



Office of the **Information Commissioner**

ANNUAL REPORT 2008-2009



Office of the **Information Commissioner**

DEAR MR PRESIDENT
DEAR MR SPEAKER

ANNUAL REPORT 2008-2009

In accordance with the provisions of the *Financial Management Act 2006* and the *Freedom of Information Act 1992*, I submit my report for the year ended 30 June 2009 which has been prepared in compliance with the provisions and reporting requirements of both Acts.

A handwritten signature in blue ink, reading 'Sven Bluemmel'.

Sven Bluemmel
INFORMATION COMMISSIONER

23 September 2009

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OVERVIEW

1. OVERVIEW



1.1 COMMISSIONER'S FOREWORD

I am pleased to present my first annual report as Western Australia's Information Commissioner.

The rights of citizens to access government information remains a fundamental element of a robust democracy. This is reflected in the objects of the *Freedom of Information Act 1992* which are to enable the public to participate more effectively in governing the State, and to make State and local government bodies and officers more accountable to the public. There can scarcely be a more important goal in ensuring good government for the people of Western Australia. I am privileged to play a role in helping to achieve such important outcomes.

“The rights of citizens to access government information remains a fundamental element of a robust democracy.”

The year saw a tremendous amount of progress made by my office in addressing a large backlog of complaints. As a result, the average age of complaints decreased by a considerable margin. This was achieved against a backdrop of significant uncertainty about future arrangements for the office and is a credit to the entire team. Particular thanks must also go to my predecessor, Acting Commissioner John Lightowlers, who showed great focus and leadership in difficult times to achieve these results. I am pleased to report that the uncertainty noted above has been addressed, allowing my office to focus on achieving its mission in the short, medium and long term.

Contrasting with the progress made during the year is the significant increase in the number of applications for external review being made to my office since December 2008. In the year to June 2009, my office received 180 applications for external review. This compares to 103 applications lodged in the previous year. As a direct result of this increase, there were 84 matters remaining before me on external review

as at 30 June 2009, an increase of some 180% over the previous year. Timeframes are currently holding up well, with complaints on average taking just under 79 days to be resolved by my office. Unfortunately this is due to the fact that the recent increase in complaints has not yet made its presence fully felt. It is likely that these figures will deteriorate significantly over the coming year; however, I will continue to do my utmost to resolve complaints as quickly and effectively as possible.

Information available to me indicates a high level of technical compliance by agencies in respect of their obligations under the Act. However, based on information gathered through the external review process, I am growing concerned that this is not always done in the spirit which Parliament originally envisaged. This concern is based on a number of observations. The first is that some agencies appear to view the Act as the primary or sole mechanism for making government information available. The Act itself makes it clear that it is not intended to discourage agencies from making information available

outside the processes prescribed by the Act, if this can properly be done. I believe that in many cases, an administrative process for making information available to the public, either proactively or on request, is preferable to making such information available only under the freedom of information process.

A second observation is that agencies, on occasion, focus on the procedural aspects of a freedom of information request to the exclusion of looking for an outcome which achieves the objects of the Act. While it is important for agencies to comply with procedural aspects laid down by the legislation, there are cases where much time and effort can be saved by an agency engaging in early and meaningful dialogue with an access applicant to try and negotiate an outcome which meets the applicant's needs. This is particularly important in cases where the access application is broad or ill-defined, or where the applicant has little or no understanding of government processes.

Third, the Act requires agencies (other than Ministers) to publish up to date Information Statements. These statements need to outline the functions and structure of each agency; the kinds of documents held by the agency; arrangements which the agency has in place to allow public participation in the formulation of policy; and the agency's mechanisms for giving members of the public access to documents held by that agency. Again, the level of technical compliance with this requirement is high, however the quality of Information Statements varies enormously.

Some Information Statements are useful tools for members of the public and genuinely contribute

to greater transparency and accountability. Other Information Statements are less approachable and may be quite overwhelming or irrelevant to members of the public, either due to their sheer length and complexity, or to the lack of relevant information. I believe that much can be gained by highlighting effective Information Statements and sharing the lessons behind those statements with other agencies. I will encourage such cooperation wherever I can.

Notwithstanding the challenges ahead, freedom of information in Western Australia remains on a firm footing - as illustrated by the statistics presented in this report - and will continue to play an important part in our robust and vibrant democracy. I look forward to working with my team to ensure that we build on the solid foundations set by my predecessors in contributing to greater government transparency and accountability.

Sven Bluemmel

Information Commissioner

“Notwithstanding the challenges ahead, freedom of information in Western Australia remains on a firm footing and will continue to play an important part in our robust and vibrant democracy.”

1.2 OPERATIONAL STRUCTURE

The office of Information Commissioner is established by s.55(1) of the *Freedom of Information Act 1992* (the Act) and the occupant is directly accountable to Parliament for the performance of the functions prescribed by the Act. The office is independent of executive government and reports directly to the Parliament and not to, or through, a Government Minister. The Attorney General is the Minister responsible for the administration of the Act, but has no specific 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 Act.

Other responsibilities prescribed by the Act include:

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

MISSION

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

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*

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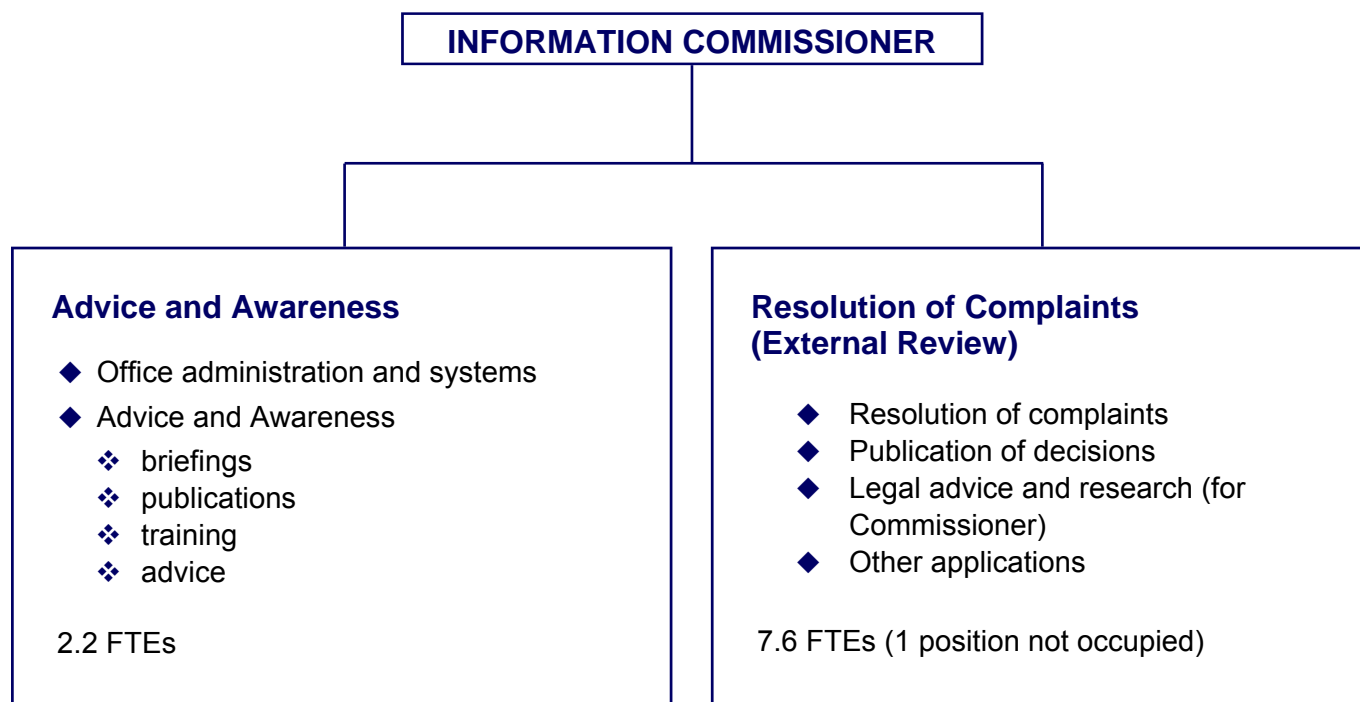
STAFF



Back row L to R: Grace Grandia, Advisory/Projects Officer; Anne Marshall, A/Principal Legal Officer; Sven Bluemmel, Information Commissioner; Rachel Crute, Legal Officer (Research and Investigations); Kim Bracknell, Information Services Manager.

Front row L to R: Michelle Fitzgerald, Executive Officer; Vivien Hillyard, Investigations Officer; Tony Pruyn, Senior Investigations Officer; Sylvie de Laroche, Administrative Assistant.

OFFICE STRUCTURE



1.3 PERFORMANCE MANAGEMENT FRAMEWORK

1.3.1 Outcome Based Management Framework

Desired Outcome

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

This outcome contributes to the Government Goals of Financial and Economic Responsibility, Outcomes Based Service Delivery and Social and Environmental Responsibility.

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 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*.

AGENCY PERFORMANCE REPORT ON OPERATIONS

2. AGENCY PERFORMANCE — REPORT ON OPERATIONS

2.1 DECISIONS OF INTEREST 2008/2009

The following section outlines decisions that relate to matters either expanded upon or not previously considered. Some of the decisions referred to here will be of interest to particular areas of government, such as local government, the Education Department and the Health Services. Other information is of more general interest, for example, dealing with electronic information stored on the hard drives of home computers.

Prescribed details

Under clause 3 of Schedule 1 to the Act, certain personal information about officers or contractors of agencies - referred to in the Act as 'prescribed details' - is not exempt from disclosure. That information includes, for example, those persons' names, titles or actions undertaken in the course of performing their functions or duties.

In *Re Rapinet and Department of Education and Training and C* [2008] WAICmr 29, the A/Commissioner dealt with a complaint from an applicant who sought access to documents which would reveal the names of the assessors who assessed the applicant's teaching portfolio as part of his application for status as a Level 3 classroom teacher. The A/Commissioner decided that, although the requested information was personal information about the assessors, it was not exempt from disclosure under clause 3 because it would do no more than reveal that the assessors had assessed the applicant's teaching portfolio in the course of performing a function or duty as officers of the agency or, alternatively, in the course of performing a service for the agency under a contract for services.

Local government and the storage of information on home computers

The A/Commissioner dealt with a number of complaints from a single applicant who applied to the Shire of Kalamunda for access to documents relating to a scheme amendment application, including emails sent to and from current and former councillors of the Shire: *Re Ross William Leighton and Shire of Kalamunda* [2008] WAICmr 48; *Re Ross William Leighton and Shire of Kalamunda* [2008] WAICmr 52; *Re Ross William Leighton and Shire of Kalamunda* [2008] WAICmr 54; and *Re Leighton and Shire of Kalamunda* [2009] WAICmr 1.

The complaints raised the question of whether or not emails sent or received by local government councillors (who are 'officers' of an agency), including former councillors, are 'documents of an agency' for the purposes of the Act. If so, those documents are potentially accessible under the Act.

The A/Commissioner decided that documents - which include emails - created or received by a councillor in his or her official capacity as an elected representative, and which constitute a record of the performance of any of the functions of a councillor as set out in section 2.1 of the *Local Government Act 1995* ('the LG Act'), are 'documents of an agency'. The A/Commissioner noted that, regardless of whether an agency or its

“Under clause 3 of Schedule 1 to the Act, certain personal information about officers or contractors of agencies - referred to in the Act as ‘prescribed details’ - is not exempt from disclosure.”

officers are obliged to retain emails of the kind requested, such documents in the possession of an agency are ‘documents of an agency’ for the purposes of the Act. The A/Commissioner considered that applicants would not lose their rights to access documents held by former councillors if the agency is entitled to access those documents.

In the circumstances of the relevant complaint, the A/Commissioner decided that, having regard to the obligations of chief executive officers under the LG Act in relation to local government records, and to the provisions for recovery of government records under Part 7 of the *State Records Act 2000*, the agency was entitled to access the requested documents, if any, in the hands of a former councillor. Consequently, such documents were ‘documents of the agency’ for the purposes of the Act.

The A/Commissioner decided that, in the circumstances of the case, it would be excessive to require the agency to conduct a forensic examination of the councillor’s home computer. The A/Commissioner was of the view that where officers are authorised to delete electronic documents and do so, agencies should not be required as a matter of course to conduct searches for that electronic information from the hard drives of computers. The A/Commissioner noted that ‘all reasonable steps’ to find documents might include a forensic examination of an agency’s or councillor’s computer if there was evidence to suggest that electronic information had been deleted in order to prevent an agency from giving access to it. However, there was no information before the A/Commissioner to suggest that was the case.

