCover)	15
Wyalkatchem, Shire of	0
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	1
Zoological Parks Authority	0
Total	10,416

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 No. (%)	Edited Access No. (%)	Access Deferred No. (%)	Access s.28 No. (%)	Access Refused No. (%)
Acacia Prison	19(14.8)	85(66.4)	0(0.0)	0(0.0)	24(18.8)
Agriculture, Department of	1(16.7)	3(50.0)	0(0.0)	0(0.0)	2(33.3)
Albany, City of	5(71.4)	0(0.0)	0(0.0)	2(28.6)	0(0.0)
Armadale, City of	2(25.0)	5(62.5)	0(0.0)	0(0.0)	1(12.5)
Ashburton, Shire of	3(75.0)	1(25.0)	0(0.0)	0(0.0)	0(0.0)
Attorney General, Department of the	6(22.2)	4(14.8)	0(0.0)	0(0.0)	17(63.0)
Augusta-Margaret River, Shire of	9(90.0)	0(0.0)	0(0.0)	0(0.0)	1(10.0)
Bassendean, Town of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Bayswater, City of	8(53.3)	3(20.0)	0(0.0)	0(0.0)	4(26.7)
Belmont, City of	8(42.1)	6(31.6)	0(0.0)	0(0.0)	5(26.3)
Bowler JP MLA, Hon J	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)
Builders' and Painters' Registration Board	0(0.0)	2(40.0)	2(40.0)	0(0.0)	1(20.0)
Bunbury, City of	0(0.0)	5(100.0)	0(0.0)	0(0.0)	0(0.0)
Busselton, Shire of	3(42.9)	4(57.1)	0(0.0)	0(0.0)	0(0.0)
C&AHS - Princess Margaret Hospital for Children	107(72.8)	29(19.7)	0(0.0)	2(1.4)	9(6.1)
Cambridge, Town of	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)
Canning, City of	1(16.7)	5(83.3)	0(0.0)	0(0.0)	0(0.0)
Capel, Shire of	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Central Metropolitan College of TAFE	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Challenger TAFE	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Chance MLC, Hon K M	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Child Death Review Committee	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Chittering, Shire of	1(33.3)	1(33.3)	0(0.0)	0(0.0)	1(33.3)
Claremont, Town of	1(20.0)	4(80.0)	0(0.0)	0(0.0)	0(0.0)
Cockburn, City of	6(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Community Development, Department for	4(13.3)	16(53.3)	0(0.0)	0(0.0)	10(33.3)
Conservation Commission of Western Australia	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Consumer and Employment Protection, Department of	57(11.3)	267(53.0)	1(0.2)	0(0.0)	179(35.5)
Corrective Services, Department of	272(71.2)	67(17.5)	0(0.0)	1(0.3)	42(11.0)
Culture and the Arts, Department of	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)
Curriculum Council	4(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Curtin University of Technology	5(50.0)	3(30.0)	0(0.0)	0(0.0)	2(20.0)
Dalwallinu, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Dampier Port Authority	0(0.0)	0(0.0)	1(100.0)	0(0.0)	0(0.0)
Dardanup, Shire of	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Disability Services Commission	3(37.5)	4(50.0)	0(0.0)	1(12.5)	0(0.0)
Donnybrook-Balingup, Shire of	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)
East Fremantle, Town of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
East Perth Redevelopment Authority	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
East Pilbara, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)