“On external review, the Information Commissioner has the power to require an agency to conduct further searches for documents ...”

Another key issue that arose for the A/Commissioner’s consideration was whether the agency had taken ‘all reasonable steps’ to locate the documents requested by the applicant. Section 26 of the Act provides that an agency may advise an applicant that it is not possible to give access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document is in the agency’s possession but cannot be found, or does not exist. On external review, the Information Commissioner has the power to require an agency to conduct further searches for documents: s.26(2).

The complainant submitted that the A/Commissioner could not properly find that all reasonable searches for the requested documents had been undertaken until a forensic examination of a councillor’s home computer had been undertaken.

Cabinet and Executive Council

Re Ravlich and Minister for Regional Development; Lands [2009] WAICmr 9 considered in detail the application of clauses 1(1), 1(1)(a) and 1(1)(b) of Schedule 1 to the Act and used extrinsic material taken from the debates following the Second Reading of the *Freedom of Information Bill 1992* to assist in interpreting those provisions. The decision also provides a guide to what form the ‘official publication’ of the fact of a deliberation or decision might comprise, when interpreting the limit on the exemption in clause 1(2).

Health services

In *Re Yoo and Sir Charles Gairdner Hospital* [2009] WAICmr 10, Sir Charles Gairdner Hospital refused an applicant (who had suffered complications following surgery) access to documents that were collected as part of a voluntary incident management system. The

agency claimed that the disclosure of such documents would reveal confidential information obtained in confidence that could reasonably be expected to prejudice the future supply of information of that kind to medical service providers and were, thus, exempt under clause 8 (2) of Schedule 1 to the Act.

The A/Commissioner considered whether the disclosure of information collected on a voluntary basis about a medical incident would, on balance, be in the public interest. In the circumstances of that case, although recognising that the balance of public interests was difficult, the A/Commissioner decided that it would be prejudicial to the proper and effective working of hospitals and health services to disclose the disputed documents.

Information protected by certain statutory provisions - Public Interest Disclosures

Clause 14(5) provides, among other things, that matter is exempt if its disclosure would reveal or tend to reveal the identity of anyone as:

- (a) a person who has made an appropriate disclosure of public interest information under the *Public Interest Disclosure Act 2003* ('the PID Act'); or
- (b) a person in respect of whom a disclosure of public interest information has been made under the PID Act.

The A/Commissioner was required to consider the meaning and scope of the exemption in the course of dealing with three complaints: *Re J and Office of the Public Sector Standards Commissioner* [2009] WAICmr 12; *Re J and Office of the Public Sector Standards Commissioner* [2009] WAICmr 13; and *Re K and Office of the Public Sector Standards Commissioner* [2009] WAICmr 14.

As part of that consideration, the A/Commissioner had regard to the Parliamentary debates held prior to the enactment of the PID Act and the inclusion of clause 14(5) in the Act, as recorded in *Hansard*. The A/Commissioner took the view that Parliament clearly intended that the identities of persons of the kind referred to in clause 14(5) should be protected from disclosure under the Act and that the Act should not be used to obtain that information.

The A/Commissioner noted that actual disclosure of the relevant identity is not required for the exemption to apply. It is sufficient that the relevant identity would tend to be revealed by disclosure of the information. The A/Commissioner held that the fact that a complainant knows or claims to know the identity of relevant persons from other sources is not determinative of the question as to whether the disputed documents would, if disclosed, reveal or tend to reveal the identities of the relevant persons.

The A/Commissioner decided that documents will be exempt under clause 14(5) if there is a real risk - as distinct from just a remote or fanciful risk or possibility - that their disclosure would identify or tend to identify a person of the kind described in paragraphs (a) or (b) of that provision.

“The A/Commissioner held that the fact that a complainant knows or claims to know the identity of relevant persons from other sources is not determinative of the question as to whether the disputed documents would, if disclosed, reveal or tend to reveal the identities of the relevant persons.”

2.2 EXTERNAL REVIEW

2.2.1 External Review Applications and Other Applications

A total of 222 applications, composed of 198 complaints (including 17 informal/invalid complaints) and 24 other kinds of applications under the FOI Act were received in 2008/2009. Table 1 shows the kinds of applications received and Table 2 the applicant and respondent groups.

TABLE 1: APPLICATIONS RECEIVED

APPLICATIONS FOR EXTERNAL REVIEW	No.
Complaints - valid	181
Complaints - informal/invalid	17
Section 66(6) applications - no internal review	11
Section 66(4) applications - out of time	6
Section 13(5) - applications for extension of time	5
Section 35(1) - waiver of requirement to consult	2
TOTAL	222

TABLE 2: BREAKDOWN OF VALID COMPLAINTS

Applicant Group	No.	Respondent	No.
Company	21	Board, Committee, Commission, Authority, Corporation	18
Government Agency	2	Department (ex. Police & Health)	47
Individual Citizen	66	Health Related	9
Media	3	Local Government	21
Member of Parliament	80	Minister	72
NFP Group	7	Police	9
Prisoner	2	University	5
TOTAL	181	TOTAL	181

2.2.2 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 s.28 of the 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 Act.

Table 3 shows a summary of complaints received by agency type.

TABLE 3: COMPLAINTS RECEIVED (BY AGENCY TYPE)

AGENCY TYPE	COMPLAINTS		INFORMAL/INVALID		TOTAL	
	No.	%	No.	%	No.	%
State	88	44.44	13	6.57	101	51.01
Minister	72	36.36	0	0.00	72	36.36
Local	21	10.61	4	2.02	25	12.63
TOTAL	181	91.41	17	8.59	198	100

Note: One complaint lodged was with respect to the Minister for Sport and Recreation who held office prior to the change of Government in September 2008.

Table 4 details the number of complaints received in 2008/09 and the agencies concerned.

TABLE 4: COMPLAINTS RECEIVED

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
Agriculture and Food, Department of	3	1	4	Police Force of Western Australia	9	1	10
C&AHS - Princess Margaret Hospital for Children	1	0	1	Port Hedland Port Authority	1	0	1
Canning, City of	1	0	1	Premier and Cabinet, Department of the	7	0	7
Child Protection, Department for	1	0	1	Public Sector Commission	1	0	1
Cockburn, City of	1	1	2	Public Sector Standards Commissioner, Office of the	3	0	3
Consumer and Employment Protection, Department of	1	0	1	Public Trust Office	0	1	1
Corrective Services, Department of	3	3	6	Shark Bay, Shire of	1	0	1
Curtin University of Technology	2	0	2	SMAH - Fremantle Hospital	1	0	1
Edith Cowan University	1	0	1	SMAH - Royal Perth Hospital	1	0	1
Education and Training, Department of	3	0	3	Sport and Recreation, Department of	1	0	1
Education Services, Department of	1	0	1	State Administrative Tribunal	1	0	1
Environment and Conservation, Department of	6	0	6	Stirling, City of	1	0	1
Fire and Emergency Services Authority of Western Australia	1	0	1	Subiaco Redevelopment Authority	2	0	2
Fisheries, Department of	3	0	3	Subiaco, City of	3	0	3
Gosnells, City of	1	1	2	Swan, City of	1	0	1
Health Review, Office of	1	0	1	Toodyay, Shire of	1	0	1
Health, Department of	1	0	1	Treasury and Finance, Department of	3	1	4
Housing and Works, Department of	1	0	1	University of Western Australia, The	2	0	2
Industry and Resources, Department of	1	0	1	Water Corporation	3	0	3
Insurance Commission of Western Australia	1	0	1	Workers' Compensation & Rehabilitation Commission (WorkCover)	1	0	1
Irwin, Shire of	1	0	1	Ministers:			
Joondalup, City of	2	1	3	Agriculture and Food, Minister for	2	0	2
Kalamunda, Shire of	1	0	1	Attorney General	4	0	4
Kimberley College of TAFE	2	0	2	Child Protection, Minister for	3	0	3
Legal Aid Western Australia	2	0	2	Education, Minister for	9	0	9
Legal Profession Complaints Committee	1	0	1	Energy, Minister for	3	0	3
Local Government and Regional Development, Department of	1	0	1	Environment, Minister for	6	0	6
Main Roads Western Australia	1	0	1	Health, Minister for	4	0	4
Mandurah, City of	2	0	2	Indigenous Affairs, Minister for	1	0	1
Medical Radiation Technologists Registration Board of Western Australia	1	0	1	Local Government, Minister for	1	0	1
Mines and Petroleum, Department of	2	0	2	Mines and Petroleum, Minister for	4	0	4
Mosman Park, Town of	1	0	1	Planning, Minister for	2	0	2
Mundaring, Shire of	1	1	2	Police, Minister for	1	0	1
NMAHS - Osborne Park Hospital	1	0	1	Regional Development, Minister for	8	0	8
NMAHS - Sir Charles Gairdner Hospital	2	0	2	Sport and Recreation, Minister for	1	0	1
NMAHS - Women and Newborn Health Service	1	0	1	Training, Minister for	1	0	1
PathWest Laboratory Medicine WA	0	1	1	Transport, Minister for	6	0	6
Peppermint Grove, Shire of	1	0	1	Treasurer	14	2	16
Perth, City of	2	0	2	Water, Minister for	2	0	2
Planning and Infrastructure, Department for	7	3	10	TOTAL	181	17	198

2.2.3 Other Applications

Other applications received fell into the following categories:

- ❖ applicants or third parties seeking to lodge complaints out of time pursuant to s.66(4) of the Act, or without internal review pursuant to s.66(6);
- ❖ agencies seeking waiver of the requirement to consult with third parties when processing an application pursuant to s.35(1); and

- ❖ agencies seeking an extension of the permitted period of 45 days within which an agency must deal with an application (s.13(5)).

Twenty-four “other” applications were received in 2008/09, compared with 32 received in the previous reporting period. Table 5 gives a detailed breakdown of these applications and the agencies concerned.

TABLE 5: OTHER APPLICATIONS RECEIVED

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	EXTENSION OF TIME s.13(5)	T O T A L
Child Protection, Minister for	1				1
Commerce, Department of				1	1
Corrective Services, Department of		1			1
Education and Training, Department of	1				1
Fisheries, Department of		1			1
Forest Products Commission		2			2
Kalamunda, Shire of		1			1
Perth, City of		1			1
Planning and Infrastructure, Department for	1	1			2
Police Force of Western Australia	1				1
Port Hedland Port Authority		1			1
Premier and Cabinet, Department of the		1	1	2	4
Regional Development, Minister for	1				1
Royal Perth Hospital				1	1
Stirling, City of		1		1	2
University of Western Australia, The		1			1
Vincent, Town of			1		1
WACHS - South West	1				1
TOTAL	6	11	2	5	24

2.2.4 External Review Outcomes

A total of 168 applications, made up of 145 complaints (including informal/invalid complaints) and 23 other applications were finalised during the year. Table 6 gives details of the types of applications dealt with in the 2008/09 reporting period.

TABLE 6: APPLICATIONS DEALT WITH

TYPE OF APPLICATION	No.
Complaints (including informal/invalid)	145
Section 66(4) - out of time	5
Section 66(6) - no internal review	11
Section 13(5) - application for extension of time	5
Section 35(1) - application for waiver of requirement to consult	2
TOTAL	168

Table 7 shows a summary of the outcomes of complaints finalised during the year, by agency category.

TABLE 7: OUTCOME OF COMPLAINTS FINALISED (BY AGENCY CATEGORY)

AGENCY TYPE	CONCILIATED		PUBLISHED DECISION		DECLINED		TOTAL	
	No.	%	No.	%	No.	%	No.	%
State	37	50.00	31	41.89	6	8.11	74	57.81
Minister	26	86.67	4	13.33	0	0.00	30	23.43
Local	12	50.00	12	50.00	0	0.00	24	18.76
Total	75	58.60	47	36.72	6	4.68	128	100.00

Note: Table 7 excludes Informal/Invalid complaints
One complaint finalised was with respect to the Minister for Sport and Recreation who held office prior to the change of Government in September 2008.

TABLE 8: 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		
Agriculture and Food, Department of	2	1		1	1	5
Broome, Shire of	1					1
Canning, City of	2					2
Child Protection, Department for	1					1
Cockburn, City of					1	1
Consumer and Employment Protection, Department of	1					1
Corrective Services, Department of		1			3	4
Curtin University of Technology	1	1				2
Edith Cowan University	1					1
Education and Training, Department of	1			1		2
Education Services, Department of		1				1
Environment and Conservation, Department of	2					2
Fisheries, Department of	1	1				2
Gosnells, City of		1			1	2
Housing and Works, Department of	1					1
Indigenous Affairs, Department of				1		1
Industry and Resources, Department of	1	4	1			6
Insurance Commission of Western Australia	1		1			2
Irwin, Shire of	1					1
Joondalup, City of					1	1
Kalamunda, Shire of		3		1		4
Kimberley College of TAFE	1	1				2
Legal Aid Western Australia		1				1
Legal Profession Complaints Committee		1				1
Local Government and Regional Development, Department of			1			1
Mandurah, City of	1	1				2
Mines and Petroleum, Department of	1					1
Mosman Park, Town of	1					1
Mundaring, Shire of	1	1			1	3
Nedlands, City of	1					1
NMAHS - Graylands Selby-Lemnos and Special Care Health Service		1				1
NMAHS - Osborne Park Hospital		1				1

TABLE 8: 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		
NMAHS - Sir Charles Gairdner Hospital	1		1			2
NMAHS - Women and Newborn Health Service	1					1
PathWest Laboratory Medicine WA					1	1
Peppermint Grove, Shire of	1					1
Planning and Infrastructure, Department for	3				4	7
Police Force of Western Australia	4	2			4	10
Premier and Cabinet, Department of the	3	2				5
Public Sector Standards Commissioner,			3			3
Public Trust Office					1	1
Racing and Wagering Western Australia		1				1
Racing, Gaming and Liquor, Department of	1					1
Real Estate and Business Agents Supervisory Board	1		1			2
Serpentine/Jarrahdale, Shire of		2				2
Shark Bay, Shire of		1				1
SMAH - Fremantle Hospital	1					1
SMAH - Royal Perth Hospital				1		1
Sport and Recreation, Department of					1	1
State Administrative Tribunal	1					1
Stirling, City of	1					1
Subiaco Redevelopment Authority	1					1
Subiaco, City of	2			1		3
Toodyay, Shire of		1				1
Treasury and Finance, Department of	3				1	4
University of Western Australia, The	1				1	2
Workers' Compensation and Rehabilitation Commission (WorkCover)	1					1
Ministers:						
Minister for Agriculture and Food	2					2
Minister for Child Protection	2					2
Minister for Education	4					4
Minister for Environment	2					2
Minister for Health	2					2

TABLE 8: 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		
Minister for Housing and Works		1				1
Minister for Local Government	1					1
Minister for Mines and Petroleum	2					2
Minister for Planning	1					1
Treasurer	5				2	7
Minister for Regional Development	1		1			2
Minister for Sport and Recreation**			1			1
Minister for Transport	3	1				4
Minister for Water	1					1
TOTAL	75	31	10	6	23	145

* The Information Commissioner does not deal with a complaint if it is outside his jurisdiction and may not deal with it if it is frivolous, vexatious, misconceived or lacking in substance (s.67 of the Act). Table 8 includes Informal/Invalid complaints. Six of the 23 complaints declined related to formal complaints and the remaining 17 related to informal/invalid complaints.

** This complaint related to the Minister who held office prior to the change in Government in September 2008

TABLE 9: PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0252008	Knowles	Royal Perth Hospital and Wade	04/07/2008
D0262008	Gavranich	Shire of Mundaring	14/07/2008
D0272008	Elphick	Department of Fisheries	16/07/2008
D0282008	Ridolfo	Police Force of Western Australia	17/07/2008
D0292008	Rapinet	Department of Education and Training and "C"	17/07/2008
D0302008	"D"	Graylands Selby-Lemnos and Special Care Health	29/07/2008
D0312008	Parolo	Shire of Serpentine/Jarrahdale	29/07/2008
D0322008	"E"	Racing and Wagering Western Australia	31/07/2008
D0332008	Deacons	Minister for Housing and Works; Heritage; Indigenous Affairs and Land Information	06/08/2008
D0342008	Melville Water Polo Club	Minister for Sport and Recreation *	15/08/2008
D0352008	Hunt and Humphry	Department of Industry and Resources, CITIC Pacific Mining Management Pty Ltd, Sino Iron Pty Ltd and Mineralogy Pty Ltd	20/08/2008
D0362008	Mineralogy Pty Ltd	Department of Industry and Resources and Hunt and Humphry	25/08/2008
D0372008	Leighton	Shire of Serpentine/Jarrahdale	28/08/2008
D0382008	Esperance Port Authority	Department of the Premier and Cabinet	29/08/2008

TABLE 9: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0392008**	Mineralogy Pty Ltd	Department of Industry and Resources	15/09/2008
D0402008	Burns	Department of Agriculture and Food	22/09/2008
D0412008	"D"	Department of Agriculture and Food	22/09/2008
D0422008	Lance	City of Mandurah	30/09/2008
D0432008	Glasson	Legal Practitioners' Complaints Committee	14/10/2008
D0442008	"F"	NMAHS - Osborne Park Hospital	15/10/2008
D0452008	Goodall	City of Gosnells	29/10/2008
D0462008	Hemsley	City of Subiaco and Foxington Pty Ltd	30/10/2008
D0472008	Alvisse	Insurance Commission of Western Australia	30/10/2008
D0482008	Leighton	Shire of Kalamunda	31/10/2008
D0492008	Pearson	Real Estate and Business Agents' Supervisory Board	31/10/2008
D0502008	Leighton	Department of Local Government and Regional Development	31/10/2008
D0512008	Bold Park Parent Advisory Council (Inc)	Department of Education Services	12/11/2008
D0522008	Leighton	Shire of Kalamunda	20/11/2008
D0532008	Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation	Department of Indigenous Affairs	19/12/2008
D0542008	Leighton	Shire of Kalamunda	19/12/2008
D0552008	National Tertiary Education Industry	Curtin University of Technology	23/12/2008
D0012009	Leighton	Shire of Kalamunda	15/01/2009
D0022009	"G"	Department of Corrective Services	21/01/2009
D0032009	Novelly	Kimberley TAFE	12/02/2009
D0042009	Ballam	Shire of Toodyay	19/02/2009
D0052009	Travers	Minister for Transport	25/02/2009
D0062009	"H"	Police Force of Western Australia	05/03/2009
D0072009	"I"	Legal Aid Commission of Western Australia	24/03/2009
D0082009	Hargreaves	Shire of Shark Bay	26/03/2009
D0092009	Ravlich	Minister for Regional Development; Lands	02/04/2009
D0102009	Yoo	Sir Charles Gairdner Hospital	05/05/2009
D0112009	Glasson	Department of the Premier and Cabinet	08/05/2009
D0122009	"J"	Office of the Public Sector Standards Commissioner	13/05/2009
D0132009	"J"	Office of the Public Sector Standards Commissioner	14/05/2009
D0142009	"K"	Office of the Public Sector Standards	14/05/2009

* This complaint related to the Minister who held office prior to the change of Government in September 2008

** D0392008 finalised 3 complaints: F2008163; F2008164; and F2008165

2.2.5 Other Applications

There were 23 other applications finalised this year. They were applications to make a complaint out of time (s.66(4)); where internal review had not been applied for or completed (s.66(6)); applications for waiver of the requirement to consult third parties (s.35(1)); 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 10.

TABLE 10: OUTCOME OF OTHER APPLICATIONS FINALISED

AGENCY	NO INTERNAL REVIEW s.66(6)			OUT OF TIME s.66(4)		EXTENSION OF TIME S.13(5)		WAIVER OF REQUIREMENT TO CONSULT s.35(1)		TOTAL MATTERS FINALISED
	A	R	W	A	R	A	W	A	D	
Commerce, Department of						1				1
Corrective Services, Department of		1								1
Education and Training, Department of					1					1
Fisheries, Department of		1								1
Forest Products Commission		2								2
Kalamunda, Shire of	1									1
Perth, City of	1									1
Planning and Infrastructure, Department for		1			1					2
Police Force of Western Australia					1					1
Port Hedland Port Authority		1								1
Premier and Cabinet, Department of the			1				2	1		4
Regional Development, Minister for					1					1
SMAH - Royal Perth Hospital						1				1
Stirling, City of		1					1			2
University of Western Australia, The			1							1
Vincent, Town of									1	1
WACHS - South West					1					1
TOTAL	2	7	2	1	4	2	3	1	1	23

Key: A-Approved; C-Conciliated; D-Denied; R-Refused; W-Withdrawn

2.3 ADVICE AND AWARENESS

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

All members of my staff contribute 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 Act;
- ❖ provision of advice and assistance to members of the public on the procedure for exercising their rights under the Act;
- ❖ visits to country regions;
- ❖ briefings to community groups;
- ❖ production of articles providing advice and guidance on the workings of the 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.

2.3.1 Training Courses and Briefings

The office is proactive in raising awareness and understanding of the procedures and processes prescribed by the Act. Apart from requests received for training or assistance, public sector needs are identified from a survey of agencies. Due to staff turnover, there is a periodic need for new agency staff to be briefed on the FOI process and agencies' 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 speakers in response to invitations from organisations 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 11 on the following page.

TABLE 11: FORMAL TRAINING AND PRESENTATIONS

DATE	PRESENTATION STYLE	AUDIENCE
13 October 2008	FOI Coordinators' Workshop	Officers from State and local government agencies
7 November 2008	Decision-makers' Forum	Officers from State and local government agencies
21 November 2008	FOI Coordinators' Workshop	Officers from State and local government agencies
24 November 2008	FOI Coordinators' Workshop	Officers from State and local government agencies
1 December 2008	FOI Coordinators' Workshop	Officers from State and local government agencies
9 December 2008	FOI Briefing	Department of Health
13 January 2009	FOI Briefing	Officers from NMHS – Graylands
4 February 2009	FOI Coordinators' Workshop	Officers from State and local government agencies
6 February 2009	FOI Coordinators' Workshop	Officers from State and local government agencies
9 February 2009	Decision-makers' Forum	Department of Culture and the Arts
9 February 2009	FOI Briefing	Emanon
10 February 2009	FOI Briefing	Department of Health
6 March 2009	Decision-makers' Forum	Officers from State and local government agencies
10 March 2009	FOI Briefing	Department of Health
17 March 2009	FOI Briefing	Department of Environment and Conservation
24 March 2009	FOI Briefing	Department of Planning and Infrastructure
6 April 2009	FOI Coordinators' Workshop	Officers from State and local government agencies
28 April 2009	FOI Briefing	Support Staff – Ministers' offices
28 April 2009	FOI Briefing	Support Staff – Members of the Opposition
29 April 2009	FOI Briefing	Edith Cowan University – broadcasting students
4 May 2009	FOI Briefing	Officers from State and local government agencies - Kalgoorlie
5 May 2009	FOI Briefing	Kalgoorlie Regional Hospital
5 May 2009	FOI Briefing	Kalgoorlie community groups
8 May 2009	FOI Coordinators' Workshop	Officers from State and local government agencies
26 May 2009	FOI Briefing	Officers from NMHS – Graylands
27 May 2009	Decision-makers' Forum	City of Cockburn
29 May 2009	Decision-makers' Forum	Officers from State and local government agencies
2 June 2009	FOI Briefing	Officers from NMHS – Graylands
15 June 2009	Decision-makers' Forum	Officers from State and local government agencies
17 June 2009	Decision-makers' Forum	Officers from State and local government agencies
24 June 2009	FOI Briefing	Department for Planning and Infrastructure – Marine Safety
30 June 2009	FOI Briefing	Geraldton community groups

2.3.2 FOI Coordinator Workshops

Workshops are scheduled based on the level of demand and are conducted by the office at no charge to agencies. Eight full-day FOI Coordinators' workshops were held during the year in metropolitan and regional areas. The course introduces participants to the FOI legislation and the requirements which must be observed when dealing with an FOI 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 the 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 arising from collocation with other accountability agencies is that we were able to host the majority of the FOI Coordinators' workshops in 2008/09 at our own premises. Feedback from participants who attended the workshops was very positive.

29 officers from local government agencies attended the workshops and 117 from State Government agencies (including Ministers' offices).



Regional Awareness - Accountability Agencies visit Kalgoorlie in May 2009 (see page 26 - 2.3.4)

Left to Right: Ruth Shean, Commissioner for Public Sector Standards; Linley Anne Donaldson, Director, Office of Health Review; Grace Grandia, Advisory/Projects Officer, Office of the Information Commissioner; Chris Field, Western Australian Ombudsman; Sandra Pelham, Investigations Officer, Commonwealth Ombudsman.