Note: Excludes applications that were withdrawn

DECISIONS MADE—OUTCOME (cont...)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Edith Cowan University	3(21.4)	7(50.0)	0(0.0)	0(0.0)	4(28.6)
Education and Training, Department of	11(26.2)	29(69.0)	2(4.8)	0(0.0)	0(0.0)
Electoral Commission, Western Australian	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Environment and Conservation, Department of	7(2.0)	85(24.1)	0(0.0)	0(0.0)	261(73.9)
Fire and Emergency Services Authority of Western Australia	17(22.7)	57(76.0)	1(1.3)	0(0.0)	0(0.0)
Fisheries, Department of	4(57.1)	3(42.9)	0(0.0)	0(0.0)	0(0.0)
Ford JP MLC, Hon J R	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Forest Products Commission	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Fremantle, City of	2(9.5)	18(85.7)	0(0.0)	0(0.0)	1(4.8)
Fremantle Port Authority	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Gingin, Shire of	2(50.0)	1(25.0)	0(0.0)	0(0.0)	1(25.0)
Gold Corporation	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Gosnells, City of	0(0.0)	6(85.7)	0(0.0)	0(0.0)	1(14.3)
Great Southern Development Commission	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Great Southern TAFE	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Harvey, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Health, Department of	25(49.0)	13(25.5)	3(5.9)	0(0.0)	10(19.6)
Health Review, Office of	1(25.0)	2(50.0)	0(0.0)	0(0.0)	1(25.0)
Heritage Council of Western Australia	3(25.0)	8(66.7)	0(0.0)	0(0.0)	1(8.3)
Horizon Power	4(57.1)	3(42.9)	0(0.0)	0(0.0)	0(0.0)
Housing and Works, Department of	9(12.2)	60(81.1)	1(1.4)	0(0.0)	4(5.4)
Indigenous Affairs, Department of	2(25.0)	6(75.0)	0(0.0)	0(0.0)	0(0.0)
Industrial Relations Commission, Office of the Registrar	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Industry and Resources, Department of	0(0.0)	37(86.0)	0(0.0)	0(0.0)	6(14.0)
Insurance Commission of Western Australia	8(11.9)	55(82.1)	0(0.0)	0(0.0)	4(6.0)
Joondalup, City of	1(3.4)	27(93.1)	0(0.0)	0(0.0)	1(3.4)
Joondalup Health Campus	264(97.8)	6(2.2)	0(0.0)	0(0.0)	0(0.0)
Kalamunda, Shire of	2(18.2)	9(81.8)	0(0.0)	0(0.0)	0(0.0)
Kalgoorlie-Boulder, City of	11(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Kobelke BSc DipEd JP MLA, Hon J C	1(16.7)	0(0.0)	0(0.0)	0(0.0)	5(83.3)
Kwinana, Town of	0(0.0)	2(50.0)	0(0.0)	0(0.0)	2(50.0)
Land Authority (LandCorp), Western Australian	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Land Information, Department of	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Legal Aid Western Australia	8(72.7)	1(9.1)	0(0.0)	0(0.0)	2(18.2)
Legal Practice Board, The	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Legal Practitioners Complaints Committee, The	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Local Government and Regional Development, Department of	1(16.7)	1(16.7)	0(0.0)	0(0.0)	4(66.7)
Logan BA(Hons) MLA, Hon F M	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
MacTiernan BA LLB BJuris JP MLA, Hon A	2(15.4)	10(76.9)	0(0.0)	0(0.0)	1(7.7)
Main Roads Western Australia	6(37.5)	10(62.5)	0(0.0)	0(0.0)	0(0.0)
Mandurah, City of	9(36.0)	16(64.0)	0(0.0)	0(0.0)	0(0.0)
Manjimup, Shire of	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
McGinty BA BJuris(Hons) LLB JP MLA, Hon J A	3(37.5)	1(12.5)	0(0.0)	0(0.0)	4(50.0)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