TABLE 12: FOI COORDINATORS' WORKSHOPS — ATTENDEES

Agriculture and Food, Department of (1)	Minister for Health; Indigenous Affairs, Office of the (1)
Albany, City of (2)	Minister for Local Government; Citizenship and Multicultural Interests, Office of the (1)
Belmont, City of (4)	Minister for Police; Emergency Services and Road Safety, Office of the (1)
Broome, Shire of (1)	Minister for Regional Development; Lands, Office of the (1)
Cambridge, Town of (1)	Minister for Sport and Recreation; Racing and Gaming, Office of the (1)
Canning, City of (1)	Minister for Transport, Office of the (2)
Child Protection, Department for (3)	Ministers Offices - Representatives (25)
Claremont, Town of (1)	Mundaring, Shire of (1)
Cockburn, City of (1)	Museum, Western Australia (1)
Commerce, Department of (15)	Nedlands, City of (1)
Culture and the Arts, Department of (1)	Northam, Shire of (2)
Curtin University of Technology (1)	Office of Energy (1)
Edith Cowan University (1)	Plumbers Licensing Board (2)
Education, Department of (2)	Police Force of Western Australia (4)
Fisheries, Department of (5)	Premier and Cabinet, Department of the (3)
Forest Products Commission (1)	Public Sector Commission (1)
Fremantle, City of (1)	Rockingham, City of (1)
Great Southern TAFE (1)	South Metropolitan Area Health Service (1)
Health Review, Office of (4)	State Library of WA (1)
Housing and Works, Department of (1)	Swan Districts Hospital (1)
Industrial Relations Commission, Office of the Registrar (1)	Swan TAFE (1)
Insurance Commission of Western Australia (2)	Swan, City of (1)
King Edward Memorial and Princess Margaret Hospitals (1)	Synergy (1)
Kwinana, Town of (1)	Toodyay, Shire of (1)
LandCorp (1)	Treasury & Finance, Department of (10)
Legal Practice Board of WA (1)	University of Western Australia, The (3)
Legal Practitioners Complaints Committee (1)	Victoria Park, Town of (2)
Main Roads Western Australia (1)	Victoria Plains, Shire of (1)
Mandurah, City of (5)	WA Country Health Service – Kimberley (1)
Medical Board of Western Australia (1)	WA Country Health Service – Pilbara (1)
Mines and Petroleum, Department of (2)	WA Country Health Service – Wheatbelt (1)
Minister for Child Protection; Community Services; Seniors and Volunteering, Office of the (1)	Wanneroo, City of (1)
Minister for Energy; Training, Office of the (2)	Workers' Compensation & Rehabilitation Commission (2)
Note: Number of officers in attendance shown in brackets	

2.3.3 Decision-makers' Forums

The half-day decision-makers' forum assists staff in agencies, including senior managers, to act as 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 Act; and the internal and external review processes. Attendees also establish contact with staff of my office who may be contacted for advice in the future, which is especially useful for those agencies that do not receive many applications. Six of these were conducted in 2008/09, attended by a total of 75 officers of State government agencies and 22 officers of local government agencies (including Ministers' offices).

TABLE 13: DECISION MAKERS' FORUMS — ATTENDEES

Cambridge, Town of (1)	Medical Board of Western Australia (2)
Child Protection, Department for (2)	Mines and Petroleum, Department of (1)
Cockburn, City of (15)	Minister for Child Protection; Community Services; Seniors and Volunteering (1)
Commerce, Department of (8)	Nedlands, City of (1)
Culture and the Arts, Department of (13)	Police Force of Western Australia (8)
Curtin University of Technology (3)	Premier and Cabinet, Department of the (3)
Education, Department of (1)	Public Sector Standards Commissioner, Office of the (2)
Fisheries, Department of (4)	Rottneest Island Authority (1)
Harvey, Shire of (2)	State Library of WA (3)
Housing and Works, Department of (2)	State Revenue, Office of (1)
Industrial Relations Commission (1)	Toodyay, Shire of (2)
Women & Newborn Health Service/Child Adolescent Health Service (1)	Treasury & Finance, Department of (8)
LandCorp (1)	University of Western Australia, The (1)
Legal Aid Western Australia (3)	WA Country Health Service – Midwest (1)
Legal Professions Complaints Committee (3)	WA Country Health Service – Wheatbelt (1)
Mandurah, City of (1)	

Note: Number of officers in attendance is shown in brackets

2.3.4 Regional Awareness Program:

- ❖ *Kalgoorlie-Boulder 4 – 5 May 2009*
- ❖ *Geraldton 30 June – 2 July 2009*

The office, along with other accountability agencies began a regional awareness program. The aim of the program is to bring awareness of the role of each agency to our regional areas. The start of this program began in 2008/09 and included visits to Kalgoorlie-Boulder and Geraldton. The purpose of the visit was to raise awareness of the services available. Seminars were held for community groups, members of the public, regionally-based public sector agencies and indigenous community groups. The process and procedures for applying for access to documents held by State or local government agencies were explained.

A briefing to staff of Kalgoorlie Hospital was held on 5 May 2009. The briefing included clarification of personal information, third party consultation; notices of decision and the review process. The briefing was informal and interactive, allowing for clarification of any points raised.

TABLE 14: REGIONAL VISIT — ATTENDEES

DATES	AGENCY/GROUP	NO. OF ATTENDEES
4 May 2009	State and Local government agencies	28
5 May 2009	Community Groups	8
5 May 2009	Kalgoorlie Hospital	30
5 May 2009	Indigenous Groups	18
30 June 2009	Community Groups	8

2.3.5 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 Act; *Publications* which contains the 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; and *Decisions* which contains copies of all formal decisions made on complaints.

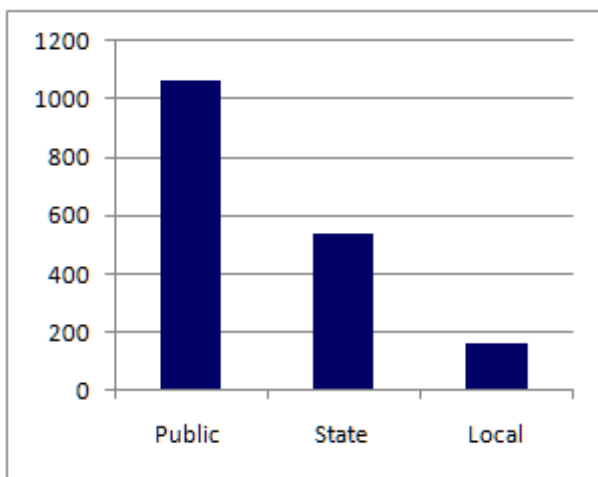
The web site allows searches of published decisions to be conducted in a variety of ways, such as searching by agency or complainant name; by exemption clause or section of the Act; by catchword; and many more. This is a valuable resource for agencies and members of the public to research the interpretation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

There are also links to other related web sites. The section *What's New/Training* contains the latest news and training information available and a facility to request training. *Contact Us* provides our contact details.

2.3.6 Telephone Enquiries

There were 1,765 telephone enquiries received during the year (1,942 in 2007/08). Over 60% (1,063) of telephone enquiries received (66% in 2007/08) 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 government (30%-539) and local government (9%-163) agencies seeking assistance in dealing with access applications or advice regarding other statutory obligations under the Act.

Figure 1
Telephone Enquiries



2.3.7 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 250 written enquiries for advice and assistance received and dealt with during the

year. The written enquiries were received by letter and by email.

Seventy three 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 Western Australia Police (33) and the Department of Corrective Services (15). 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 Act. In some cases, where the enquiry was from an applicant, enquiries were also made with the agency concerned to ascertain the status of the application to assist the office in responding helpfully to the applicant and, if necessary, advice was also given to the agency in those cases.

Table 14 (over the page) shows a summary of applications that were mistakenly directed to this office instead of to the agency holding the documents.

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.

2.4 SUPPORT SERVICES

As of 19 February 2009, corporate service support is provided by the Shared Services business unit of the Department of Treasury and Finance. Previous corporate service support was provided by the Department of the Attorney General.

TABLE 15: MISDIRECTED APPLICATIONS RECEIVED

AGENCY	No.
Agency Unknown	4
Albany Port Authority	1
Child Protection, Department of	2
Commerce, Department of	1
Corrective Services, Department of (inc. Acacia Prison)	15
SMAH - Fremantle Hospital	2
NMAH - Graylands Selby-Lemnos and Special Care Health	1
Industrial Relations Commission	1
Insurance Commission of Western Australia AustrAustralia	1
Mines and Petroleum, Department of	1
Planning and Infrastructure, Department for	1
Police Force of Western Australia	33
Real Estate and Business Agents Supervisory Board	1
SMAH - Royal Perth Hospital,	5
State Administrative Tribunal	1
NMAHS - Swan Kalamunda Health Service	1
University of Western Australia, The	1
Wanneroo, Shire of	1
TOTAL	73

2.5 ADMINISTRATION

The Information Commissioner's statutory function under the Act necessitates the delivery of a range of services to the public, agencies and Parliament, including:

- ❖ complaint resolution;
- ❖ giving advice about the 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 located 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.

SIGNIFICANT ISSUES AND TRENDS

3. SIGNIFICANT ISSUES AND TRENDS

3.1 Agency Charging

There has been an increasing trend in the amount of charges being collected by agencies from applicants seeking access to documents containing non-personal information. The number of non-personal applications to agencies has risen by a total of 77% since 2005. Despite this, the amount of charges collected within the commensurate period has increased by a total of 176%.

Initial perusal of the statistical data collected from agencies indicates that much of the increase in charges can be attributed to a small number of agencies. It can also be seen that, especially over the past two years, the total amount of charges reduced, or waived, at the discretion of agencies has dropped significantly. It therefore appears likely that agencies have simply chosen to collect more of the charges which they can levy under the Act, rather than waiving them as a matter of course.

However, total complaints made to my office in relation to the imposition of charges remain very low, with only 3 complaints over the last 4 years. This suggests that charges are not presenting a significant barrier to persons exercising their rights under the Act.

3.2 Complaints made by Members of Parliament

This year has seen a significant increase in total complaints and, in particular, complaints made by Members of Parliament. In the 5 years to 2007/08 a total of 13 complaints were made by Members of Parliament at an average of around 3 complaints per year. However, during the current reporting year 80 complaints were made to this office by Members of Parliament. This is an increase of 76 from the 4 that were received last year. Many of these were complaints against decisions of Ministers.

The total number of complaints received (181) has increased by 79 from last year. Given the total number received in each of the 5 years to 2007/08, it appears that the significant increase in total matters received in 2008/09 is largely attributable to the increase in complaints made by Members of Parliament.

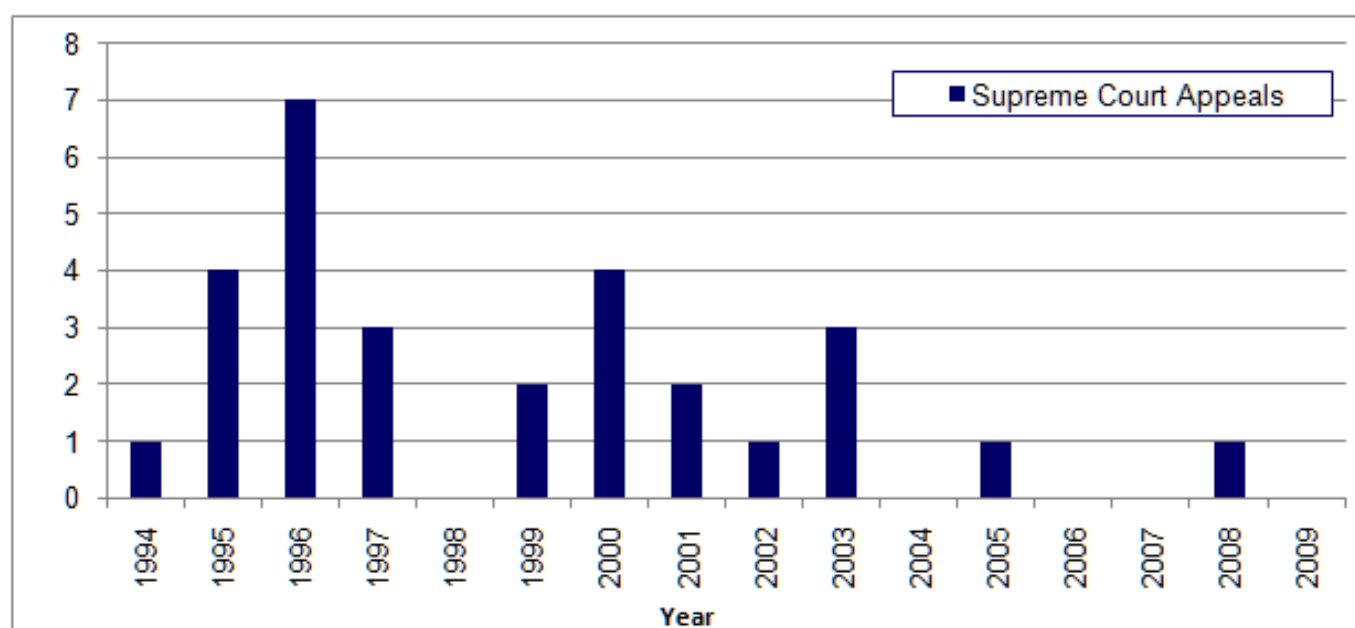
3.3 Supreme Court appeals

This year there has been no appeal to the Supreme Court of a decision of the Commissioner. Since commencement of the FOI Act in 1993, there has been a gradual decline in the number of Supreme Court appeals relating to FOI matters, as indicated in Figure 2 on the next page.