McGowan BA LLB MLA, Hon M	2(28.6)	3(42.9)	0(0.0)	0(0.0)	2(28.6)
McHale MLA, Hon S M	1(25.0)	2(50.0)	0(0.0)	0(0.0)	1(25.0)
McRae BA MLA, Hon A	0(0.0)	3(75.0)	0(0.0)	0(0.0)	1(25.0)
Medical Board of Western Australia	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)
Melville, City of	8(33.3)	16(66.7)	0(0.0)	0(0.0)	0(0.0)
Mosman Park, Town of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Mundaring, Shire of	3(27.3)	5(45.5)	0(0.0)	0(0.0)	3(27.3)
Murdoch University	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)
Murray, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
National Trust of Australia (WA)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Nedlands, City of	2(50.0)	1(25.0)	0(0.0)	0(0.0)	1(25.0)
NMAHS - Graylands Selby-Lemnos and Special Care Health	22(20.0)	82(74.5)	0(0.0)	5(4.5)	1(0.9)
NMAHS - Osborne Park Hospital	59(88.1)	5(7.5)	0(0.0)	0(0.0)	3(4.5)
NMAHS - Sir Charles Gairdner Hospital	856(96.5)	29(3.3)	0(0.0)	2(0.2)	0(0.0)
NMAHS - Swan Kalamunda Health Service	156(70.0)	56(25.1)	0(0.0)	0(0.0)	11(4.9)
NMAHS - Women's and Newborn Health Service	47(83.9)	4(7.1)	0(0.0)	1(1.8)	4(7.1)
Perth, City of	2(25.0)	6(75.0)	0(0.0)	0(0.0)	0(0.0)
Planning and Infrastructure, Department for	68(27.2)	125(50.0)	3(1.2)	0(0.0)	54(21.6)
Police Force of Western Australia	187(12.2)	1220(79.5)	4(0.3)	0(0.0)	124(8.1)
Port Hedland, Town of	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Premier and Cabinet, Department of the	10(37.0)	5(18.5)	0(0.0)	0(0.0)	12(44.4)
Psychologists Registration Board of WA	4(80.0)	0(0.0)	0(0.0)	0(0.0)	1(20.0)
Public Sector Standards Commissioner, Office of the	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Public Transport Authority	9(50.0)	9(50.0)	0(0.0)	0(0.0)	0(0.0)
Public Trust Office	3(33.3)	0(0.0)	0(0.0)	0(0.0)	6(66.7)
Quirk LLB(Hons) MA MLA, Hon M M	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Racing and Wagering Western Australia	1(6.7)	2(13.3)	0(0.0)	0(0.0)	12(80.0)
Racing, Gaming and Liquor, Department of	1(6.3)	6(37.5)	0(0.0)	0(0.0)	9(56.3)
Ravlich BA(SocSc) DipEd DipEd(Admin) MLC, Hon L	3(75.0)	0(0.0)	0(0.0)	0(0.0)	1(25.0)
Ripper BA DipEd MLA, Hon E S	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
Roberts BA DipEd MLA, Hon M H	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Rockingham, City of	11(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
SMAH - Armadale-Kelmscott Memorial Hospital	150(83.8)	28(15.6)	0(0.0)	1(0.6)	0(0.0)
SMAH - Bentley Hospital	99(77.3)	28(21.9)	0(0.0)	0(0.0)	1(0.8)
SMAH - Fremantle Hospital	473(91.8)	39(7.6)	0(0.0)	2(0.4)	1(0.2)
SMAH - Rockingham-Kwinana District Hospital	176(90.3)	15(7.7)	0(0.0)	0(0.0)	4(2.1)
SMAH - Royal Perth Hospital	1125(96.5)	23(2.0)	0(0.0)	0(0.0)	18(1.5)
Small Business Development Corporation	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
South Perth, City of	2(33.3)	3(50.0)	0(0.0)	0(0.0)	1(16.7)
South West Development Commission	0(0.0)	0(0.0)	0(0.0)	0(0.0)	3(100.0)
Sport & Recreation, Department of	1(25.0)	0(0.0)	0(0.0)	0(0.0)	3(75.0)
State Administrative Tribunal	0(0.0)	0(0.0)	0(0.0)	0(0.0)	4(100.0)
State Revenue, Office of	3(27.3)	6(54.5)	0(0.0)	0(0.0)	2(18.2)
Stirling, City of	5(20.8)	16(66.7)	0(0.0)	0(0.0)	3(12.5)
Subiaco, City of	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)