In all, since commencement of the Act, there have been 12 appeals to the Supreme Court that have proceeded to a decision (although a number of additional appeals reflected in Figure 2 were lodged but were withdrawn or otherwise did not proceed to a decision). Nine of the 12 appeals heard have been made by an agency as appellant, rather than by individual complainants. Since 2002, there have been only 3 appeals, two made by agencies and one by an applicant. The reducing trend in appeals is an indicator that the scope and interpretation of the FOI Act is becoming better understood and accepted as experience with the FOI Act grows.

3.4 Agency Statistics 2009

Section 111 of the Act requires that the Information Commissioner's annual report to the Parliament includes certain specified information relating to the number and nature of applications under the 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 2008/09 is set out in detail in the statistical tables at the end of this report. The following is an overview.

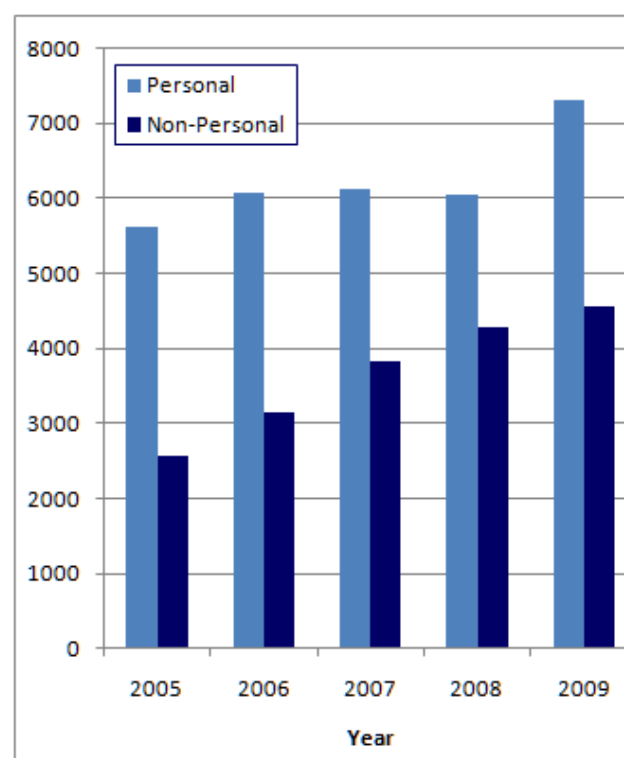
FIGURE 2: Supreme Court Appeals relating to FOI matters

The primary responsibility for making decisions on FOI applications and otherwise giving effect to the provisions of the Act rests with agencies. Applications under the Act are made in the first instance to the government agency holding, or likely to hold, the documents 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 3,323 at the end of the first full financial year of operation of the FOI Act (1994/95) to 12,336 in the year under review. That represents an increase of approximately 271% in 14 years from 1995 and 9.6% from last year (11,255).

3.4.1 Applications

From the statistical tables at the end of this report, it can be seen that, as in recent previous years, the Western Australia Police received the highest number of applications made to a single agency (1,847 - an increase of 8.9% from last year), with the next highest being received by Royal Perth Hospital (1,637 - an increase of 11.5% from last year) and Sir Charles Gairdner

Hospital (989 - an increase of 2.9% from last year), and another 4,207 in total received by various other health service providers (hospitals, health services and the Department of Health), representing a total increase of 8.4% over last year.

**FIGURE 3
Number of Applications Decided — All Agencies**

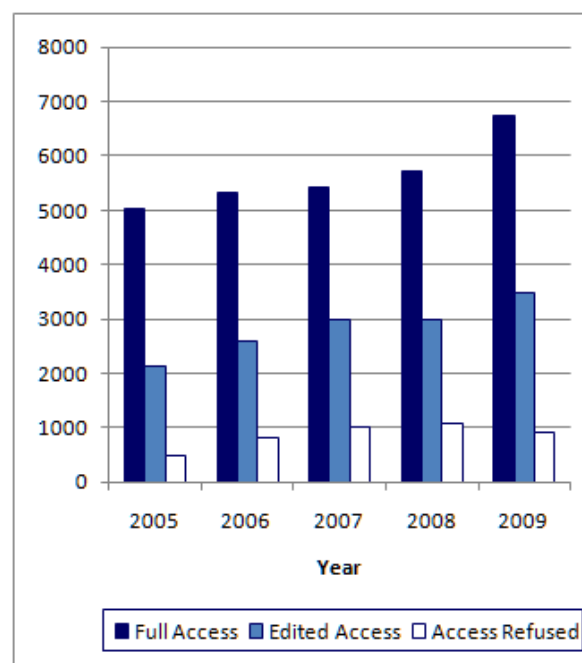
Of the 12,336 applications received by agencies in 2008/09, 509 (just over 4.1%) were received by local government agencies and 11,827 (95.9%) by State Government agencies. Of the local government agencies, the City of Stirling received the highest number of applications (56), followed by the City of Joondalup (34), the City of Swan (32), the Shire of Kalamunda (24), the City of Melville (23) and the City of Wanneroo (21). A number of local government agencies located in the country areas reported having received either no applications or very few applications.

Of the applications made to State Government agencies, 267 were made to Ministers (including Ministers prior to the 2008 State election), significantly more than the number made to Ministers last year (94). The Minister receiving the highest number of applications was the Hon T Buswell, Treasurer; Minister for Commerce; Science and Innovation; Housing and Works (50), with the next highest being the Hon B Grylls, Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport (25).

3.4.2 Decisions

Of the decisions on access made by Ministers in the reporting period, 28 (13%) were to give full access; 153 (70%) were to give access to edited copies of documents; and 36 (17%) were to refuse access. The statistical tables also reveal that 10,519 decisions on access applications were made by State Government agencies i.e. exclusive of local government agencies and Ministers, under the FOI Act in 2008/09. Of those decisions made, 62.6% resulted in the applicant being given access in full to the documents sought; 28.9% resulted in the applicant being given access to edited copies of the documents sought; and just under 0.5% 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). Only 8.1% of the decisions made were to refuse access.

FIGURE 4
Outcome of Decisions — All Agencies

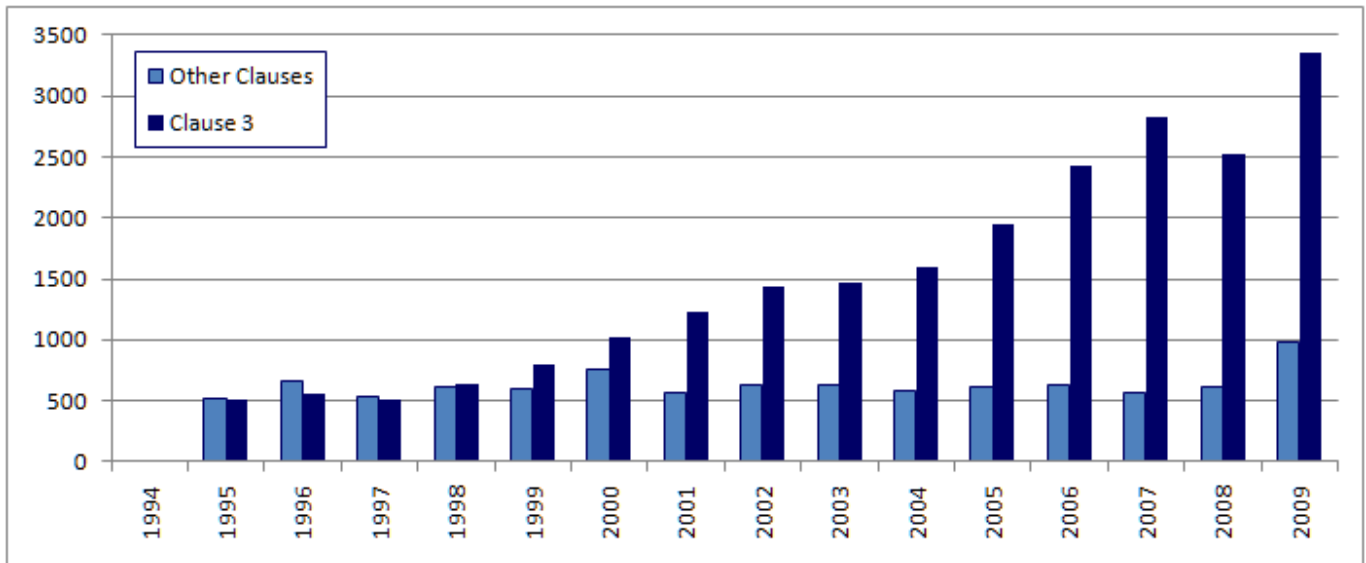


Those figures indicate that approximately 91.9% of the 10,519 decisions made by agencies on FOI applications were to the effect that access in some form was given. That is consistent with the statistics for the previous year.

3.4.3 Exemptions

Also consistent with previous years, the exemption clause most frequently claimed by agencies from both state and local government sectors (excepting those claimed by Ministers and described above) was clause 3, which exempts from disclosure personal information about individuals other than the applicant. That clause was claimed 3,238 times in the year under review. Figure 5 compares the use of this clause with all other clauses used since 1994/95, which indicates increasing use of the exemption to protect personal privacy. The next most frequently claimed exemptions were: clause 6, which relates to the deliberative processes of government (168 times); clause 4, which relates to certain commercial or business information of private individuals and organisations (also 168 times); clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of

FIGURE 5: Use of Exemption Clauses — All Agencies



legal professional privilege (151 times); and clause 1 which protects Cabinet and Executive Council documents (77 times). The amendment made to the FOI Act in 2004 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 2004/05 to 71 in 2008/09. 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. The exemption clauses claimed most by Ministers were clause 3 (personal information); clause 1 (Cabinet and Executive Council documents); clause 6 (deliberative processes of government); and clause 4 (commercial or business information of private persons).

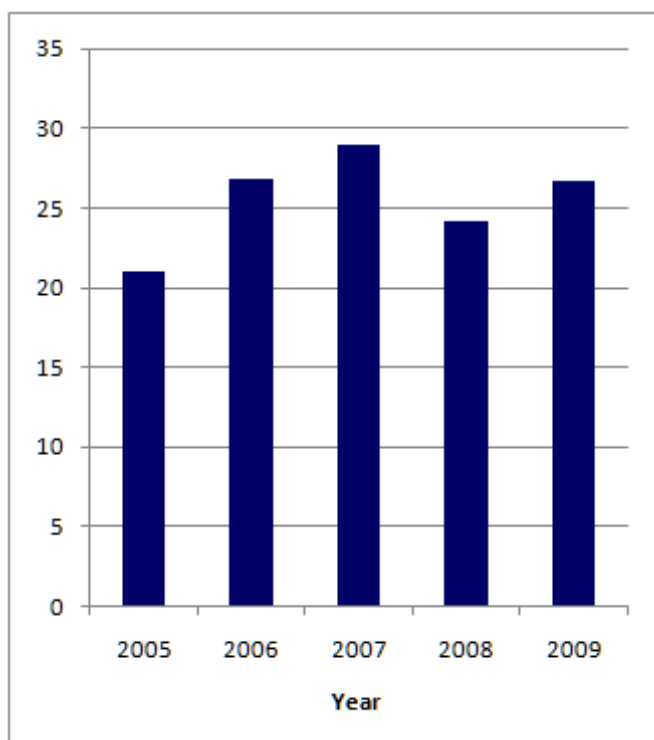
3.4.4 Internal Review

Agencies received 227 applications for internal review of decisions relating to access applications during 2008/09. This represents about 2% of all decisions made and about 25% of decisions made to refuse access. In the year under review, 224 applications for internal review were dealt with. The decision under review was confirmed on 163 occasions, varied on 48 occasions, reversed on 13 occasions and the application for internal review was withdrawn on 4 occasions. Eight applications for amendment of personal information were made to agencies during the year. All eight applications were dealt with, resulting in personal information being amended on two occasions, not amended on three occasions and amended, but not as requested, on three occasions. The four reported applications for internal review of decisions relating to the amendment of personal information resulted in the initial decision being confirmed on three occasions, with one application remaining to be decided.

3.4.5 Average Time

The average time taken by agencies to deal with access applications (27 days) increased by approximately three days from the previous year, but is still well within the maximum period of 45 days permitted by the Act. A chart depicting the average days taken by agencies in dealing with access applications appears below.

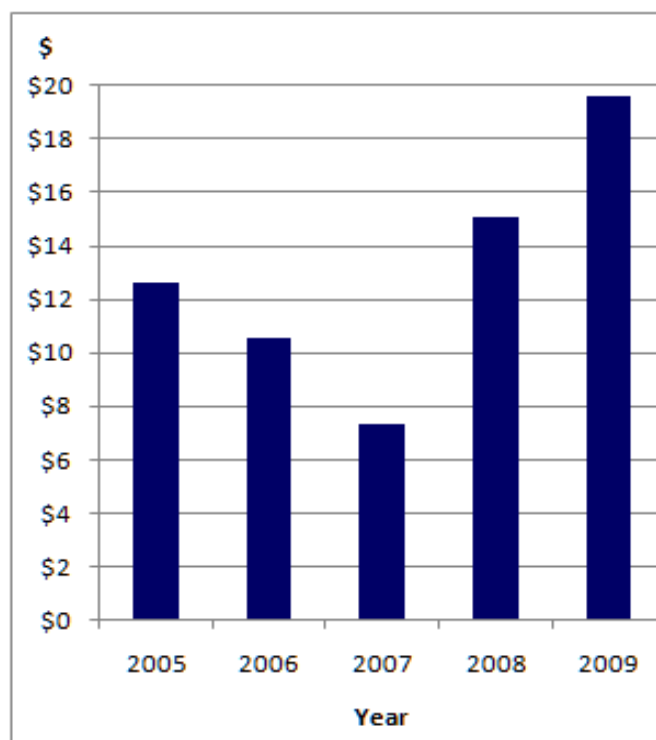
FIGURE 6
Average Days — All Agencies



3.4.6 Charges

The average amount of charges imposed by agencies for dealing with access applications increased in comparison with the previous year—by almost \$4.58 per non-personal application. There has been an obvious upward trend over the 3 years from 2006/07 to 2008/09.

FIGURE 7
Average Charge for Access — All Agencies



DISCLOSURES AND LEGAL COMPLIANCE

4. DISCLOSURES AND LEGAL COMPLIANCE

4.1 Delegations

The delegation power in s.79 prohibits the Commissioner from delegating the power under s.75 to require production of documents and under s.76 to make decisions. In my view, this restriction means the exercise of the investigatory and decision-making powers is necessarily limited to the individual Commissioner's availability, which, given the office's commitment to making more timely decisions, is problematic. Consequently, in order to ameliorate this constraint, I recommend that the Act be amended to allow the powers in s.75 and 76 to be exercised by delegation to a senior staff member. Consistency of decisions can be assured because the normal rules for construction of the power to delegate (contained in s.59 of the *Interpretation Act 1984*) mean that the Commissioner is not precluded by such a delegation from exercising the power, and can impose conditions, qualifications and exceptions on such delegations.

4.2 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): Work continues on the implementation of the office's Disability Access and Inclusion Plan (DAIP) to ensure the six goals of the DAIP continue to be met.

Equal Opportunity Act 1984 (s.146): The office has developed strategies for EEO outcomes so no action in this area was required in the reporting period. The office currently has only 9

officers, including the Information Commissioner, comprising of 6 women (67%) and 3 men (33%). One is part-time and there is a diversity of backgrounds, including two officers from non-English speaking backgrounds.

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

State Records Act 2000 (s.61), and *State Records Commission Standards, Standard 2, Principle 6*: The first revision of the Office's Record Keeping Plan was approved by the State Records Commission on 23 March 2009. The office administrative record keeping system adheres to the Keyword AAA record keeping system, and the office Records Manager has the responsibility of ensuring that all records are properly logged and filed. The Records Manager attends workshops and seminars on records management issues as required, and further staff instruction on the record keeping practices of the office is conducted.

Occupational Health and Safety Act 1984: The office is committed to an occupational safety and health and injury management system which has been established by the office for the benefit of all staff. An injury management system was developed during the 2007/08 financial year which is compliant with the *Workers' Compensation and Injury Management Act 1981* and the associated *Workers' Compensation Code of Practice (Injury Management) 2005*. The office has appointed the Information Services Manager as the occupational safety and health representative. A committee that consists of

officers from the collocated accountability agencies meets on a regular basis to discuss a range of issues including matters related to occupational health and safety. Any matters of note to employees are raised at the monthly office management meeting. Performance against injury management targets for 2008/09 is outlined in the table below:

TABLE 16: INJURY MANAGEMENT TARGETS

<i>Indicator</i>	<i>Target 2008/09</i>	<i>Actual 2008/09</i>
Number of fatalities	Zero (0)	0
Lost time injury/ diseases incidence rate	Zero (0) or 10% reduction on previous year	0
Lost time injury severity rate	Zero (0) or 10% improvement on previous year	0

Premier's Circular 2005/02: Corruption Prevention

The office continues to work to its Code of Conduct which outlines what is expected from staff in ensuring that high levels of independence, impartiality, honesty and confidentiality are observed at all times. The office has a Public Interest Disclosure Policy, supported by internal procedures.

Public Sector Management Act 1994, s.31(1)

There were no compliance issues arising during the financial year regarding the Public Sector Standards, the WA Code of Ethics, or the agency Code of Conduct. The office has also introduced a Grievance Policy based on the OPSSC Employee Grievance Resolution Standard.

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.

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PERFORMANCE INDICATORS

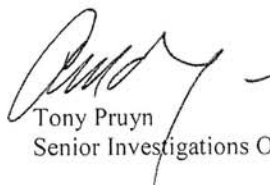
Performance Indicator Certification

We hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner, and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2009.



Sven Bluemmel
Information Commissioner

16 September 2009



Tony Pruyn
Senior Investigations Officer

16 September 2009



PERFORMANCE INDICATORS 2008/2009

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 ('the Commissioner') is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities 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 Commissioner and the staff appointed by the Governor to assist the 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 Commissioner permit. Therefore, when dealing with complaints, the policy of the 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 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 outside formal FOI processes 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 use 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

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

Efficiency performance indicators

- ❖ Average cost of external reviews finalised.
- ❖ Average cost of advisory services delivered per recipient.

1. EFFECTIVENESS PERFORMANCE INDICATORS

1.1 Satisfaction of parties with external review process

	2005	2006	2007	2008	2009	2010
Target	90%	86%	80%	85%	90%	90%
Outcome	86%	85%	75%	88%	91%	

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:

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

A PRQ was sent to each of 235 parties who participated in an external review process following finalisation of the review process. Of the 235 PRQs sent, 143 participants (61%) responded by returning a completed PRQ. 90 responses were received from agencies; 49 were received from complainants; and 4 were received from third parties.

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 143 responders, 130 (91%) 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

	2005	2006	2007	2008	2009	2010
Target	(a)	98%	98%	98%	98%	98%
Outcome	(a)	98%	97%	97%	97%	

(a) Between 2000 and 2005, surveys of agencies were undertaken biennially. A survey was not conducted in 2005.

The *Advice and Awareness* section of the office provides a range of advisory services. Those services are provided direct by telephone, email and counter enquiries and through group training presentations and briefings and indirectly through published information and the internet website of the office.

A survey was sent to each of 329 State and local government agencies and Ministers. Of the 329 surveys sent, 296 agencies (90%) responded by returning a completed survey. Of the 296 respondent agencies, 209 confirmed receiving advice and guidance from this office.

Of those 209 agencies that received advice, 203 agencies (97%) expressed satisfaction with the advice and guidance provided to them by this office.

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 emphasises 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 formal determination.

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 finalised by conciliation as opposed to those complaints that required a decision by the Information Commissioner.

	2005	2006	2007	2008	2009	2010
Target	n/a	70%	74%	75%	70%	65%
Outcome	66%	72%	74%	62%	59%	

In total, 384 matters of all types were finalised by the office in 2008/09. However, of those 384 matters, only 128 were complaints, as defined in s.65 of the FOI Act. Of the 128 complaints resolved in 2008/09, 75 (59%) 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.

Note: The reduced outcome in 2009 of complaints resolved by conciliation is primarily due to a policy decision by the Commissioner to expedite the final determination of complaints.

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 2008/09 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 for 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	2008	2009	2010
Budget	n/a	\$4,166	\$5,548	\$6,692	\$6,006	\$6,875
Actual	\$5,413	\$5,270	\$6,456	\$5,869	\$7,231	

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 2008/09 (168) into the "cost of services" for the *Resolution of Complaints* output (\$1,214,903 - see Financial Statements at back of this report – as advised by Department of Treasury and Finance – Shared Services).

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.

Note: The net accrual cost for 2009 was significantly higher than the previous 4 years because of a one-off termination payment made to a senior officer.

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 2008/09 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	2008	2009	2010
Budget	n/a	\$55	\$120	\$152	\$187	\$233
Actual	\$184	\$105	\$92	\$107	\$133	

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 2008/09 (2682) into “cost of services” for the *Advice and Awareness* output (\$357,801 – see Financial Statements at back of this report – as advised by Department of Treasury and Finance – Shared Services).

Note: The net accrual cost for 2005 was significantly higher than the subsequent 4 years because of a one-off redundancy payment made to a former senior officer.

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FINANCIAL STATEMENTS

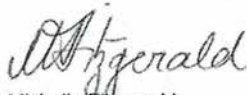
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OFFICE OF THE INFORMATION COMMISSIONER

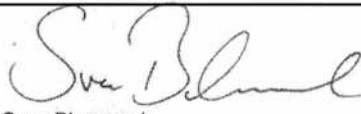
DISCLOSURES AND LEGAL COMPLIANCE
FOR THE YEAR ENDED 30 JUNE 2009

The accompanying financial statements of the Office of Information Commissioner have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records present fairly the financial transactions for the financial year ending 30 June 2009 and the financial position as at 30 June 2009.

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.



Michelle Fitzgerald
Chief Finance Officer
Date: 16 September 2009



Sven Bluemmel
Information Commissioner
Date: 16 September 2009





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 2009**

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 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities 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 www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.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 2009****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 2009 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 2009.