STATISTICAL TABLES continued

DECISIONS MADE—OUTCOME (cont...)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Swan, City of	1(5.0)	19(95.0)	0(0.0)	0(0.0)	0(0.0)
Swan TAFE	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Templeman MLA, Hon D A	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Toodyay, Shire of	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Tourism Commission	1(33.3)	1(33.3)	0(0.0)	0(0.0)	1(33.3)
Treasury and Finance, Department of	3(18.8)	8(50.0)	0(0.0)	0(0.0)	5(31.3)
University of Western Australia, The	1(16.7)	5(83.3)	0(0.0)	0(0.0)	0(0.0)
Verve Energy	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Victoria Park, Town of	6(42.9)	7(50.0)	0(0.0)	0(0.0)	1(7.1)
Vincent, Town of	1(33.3)	2(66.7)	0(0.0)	0(0.0)	0(0.0)
WACHS - Goldfields	239(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
WACHS - Great Southern	88(86.3)	1(1.0)	0(0.0)	5(4.9)	8(7.8)
WACHS - Kimberley	127(70.2)	46(25.4)	0(0.0)	0(0.0)	8(4.4)
WACHS - Midwest	92(98.9)	0(0.0)	0(0.0)	0(0.0)	1(1.1)
WACHS - Pilbara	27(96.4)	1(3.6)	0(0.0)	0(0.0)	0(0.0)
WACHS - South West	133(64.9)	72(35.1)	0(0.0)	0(0.0)	0(0.0)
WACHS - Wheatbelt	201(82.7)	21(8.6)	0(0.0)	0(0.0)	21(8.6)
Wanneroo, City of	2(13.3)	12(80.0)	0(0.0)	0(0.0)	1(6.7)
Waroon, Shire of	5(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Water, Department of	3(4.1)	8(10.8)	0(0.0)	0(0.0)	63(85.1)
Water Corporation	15(51.7)	9(31.0)	0(0.0)	0(0.0)	5(17.2)
Western Power	10(52.6)	9(47.4)	0(0.0)	0(0.0)	0(0.0)
Workers' Compensation & Rehabilitation Commission (WorkCover)	8(50.0)	0(0.0)	0(0.0)	0(0.0)	8(50.0)
York, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Total	5423	2979	18	22	1028
Percentage	57.3%	31.5%	0.2%	0.2%	10.9%
Grand Total	9470				

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	72	0	0	3	0	0	0	0	0	0	0	0	0	0
Agriculture, Department of	1	1	2	0	0	0	2	0	1	0	0	0	0	0	0	0
Albany, City of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Armadale, City of	0	0	6	2	0	0	0	0	2	0	0	0	0	0	0	0
Ashburton, Shire of	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Attorney General, Department of the	0	0	3	2	0	1	1	3	0	0	0	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Bassendean, Town of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Bayswater, City of	0	0	3	1	0	0	0	1	0	0	0	0	0	0	0	0
Belmont, City of	0	0	4	1	0	0	0	0	1	0	0	0	0	0	0	0
Bowler JP MLA, Hon J	0	0	3	3	3	0	0	0	0	0	0	0	0	0	0	0
Busselton, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
C&AHS - Princess Margaret Hospital for Children	0	0	22	0	0	1	1	0	0	0	0	5	0	0	0	0
Cambridge, Town of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Canning, City of	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Capel, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Chance MLC, Hon K M	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Chittering, Shire of	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0
Cockburn, City of	0	0	2	0	0	0	0	2	1	0	0	0	0	0	0	0
Community Development, Department for	0	0	16	0	0	6	0	0	0	0	0	0	0	0	0	0
Consumer and Employment Protection, Department of	1	0	255	14	0	9	1	2	0	0	0	0	0	1	0	0
Corrective Services, Department of	0	0	50	0	0	12	11	1	0	0	0	24	0	0	0	0
Culture and the Arts, Department of	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Curtin University of Technology	0	0	4	4	0	0	5	3	4	0	0	6	0	0	0	0
Dampier Port Authority	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Disability Services Commission	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Donnybrook-Balingup, Shire of	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
East Fremantle, Town of	0	0	1	0	0	0	0	0	0	0	0	0	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	8	0	0	0	2	1	2	0	0	0	0	0	0	0
Education and Training, Department of	1	1	18	0	0	0	2	0	0	0	0	1	0	0	0	0
Electoral Commission, Western Australian	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Environment and Conservation, Department of	1	0	83	0	0	1	2	1	0	0	0	0	0	0	0	0
Fire and Emergency Services Authority of Western Australia	0	0	57	2	0	0	0	0	0	0	0	0	0	0	0	0
Fisheries, Department of	0	0	1	1	0	0	0	1	1	0	0	0	0	0	0	0
Forest Products Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Fremantle, City of	0	0	18	4	0	1	0	1	1	0	0	0	0	0	0	0
Gingin, Shire of	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0