COLIN MURPHY
AUDITOR GENERAL
18 September 2009

OFFICE OF THE INFORMATION COMMISSIONER

INCOME STATEMENT
FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	7	1,040,487.00	941,939
Supplies and services	8	255,186.00	191,759
Depreciation expense	9	7,914.00	4,821
Accommodation expenses	10	180,313.00	162,532
Other expenses	11	60,399.00	62,017
Total cost of services		<u>1,544,299.00</u>	<u>1,363,068</u>
Income			
Revenue			
Other revenue	12	4,375.00	4,398
Total Revenue		<u>4,375.00</u>	<u>4,398</u>
Gains			
Gain on disposal of non-current assets	13	-	-
Total Gains		<u>-</u>	<u>-</u>
Total income other than income from State Government		<u>4,375.00</u>	<u>4,398</u>
NET COST OF SERVICES		<u>1,539,924.00</u>	<u>1,358,670</u>
INCOME FROM STATE GOVERNMENT			
Service appropriation	14	1,469,000.00	1,368,000
Liabilities assumed by the Treasurer		-	3,289
Resources received free of charge		88,107.00	59,569
Total income from State Government		<u>1,557,107.00</u>	<u>1,430,858</u>
SURPLUS /(DEFICIT) FOR THE PERIOD		<u>17,183.00</u>	<u>72,188</u>

See also the 'Schedule of Income and Expenses by Service

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

OFFICE OF THE INFORMATION COMMISSIONER

BALANCE SHEET

FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
ASSETS			
Current Assets			
Cash and cash equivalents	23	81,332	92,201
Receivables	16	46,790	2,775
Amounts receivable for services	17	30,000	30,000
Other current assets	18	5,960	4,491
Total Current Assets		164,082	129,467
Non-Current Assets			
Restricted cash and cash equivalents	15	13,891	8,864
Amounts receivable for services	17	-	-
Property, plant and equipment	19	27,258	14,179
Total Non-Current Assets		41,149	23,043
TOTAL ASSETS		205,231	152,510
LIABILITIES			
Current Liabilities			
Payables	20	100,074	83,271
Provisions	21	135,881	112,869
Total Current Liabilities		235,955	196,140
Non-Current Liabilities			
Provisions	21	53,241	63,179
Total Non-Current Liabilities		53,241	63,179
Total Liabilities		289,196	259,319
NET ASSETS		(83,965)	(106,809)
EQUITY			
Contributed equity	22	32,000	27,000
Accumulated surplus/(deficit)		(115,965)	(133,809)
TOTAL EQUITY		(83,965)	(106,809)

See also the 'Schedule of Assets and Liabilities by Service

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

OFFICE OF THE INFORMATION COMMISSIONER

STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
Balance of equity at start of period		<u>(106,809)</u>	<u>(171,964)</u>
CONTRIBUTED EQUITY	22		
Balance at start of period		27,000	25,000
Capital contribution		5,000	2,000
Distribution to owners		-	-
Balance at end of period		<u>32,000</u>	<u>27,000</u>
ACCUMULATED SURPLUS	22		
Balance at start of period		(133,809)	(196,964)
Change in accounting policy		652	(9,033)
Correction of prior period		9	-
Surplus/(deficit) for the period		17,183	72,188
Balance at end of period		<u>(115,965)</u>	<u>(133,809)</u>
Balance of equity at end of period		<u>(83,965)</u>	<u>(106,809)</u>
Total income and expense for the period		<u>17,183</u>	<u>72,188</u>

(a) The aggregate net amount attributable to each category of equity is: surplus \$17,183
(2008: surplus \$72,188)

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

OFFICE OF THE INFORMATION COMMISSIONER

CASH FLOW STATEMENT
FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		1,439,000	1,338,000
Capital contributions		5,000	2,000
Holding account drawdowns		30,000	33,000
Net cash provided by State Government		1,474,000	1,373,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(996,496)	(920,573)
Supplies and services		(457,957)	(421,732)
GST payments on purchases		(48,237)	(34,269)
GST payments to taxation authority		(104)	-
Receipts			
Receipts from services		4,302	4,398
GST receipts on sales		78	37,331
GST receipts from taxation authority		38,905	-
Net cash provided by/(used in) operating activities	23	(1,459,509)	(1,334,845)
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		-	-
Purchase of non-current physical assets		(20,333)	(14,167)
Net cash provided by/(used in) investing activities		(20,333)	(14,167)
Net increase/(decrease) in cash and cash equivalents		(5,842)	23,988
Cash and cash equivalents at the beginning of period		101,065	77,077
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	23	95,223	101,065

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

OFFICE OF THE INFORMATION COMMISSIONER
SCHEDULE OF INCOME AND EXPENSES BY SERVICE
FOR THE YEAR ENDED 30 JUNE 2009

	Complaint Resolution		Advice & Awareness		TOTAL	
	2009	2008	2009	2008	2009	2008
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	826,603	745,569	213,884	196,370	1,040,487	941,939
Supplies and services	184,685	136,396	70,501	55,363	255,186	191,759
Depreciation expense	5,540	3,835	2,374	986	7,914	4,821
Accommodation expenses	129,532	115,070	50,781	47,462	180,313	162,532
Carrying value of non-current assets disposed of	-	-	-	-	-	-
Other expenses	39,943	55,395	20,456	6,622	60,399	62,017
Total cost of services	1,186,303	1,056,265	357,996	306,803	1,544,299	1,363,068
Income						
Revenues						
Other revenue	4,375	4,398	-	-	4,375	4,398
Total Revenue	4,375	4,398	-	-	4,375	4,398
Gains						
Gain on disposal of non-current assets						
Total Gains						
Total income other than income from State Government	4,375	4,398	-	-	4,375	4,398
NET COST OF SERVICES	1,181,928	1,051,867	357,996	306,803	1,539,924	1,358,670
INCOME FROM STATE GOVERNMENT						
Service appropriation	1,028,300	957,600	440,700	410,400	1,469,000	1,368,000
Liabilities assumed by the Treasurer	-	2,401	-	888	-	3,289
Resources received free of charge	68,327	43,485	19,780	16,084	88,107	59,569
Total income from State Government	1,096,627	1,003,486	460,480	427,372	1,557,107	1,430,858
Surplus/(deficit) for the period	(85,301)	(48,381)	102,484	120,569	17,183	72,188

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

OFFICE OF THE INFORMATION COMMISSIONER
SUMMARY OF CONSOLIDATED ACCOUNT APPROPRIATION AND INCOME ESTIMATES
FOR THE YEAR ENDED 30 JUNE 2009

	2009 Estimate \$	2009 Actual \$	Variance \$	2009 Actual \$	2008 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 70 Net amount appropriated to deliver services	1,213,000	1,291,000	78,000	1,291,000	1,197,000	94,000
Amount Authorised by Other Statutes						
- Freedom of Information Act 1992	176,000	178,000	2,000	178,000	171,000	7,000
Total appropriations provided to deliver services	1,389,000	1,469,000	80,000	1,469,000	1,368,000	101,000
CAPITAL						
Capital Contribution	5,000	5,000	-	5,000	2,000	3,000
GRAND TOTAL	1,394,000	1,474,000	80,000	1,474,000	1,370,000	104,000
Details of Expenses by Services						
Review and Complaint Resolution	1,024,000	1,186,303	162,303	1,186,303	1,056,265	130,038
Advice and Awareness	439,000	357,996	(81,004)	357,996	306,803	51,193
Total Cost of Services	1,463,000	1,544,299	81,299	1,544,299	1,363,068	181,231
Less total revenues from ordinary activities	(4,000)	(4,375)	(375)	(4,375)	(4,398)	23
Net Cost of Services	1,459,000	1,539,924	80,924	1,539,924	1,358,670	181,254
Adjustment ^(a)	(70,000)	(70,924)	(924)	(70,924)	9,330	(80,254)
Total appropriations provided to deliver services	1,389,000	1,469,000	80,000	1,469,000	1,368,000	101,000
Capital Expenditure						
Purchase of non-current physical assets	35,000	20,333	(14,667)	14,167	14,167	-
Adjustments for other funding sources	(30,000)	(15,333)	14,667	(9,167)	(12,167)	3,000
Capital Contribution (appropriation)	5,000	5,000	-	5,000	2,000	3,000
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income						

^(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 2009

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 2009 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 AASB and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Appropriation 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 annual reporting period ended 30 June 2009.

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 Australian Accounting Standards Board as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording.

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 Australian Accounting Standards Board.

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.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout

all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar (\$000).

The judgements that have been made in the process of applying the Commission's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 4 'Judgements made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are disclosed at note 5 'Key sources of estimation uncertainty'.

(c) Reporting Entity

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

(d) Contributed Equity

AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers, other than as a result of a restructure of administrative arrangements, 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 Treasurer's instruction (TI) 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

Transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 22 '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 Goods

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 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 Treasury. See note 14 'Income from State Government' for further detail.

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 2008-2009 Budget Statements, the Commission retained \$33,432 in 2009 (2008: \$4,398) 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 \$5,000 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 \$5,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost.

For items of property, plant and equipment acquired at no cost or for nominal 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 19 'Property, Plant and Equipment'.

Derecognition

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation reserve relating to that asset is retained in the asset revaluation reserve

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.

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

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

(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

In addition to cash and bank overdraft, the Commission has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables

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

(k) Accrued Salaries

The accrued salaries suspense account (see note 15 'Restricted Cash and Cash Equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

Accrued salaries (see note 20 'Payables') 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 14 'Income from State Government' and note 17 '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 against the allowance account. 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 16 'Receivables'.

(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 20 '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 21 'Provisions'.

(i) 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. Annual and long service leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of 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.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

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.

Purchased Leave

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional four weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the nominal amounts expected to be paid when the liabilities are settled. This liability is measured on the same basis as annual leave.

Superannuation

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes.

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

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 Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*. *These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.*

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.

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

(ii) Provisions - Other*Employment On-Costs*

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate 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 11 'Other Expenses' and note 21 'Provisions'.

(p) Superannuation Expense

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

- (a)** Defined benefit plans - For 2007-08, the 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 Gold State Superannuation Scheme (GSS); and
- (b)** Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS) and the GESB Super Scheme (GESBS).

Defined benefit plans - For 2007-08, the movements (ie. 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 (refer note 3(o)(i)), 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 14 'Income from State Government'. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

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

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.

(q) Resources Received Free of Charge or for Nominal Cost

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.

4 Judgements made by management in applying accounting policies

The judgements that have been made in the process of applying accounting policies have had no material effect on amounts recognised in the financial statements.

5 Key sources of estimation uncertainty

There were no estimates or assumptions made concerning the future, or other key sources of estimation uncertainty at the balance sheet date that are likely to have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

6 Disclosure of Changes in Accounting Policy and Estimates

Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the Commission:

Review of AAS 27 'Financial Reporting by Local Governments', AAS 29 'Financial Reporting by Government Departments' and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31:

AASB 1004 'Contributions';

AASB 1050 'Administered Items';

AASB 1051 'Land Under Roads';

AASB 1052 'Disaggregated Disclosures';

AASB 2007-09 'Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137];

Interpretation 1038 'Contributions by Owner Made to Wholly-Owned Public Sector Entities'.

The existing requirements in AAS 27, AAS 29 and AAS 31 have been transferred to the above new and revised topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards and Interpretation make some modification to disclosures and provide additional guidance, otherwise there is no financial impact.

Voluntary Changes in Accounting Policy

At the start of February 2008, the Office rolled into the Department of Treasury and Finances Shared Services environment. Prior to the roll in, the Office maintained an asset capitalisation threshold of \$1,000. Following the roll in and in accordance with Treasurer's Instruction 1101, the asset capitalisation policy for the Office was increased to \$5,000.

In accordance with the requirements of AASB 108, the Office has accounted for this change in accounting policy by retrospectively adjusting the opening balance of accumulated surplus/(deficit) account for the earliest prior period possible and by adjusting the relevant financial statements comparative amounts disclosed for the prior period, as if the new accounting policy has always applied.

As a result of applying the \$5,000 capitalisation threshold to the Offices assets as at July 1, 2007 number of financial statement line item presented in the 2007/08 comparative financial statements have been changed. Whilst the details of these changes are presented below, some of the key changes include the following:

Property, plant and equipment balances as at July 1, 2007 were altered as follows after the capitalisation change:

	June 30 2007 Balances Prior to change in capitalisation policy	July 1 2007 Balances After change in capitalisation policy
Property plant and equipment		
At cost	176,695	85,945
Accumulated depreciation	(162,820)	(81,103)
	<u>13,875</u>	<u>4,842</u>

Net Difference : \$9,033

Depreciation for 2007-08 decreased from \$14,747 to \$4,821 after the change in capitalisation policy.

Supplies and services for 2007-08 increased by \$6,659 after the change in capitalisation policy as a result of more assets being expensed rather than capitalised.

It was assessed that the earliest practical period that this change in accounting policy could be applied was as at 1 July 2007. Hence the new capitalisation policy has been applied to the Offices assets as at the date and the current financial statements comparative balances adjusted to reflect application of the new capitalisation policy was a net decrease in the Offices asset base of \$9,033 which is reflected in an adjustment to the accumulated surplus/(deficiency) account for this amount (see changes in equity account for disclosure).

Property, plant and equipment balances as at July 1, 2008 were altered as follows after the capitalisation change:

	June 30 2008 Balances Prior to change in capitalisation policy	July 1 2008 Balances After change in capitalisation policy
Property plant and equipment		
At cost	197,511	100,103
Accumulated depreciation	(177,566)	(85,924)
	<u>19,945</u>	<u>14,179</u>

Net Difference : \$5,757

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 early the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Commission but are not yet effective. Where applicable, the Commission plans to apply these Standards and Interpretations from their application date:

	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements' (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Commission does not expect any financial impact when the Standard first applied.	1 January 2009
AASB 2008-13 'Amendments to Australian Accounting Standards arising from AASB Interpretation 17 - Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]. This standard amends AASB 5 'Non-current Assets Held for Sale and Discontinued Operations' in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Commission where the Crown land is sold by the Department of Planning and Infrastructure. The Commission does not expect any financial impact when the Standard is first applied prospectively.	1 July 2009

OFFICE OF THE INFORMATION COMMISSIONER

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
7 Employee Benefits Expense		
Wages and salaries ^(a)	861,762	792,015
Superannuation – defined contribution plans ^(b)	96,594	98,169
Superannuation – defined benefit plans ^{(c)(d)}	-	3,289
Long service leave ^(e)	5,569	48,466
Annual Leave ^(e)	76,562	-
Other related expenses	-	-
	<u>1,040,487</u>	<u>941,939</u>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.