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	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Great Southern Development Commission	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Great Southern TAFE	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Health, Department of	0	0	10	3	0	0	1	1	1	0	0	1	0	0	0	0
Heritage Council of Western Australia	0	0	6	2	0	0	6	2	0	0	0	0	0	0	0	0
Horizon Power	0	0	2	2	0	0	0	0	1	0	0	0	0	0	0	0
Housing and Works, Department of	1	0	59	3	0	3	1	2	0	0	0	0	0	0	0	0
Indigenous Affairs, Department of	0	0	6	0	0	0	0	2	0	0	0	0	0	0	0	0
Industrial Relations Commission, Office of the Registrar	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Industry and Resources, Department of	0	0	39	18	0	0	4	6	1	0	0	0	0	0	0	0
Insurance Commission of Western Australia	0	0	51	5	0	2	10	22	2	0	0	0	0	0	0	0
Joondalup, City of	0	0	25	2	0	0	2	4	1	0	0	0	0	0	0	0
Joondalup Health Campus	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Kalamunda, Shire of	0	0	11	0	0	0	1	3	0	0	0	0	0	0	0	0
Kobelke BSc DipEd JP MLA, Hon J C	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kwinana, Town of	0	0	4	0	0	0	0	1	0	0	0	0	0	0	1	0
Land Authority (LandCorp), Western Australian	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Legal Aid Western Australia	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Legal Practice Board, The	0	0	1	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	0	0	0	0	0	0	0	0
Local Government and Regional Development, Department of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
MacTiernan BA LLB BJuris JP MLA, Hon A	2	0	6	0	0	0	1	2	0	0	0	0	0	0	0	0
Main Roads Western Australia	0	0	7	6	0	0	2	5	3	0	5	0	0	0	0	0
Mandurah, City of	0	0	15	6	0	4	1	3	2	0	0	0	0	0	0	0
Manjimup, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
McGinty BA BJuris(Hons) LLB JP MLA, Hon J A	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
McGowan BA LLB MLA, Hon M	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
McHale MLA, Hon S M	1	0	10	2	0	0	6	2	2	0	0	0	0	0	0	0
McRae BA MLA, Hon A	0	0	3	0	0	0	2	1	0	0	0	0	0	0	0	0
Medical Board of Western Australia	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Melville, City of	0	0	13	1	0	4	0	0	0	0	0	0	0	0	0	0
Mundaring, Shire of	0	0	4	0	0	0	1	0	0	0	0	0	0	0	0	0
Murdoch University	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	3	0	0	0	0	0	1	0	0	0	0	0	0	0
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	0	0	80	0	0	1	0	0	20	0	0	4	0	0	0	0
NMAHS - Osborne Park Hospital	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
NMAHS - Sir Charles Gairdner Hospital	0	0	28	0	0	0	1	0	4	0	0	0	0	0	0	0
NMAHS - Swan Kalamunda Health Service	0	0	56	0	0	0	0	0	1	0	0	0	0	0	0	0
NMAHS - Women's and Newborn Health Service	0	0	2	1	0	0	0	0	2	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
Perth, City of	0	0	6	1	0	1	0	1	0	0	0	0	0	0	0	0
Planning and Infrastructure, Department for	1	0	150	0	0	0	6	3	0	0	1	0	0	0	0	0
Police Force of Western Australia	2	1	1206	0	0	8	4	3	0	0	0	0	0	0	0	0
Premier and Cabinet, Department of the	2	0	9	3	0	0	2	0	0	0	0	0	0	0	0	0
Psychologists Registration Board of WA	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Public Sector Standards Commissioner, Office of the	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Public Trust Office	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
Racing and Wagering Western Australia	0	0	3	1	0	3	0	1	3	0	1	0	0	0	0	0
Racing, Gaming and Liquor, Department of	0	0	6	1	0	1	0	0	0	0	0	0	0	0	0	0
Ripper BA DipEd MLA, Hon E S	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Roberts BA DipEd MLA, Hon M H	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0
SMAH - Bentley Hospital	0	0	29	0	0	0	0	0	1	0	0	0	0	0	0	0
SMAH - Fremantle Hospital	0	0	40	0	0	0	1	1	1	0	0	0	0	0	1	0
SMAH - Rockingham-Kwinana District Hospital	0	0	14	0	0	0	0	0	2	0	0	0	0	0	0	0
SMAH - Royal Perth Hospital	0	0	18	0	0	1	4	3	3	0	0	0	0	0	0	0
South Perth, City of	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0
South West Development Commission	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Sport & Recreation, Department of	1	0	2	0	0	0	1	0	1	0	0	0	0	0	0	0
State Revenue, Office of	0	0	5	0	0	0	1	1	1	0	0	1	0	0	0	0
Subiaco, City of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Swan, City of	0	0	19	5	0	0	0	1	0	0	0	0	0	0	0	0
Templeman MLA, Hon D A	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Tourism Commission	0	0	0	1	0	0	1	0	2	0	0	0	0	0	0	0
Treasury and Finance, Department of	5	0	3	2	0	1	3	1	3	0	0	1	0	0	0	0
University of Western Australia, The	0	0	5	0	0	0	0	0	1	0	0	0	0	0	0	0
Verve Energy	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	7	0	0	0	1	2	0	0	0	0	0	0	0	0
Vincent, Town of	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Great Southern	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - South West	0	0	72	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Wheatbelt	0	0	42	0	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Waroona, Shire of	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0
Water, Department of	0	0	8	1	0	0	0	1	0	0	0	0	0	0	1	0
Water Corporation	1	0	3	5	0	0	2	1	0	0	1	0	0	0	0	0
Western Power	0	0	10	2	0	0	0	0	0	0	0	0	0	0	0	0
Workers' Compensation & Rehabilitation Commission	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
York, Shire of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Total	26	4	2827	119	3	70	101	101	75	0	8	44	0	1	3	0

Note: Agencies which did not cite exemptions are omitted.

TABLE 15
OUTCOME OF REQUESTS FOR INTERNAL REVIEW

Agency	Requests Received	Decision Confirmed	OUTCOME		
			Decision Varied	Decision Reversed	Withdrawn
Armadale, City of	3	1	1	0	1
Attorney General, Department of the	4	1	2	1	0
Bayswater, City of	1	1	0	0	0
Belmont, City of	1	1	0	0	0
Busselton, Shire of	1	1	0	0	0
Chittering, Shire of	1	1	0	0	0
Community Development, Department for	1	0	0	1	0
Consumer and Employment Protection, Department of	6	5	1	0	0
Corrective Services, Department of	11	10	0	0	1
Curtin University of Technology	2	2	0	0	0
East Perth Redevelopment Authority	1	1	0	0	0
Edith Cowan University	9	9	0	0	0
Education and Training, Department of	2	1	0	1	0
Environment and Conservation, Department of	1	0	0	1	0
Fire and Emergency Services Authority of Western Australia	1	1	0	0	0
Forest Products Commission	1	1	0	0	0
Fremantle, City of	6	4	1	0	0
Health, Department of	1	0	1	0	0
Heritage Council of Western Australia	4	2	2	0	0
Horizon Power	1	1	0	0	0
Housing and Works, Department of	4	3	0	0	0
Indigenous Affairs, Department of	1	1	0	0	0
Industry and Resources, Department of	3	1	2	0	0
Insurance Commission of Western Australia	6	4	2	0	0
Joondalup, City of	3	2	0	0	1
Legal Aid Western Australia	2	2	0	0	0
Local Government and Regional Development, Department of	3	3	0	0	0
Mandurah, City of	1	0	1	0	0
McGinty BA BJuris(Hons) LLB JP MLA, Hon J A	1	1	0	0	0
Murdoch University	1	1	0	0	0
National Trust of Australia (WA)	1	1	0	0	0
Nedlands, City of	1	1	0	0	0
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	3	2	1	0	0
NMAHS - Sir Charles Gairdner Hospital	2	0	0	2	0
NMAHS - Swan Kalamunda Health Service	6	5	1	0	0
NMAHS - Women's and Newborn Health Service	2	0	1	0	1
Perth, City of	1	0	1	0	0

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Planning and Infrastructure, Department for	3	1	2	0	0
Police Force of Western Australia	24	20	3	1	0
Premier and Cabinet, Department of the	4	2	1	0	1
Psychologists Registration Board of WA	1	1	0	0	0
Public Sector Standards Commissioner, Office of the	1	0	1	0	0
Racing and Wagering Western Australia	3	2	1	0	0
Racing, Gaming and Liquor, Department of	4	1	3	0	0
SMAH - Armadale-Kelmscott Memorial Hospital	1	1	0	0	0
SMAH - Bentley Hospital	1	1	0	0	0
SMAH - Royal Perth Hospital	1	1	0	0	0
South Perth, City of	1	1	0	0	0
South West Development Commission	3	0	3	0	0
Stirling, City of	2	1	1	0	0
Swan, City of	1	1	0	0	0
Tourism Commission	1	0	0	1	0
Treasury and Finance, Department of	1	1	0	0	0
Vincent, Town of	1	0	0	1	0
WACHS - Goldfields	1	1	0	0	0
Waroona, Shire of	5	5	0	0	0
Water Corporation	1	1	0	0	0
Western Power	2	0	1	0	0
Workers' Compensation & Rehabilitation Commission (WorkCover)	1	1	0	0	0
Total	162	112	33	9	5

TABLE 16
REQUESTS FOR AMENDMENT OF PERSONAL INFORMATION

Agency	Received	Amended	Not Amended	Amended (but not as Requested)	Withdrawn
Agriculture, Department of	1	0	1	0	0
Community Development, Department for	1	0	0	0	0
Edith Cowan University	1	0	1	0	0
NMAHS - Sir Charles Gairdner Hospital	2	1	0	1	0
SMAH - Bentley Hospital	1	0	0	1	0
SMAH - Royal Perth Hospital	1	0	1	0	0
Stirling, City of	1	0	1	0	0
WACHS - Wheatbelt	2	0	1	0	1
Total	10	1	5	2	1

TABLE 17
INTERNAL REVIEW RE: AMENDMENT OF PERSONAL INFORMATION

Agency	Applications	Confirmed	Varied	Reversed	Withdrawn
WACHS - Wheatbelt	1	1	0	0	0
SMAH - Bentley Hospital	1	1	0	0	0
Edith Cowan University	1	1	0	0	0
Total	3	3	1	0	0

TABLE 18
FEES AND CHARGES CALCULATED BY AGENCIES

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Acacia Prison		10.00	
Agriculture, Department of	180.00		
Albany, City of	240.00	300.00	30.00
Armadale, City of	300.00		
Ashburton, Shire of	30.00	360.00	
Attorney General, Department of the	420.00	762.50	
Augusta-Margaret River, Shire of	300.00		
Bassendean, Town of	30.00		
Bayswater, City of	420.00		
Belmont, City of	270.00	187.00	
Bowler JP MLA, Hon J	90.00		
Builders' and Painters' Registration Board	90.00		
Bunbury, City of	150.00	120.40	120.00
Busselton, Shire of	396.00	969.00	150.00
C&AHS - Princess Margaret Hospital for Children	60.00	416.35	
Cambridge, Town of	150.00	40.00	43.40
Canning, City of	180.00	167.50	
Capel, Shire of	30.00		
Central Metropolitan College of TAFE	30.00		30.00
Chance MLC, Hon K M	120.00		
Child Death Review Committee	60.00		
Chittering, Shire of	90.00	75.00	
Claremont, Town of	450.00		
Cockburn, City of	210.00	224.40	
Community Development, Department for	600.00		
Conservation Commission of Western Australia	30.00	30.00	
Consumer and Employment Protection, Department of	15322.50	5233.50	1114.00
Corrective Services, Department of	360.00	77.50	
Culture and the Arts, Department of	60.00		
Curriculum Council	75.00		
Curtin University of Technology	180.00		30.00
Dalwallinu, Shire of	30.00	93.19	
Dampier Port Authority	30.00		
Dardanup, Shire of	90.00		
Donnybrook-Balingup, Shire of	90.00	60.00	
East Fremantle, Town of	40.00		
East Perth Redevelopment Authority	30.00		
East Pilbara, Shire of	30.00		

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

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Edith Cowan University	150.00	830.00	
Education and Training, Department of	1290.00		
Electoral Commission, Western Australian	60.00	60.00	
Environment and Conservation, Department of	10560.00		
Fire and Emergency Services Authority of Western Australia	2310.00	861.20	322.80
Fisheries, Department of	210.00		
Ford JP MLC, Hon J R	60.00		
Forest Products Commission	90.00	106.20	
Fremantle, City of	630.00	147.00	533.60
Gingin, Shire of	30.00	430.00	
Gosnells, City of	180.00		
Great Southern Development Commission	30.00		
Harvey, Shire of	60.00	34.00	
Health, Department of	1110.00	398.40	785.00
Heritage Council of Western Australia	360.00	444.65	984.00
Horizon Power	150.00		
Housing and Works, Department of	570.00	457.60	22.65
Indigenous Affairs, Department of	330.00		
Industrial Relations Commission, Office of the Registrar	30.00		
Industry and Resources, Department of	1560.00	857.60	214.60
Insurance Commission of Western Australia	90.00		
Joondalup, City of	832.50		7.50
Joondalup Health Campus	900.00	210.00	
Kalamunda, Shire of	450.00	1340.00	
Kalgoorlie-Boulder, City of	360.00	498.80	
Kobelke BSc DipEd JP MLA, Hon J C	90.00		
Kwinana, Town of	120.00	163.80	
Land Authority (LandCorp), Western Australian	120.00		
Land Information, Department of	90.00		
Legal Practitioners Complaints Committee, The	60.00	60.00	
Local Government and Regional Development, Department of	90.00		30.00
Logan BA(Hons) MLA, Hon F M	60.00		
MacTiernan BA LLB BJuris JP MLA, Hon A	360.00		30.00
Main Roads Western Australia	420.00	158.80	150.00
Mandurah, City of	840.00	776.70	56.65
Manjimup, Shire of	60.00	28.60	
Marlborough MLA, Hon N R	30.00		
McGinty BA BJuris(Hons) LLB JP MLA, Hon J A	180.00		
McGowan BA LLB MLA, Hon M	30.00		

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
McHale MLA, Hon S M	7.00		
McRae BA MLA, Hon A	30.00		
Medical Board of Western Australia	150.00		
Melville, City of	660.00		194.00
Mosman Park, Town of	30.00	90.00	
Mundaring, Shire of	300.00		
Murray, Shire of	150.00	140.00	30.00
National Trust of Australia (WA)	30.00		
Nedlands, City of	120.00		
NMAHS - Sir Charles Gairdner Hospital	2310.00	1766.60	
NMAHS - Swan Kalamunda Health Service	30.00		
NMAHS - Women's and Newborn Health Service	120.00		
Perth, City of	240.00	59.50	97.50
Planning and Infrastructure, Department for	7553.00	686.00	7.50
Police Force of Western Australia	27269.70	5757.40	
Port Hedland, Town of	90.00	90.00	
Premier and Cabinet, Department of the	1050.00		
Psychologists Registration Board of WA	33.00	33.00	
Public Sector Standards Commissioner, Office of the			1.00
Public Transport Authority	570.00		
Public Trust Office	30.00		
Racing and Wagering Western Australia	450.00		
Racing, Gaming and Liquor, Department of	420.00		
Ravlich BA(SocSc) DipEd DipEd(Admin) MLC, Hon L	180.00		
Ripper BA DipEd MLA, Hon E S	120.00		
Roberts BA DipEd MLA, Hon M H	60.00		
Rockingham, City of	330.00		
SMAH - Armadale-Kelmscott Memorial Hospital	510.00		
SMAH - Bentley Hospital	120.00		
SMAH - Fremantle Hospital	330.00	330.00	
SMAH - Royal Perth Hospital	90.00		
Small Business Development Corporation			30.00
South Perth, City of	210.00	1380.00	
South West Development Commission	30.00		
Sport & Recreation, Department of	60.00		60.00
State Revenue, Office of	270.00		
Stirling, City of	742.50		
Subiaco, City of	120.00	263.80	383.80
Swan, City of	630.00	509.20	171.20
Templeman MLA, Hon D A	60.00		30.00
Toodyay, Shire of	60.00		
Tourism Commission	150.00		

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

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Treasury and Finance, Department of	600.00		
University of Western Australia, The	180.00		
Verve Energy	60.00		
Victoria Park, Town of	360.00		
Victoria Plains, Shire of	30.00		
Vincent, Town of	90.00		
WACHS - Great Southern			216.20
WACHS - Pilbara	30.00		
WACHS - South West	30.00		
Wanneroo, City of	690.00	80.00	
Waroona, Shire of	150.00		
Water, Department of	2160.00	17.00	
Water Corporation	540.00		
Western Power	630.00		
York, Shire of	30.00		
Total	\$97,511	\$28,192	\$5,875

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

TABLE 19
REASONS FOR REDUCTION OF CHARGES

Reasons for Reduction	No.	(%)
Impecunious	20	10.58%
Pensioner	5	2.65%
Other	164	86.77%
Total	189	100.00%

FURTHER INFORMATION

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