(b) Defined contribution plans include West State and Gold State (contributions paid).

(c) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).

(d) An equivalent notional income is also recognised (see note 13 'Income from State Government').

(e) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation, insurance are included at Note 11 "Other Expenses".

The employment on-costs liability is included at Note 20 "Provisions".

8 Supplies and Services

Goods and supplies ^(a)	53,333	39,255
Services and contracts	201,853	152,504
	<u>255,186</u>	<u>191,759</u>

(a) Good and supplies has increased from \$32,596 to \$39,255 in 2007-08. The restated figure in 2007-08 is due to the change in capitalisation policy and items to the value of \$6,659. These items were under the \$5,000 capital threshold and therefore expensed.

9 Depreciation Expense

Equipment ^(a)	7,914	4,821
	<u>7,914</u>	<u>4,821</u>

(a) Depreciation has decreased from \$14,474 to \$4,821 in 2007-08. The restated figure in 2007-08 is due to the change in capitalisation policy and a decrease in items recognised as assets.

10 Accommodation Expenses

Building rental operating lease expense	180,313	162,532
	<u>180,313</u>	<u>162,532</u>

11 Other Expenses

Communication expenses	11,350	10,613
Printing and binding	1,028	3,274
Equipment and vehicles operating lease expense	8,402	19,433
Electricity	6,562	5,960
Insurance	-	-
Repairs and maintenance	19,975	3,807
Other expenses ^(a)	13,082	18,930
	<u>60,399</u>	<u>62,017</u>

(a) Includes workers compensation insurance; facilities, equipment and plant hire; bank fees; freight charges; storage and transportation; computing licences; staff travel and accommodation; staff training; and other staff costs.

12 Other Revenue

Contributions to motor vehicles scheme	490	1,524
Other revenue	3,885	2,874
	<u>4,375</u>	<u>4,398</u>

13 Net Gain on Disposal of Non-current Assets

<u>Proceeds from Disposal of Non-current Assets</u>		
Equipment	-	-
	<u>-</u>	<u>-</u>

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
14 Income from State Government		
Appropriation received during the year:		
Service appropriations ^(a)	1,469,000	1,368,000
	1,469,000	1,368,000
The following liabilities have been assumed by the Treasurer during the financial year:		
- Superannuation ^(b)	-	3,289
	-	3,289
Resources received free of charge ^(c)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	83,456	56,323
Department of Housing and Works (Commercial Property Branch)		
- property management services (notional management)	4,651	3,246
	88,107	59,569
	1,557,107	1,430,858
^(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 Gold State Superannuation Scheme. (The notional superannuation expense is disclosed at note 7 "Employee Benefits Expense". Commencing in 2008-09, the reporting of the notional superannuation expense and equivalent notional income has been discontinued.		
^(c) Where assets or services have been received free of charge or for nominal cost, the Commission recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contribution of assets or services are in the nature of contributions by owners, the Commission makes an adjustment direct to equity.		
15 Restricted Cash and Cash Equivalents		
Accrued salaries suspense account ^(a)	13,891	8,864
	13,891	8,864
^(a) Amount held in the suspense account is only to be used for the purpose of meeting the 27 th pay in a financial year that occurs every 11 years.		
16 Receivables		
Current		
Debtors	33,641	-
GST receivable	13,149	2,775
	46,790	2,775
17 Amounts Receivable for Services		
Current	30,000	30,000
Non-current	-	-
	30,000	30,000
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.		
18 Other Assets		
Prepayments	5,960	4,491
	5,960	4,491

OFFICE OF THE INFORMATION COMMISSIONER

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
19 Property, Plant and Equipment		
<u>Office equipment and computers</u>		
At cost	120,444	100,103
Accumulated depreciation	(93,186)	(85,924)
	<u>27,258</u>	<u>14,179</u>
<u>Reconciliation</u>		
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	14,179	13,875
Change in accounting policy ^(a)	0	(9,033)
Correction of prior period error	9	-
Additions	20,332	14,158
Depreciation	(7,914)	(4,821)
Carrying amount at end of year	<u>26,606</u>	<u>14,179</u>
(a) The change in accounting policy relates to the increase in capitalisation policy from \$1,000 to \$5,000. The \$9,033 is the net book value of items not recognised as assets anymore.		
20 Payables		
Current		
Trade and other creditors	90,759	76,425
Accrued salaries	9,315	6,846
	<u>100,074</u>	<u>83,271</u>
21 Provisions		
<u>Current</u>		
Employee benefits provision		
Annual leave ^(a)	23,932	10,470
Long service leave ^(b)	101,281	93,747
Superannuation on-cost	10,042	7,505
	<u>135,255</u>	<u>111,722</u>
Other provisions: Employment on-costs ^(c)		
Carrying amount at start of year	1,147	5,345
Additional provisions recognised	(521)	(4,198)
Carrying amount at end of year	<u>626</u>	<u>1,147</u>
	<u>135,881</u>	<u>112,869</u>
<u>Non-current</u>		
Employee benefits provision		
Long service leave ^(b)	48,649	58,439
Superannuation on-cost	3,606	4,091
Deferred salary scheme	743	-
	<u>52,998</u>	<u>62,530</u>
Other provisions: Other employee on-costs ^(c)		
Carrying amount at start of year	649	2,422
Additional provisions recognised	(406)	(1,773)
Carrying amount at end of year	<u>243</u>	<u>649</u>
	<u>53,241</u>	<u>63,179</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 11 'Other expenses'.

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
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	27,000	25,000
Capital contributions ^(a)	5,000	2,000
Balance at end of period	32,000	27,000
^(a) Capital contributions (appropriations) have been designated as contributions by owners in Treasurer's Instruction T1 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	(133,809)	(196,964)
Change in accounting policy	652	(9,033)
Correction of prior period	9	-
Result for the period	17,183	72,188
Balance at end of period	(115,965)	(133,809)

23 Notes to the Cash Flow StatementReconciliation 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	81,332	92,201
Restricted cash and cash equivalents (see note 15)	13,891	8,864
	95,223	101,065

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

Net cost of services	(1,539,924)	(1,358,670)
Non-cash items:		
Depreciation expense	7,914	4,821
Superannuation expense	-	3,289
Resources received free of charge	88,107	59,569
Net (gain)/loss on sale of equipment	-	-
(Increase)/decrease in assets:		
Current receivables	(33,641)	-
Other current assets	(1,469)	587
Increase/(decrease) in liabilities:		
Current payables	16,803	48,281
Current provisions	23,012	(74,706)
Non-current provisions	(9,938)	(21,087)
Net change in GST receivables/payables	(10,374)	3,062
Net cash provided by/(used in) operating activities	(1,459,510)	(1,334,854)

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	168,953	168,188
Later than 1 year and not later than 5 years	347,369	502,074
Greater than 5 years	-	-
	516,322	670,262
Representing:		
Non-cancellable operating leases	14,248	670,262
	14,248	670,262

OFFICE OF THE INFORMATION COMMISSIONER

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

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. Significant variations are considered to be those greater than 10% or \$139,400.

Significant variances between estimate and actual for 2009

Although there was no significant variance in the total appropriation, there were significant offsetting variances in the following services:

Total appropriation to deliver services for the year

	2009 Estimate \$	2009 Actual \$	Variation \$
Review and Complaints	1,024,000	1,186,303	(162,303)
Advice and Awareness	439,000	357,996	81,004

Review and Complaints

Expenses were increased this year due to unexpected extra salary payments as follows: (a) backpay of PSGA salary increase to staff; (b) payment of higher duties to a senior officer for majority of the year; (c) increase in hours to an officer for majority of the year; (d) retirement of senior officer and payment of outstanding leave entitlements; and (e) reclassification of two senior officers to specified callings with substantial backpay.

Advice and Awareness

Expenses for this service have been reduced since the abolition of a level 9 position as 80% of those expenses were allocated to this service.

Significant variances between actuals for 2008 and 2009**Total appropriation to deliver services and Total income**

	2009 \$	2008 \$	Variation \$
Total appropriation to deliver services for the year	1,469,000	1,368,000	101,000
Total Income	4,375	4,398	(23)

Total appropriation provided to deliver services for the year

No significant variance.

Total Income

The increase in income is due to a recoup of leave liability for the Information Commissioner, appointed in May 2009.

Service Expenditure

	2009 \$	2008 \$	Variation \$
Complaint Resolution	1,186,303	1,056,265	130,038
Advice & Awareness	357,996	306,803	51,193

Complaint Resolution

The increase for this service can be attributed to the reclassification of two senior officers mentioned previously, as both salaries are allocated 100% to this service. In addition, in February 2009, the OIC 'rolled-in' to Department of Treasury and Finance Shared Services and are required to pay a monthly fee for these corporate services - previously provided by the Department of the Attorney General as a resource free of charge. This amount, in total, is the third biggest expense, next to salaries and accommodation.

Advice & Awareness

The increase for this service is mainly attributed to the payment for corporate services to Department of Treasury and Finance Shared Services, as mentioned above. There have also been increases in other general costs, including staff training; IT maintenance; and other consumable expenses.

Significant variances between estimate and actual for 2009

Capital Contribution: No significant variance.

Significant variances between actuals for 2008 and 2009**Capital Contribution**

	2009 \$	2008 \$	Variation \$
Capital Contribution	5,000	2,000	3,000

OFFICE OF THE INFORMATION COMMISSIONER
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

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

Financial instruments held by the Commission are cash and cash equivalents, restricted cash and cash equivalents, finance leases, Treasurer's advances and receivables and payables. All of the Commission's cash is held in the public bank account (non-interest bearing) apart from restricted cash held in a special purpose account. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

Credit Risk

Credit risk arises when there is the possibility of the Commission's receivables defaulting on their contractual obligations resulting in financial loss to the Commission.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 26(b).

Credit risk associated with the Commission's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, 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. At the balance sheet date there were no significant concentrations of credit risk.

The Commission is not exposed to interest rate risk because it has no borrowings other than a finance lease.

Liquidity Risk

Liquidity risk arises when the Commission is unable to meet its financial obligations as they fall due. The Commission is exposed to liquidity risk through its trading in the normal course of business.

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.

Market Risk

The Commission does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the Interest rate sensitivity analysis table at Note 26(b), the Commission is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing, and have no borrowings other than the Treasurer's advance (non-interest bearing) and finance leases (fixed interest rate).

(b) Categories of Financial Instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows

	2009	2008
	\$	\$
Financial Assets		
Cash and cash equivalents	81,332	92,201
Restricted cash and cash equivalents	13,891	8,864
Loans and receivables(a)	33,641	-
Financial Liabilities		
Financial liabilities measured at amortised cost	90,759	76,424

(a) The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable).

OFFICE OF THE INFORMATION COMMISSIONER

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

(c) Financial Instrument Disclosures

Credit Risk and Interest Rate Risk Exposures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The Commissions maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the Commission. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

The Commission does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Commission does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Interest rate exposures and ageing analysis of financial assets

	Weighted average interest rate %	Carrying Amount	Variable Interest Rate \$	Non- interest bearing \$	Up to 3 months \$	3 - 12 months \$	1 - 2 years \$	2 - 3 years \$	3 - 4 years \$	4 - 5 years \$	More than 5 years \$	Impaired financial assets \$
Financial Assets	5.57											
2009												
Cash and cash equivalents		81,332	-	81,332	-	-	-	-	-	-	-	81,332
Restricted cash and cash equivalents		13,891	-	13,891	-	-	-	-	-	-	-	13,891
Receivables ^(a)		33,641	-	33,641	-	-	-	-	-	-	-	33,641
Loans and advances		-	-	-	-	-	-	-	-	-	-	-
Amounts receivable for services		30,000	-	30,000	-	-	-	-	-	-	-	30,000
		158,864	-	158,864	-	-	-	-	-	-	-	158,864
2008												
Cash and cash equivalents		92,201	-	92,201	-	-	-	-	-	-	-	92,201
Restricted cash and cash equivalents		8,864	-	8,864	-	-	-	-	-	-	-	8,864
Receivables ^(a)		-	-	-	-	-	-	-	-	-	-	-
Loans and advances		-	-	-	-	-	-	-	-	-	-	-
Amounts receivable for services		30,000	-	30,000	-	-	-	-	-	-	-	30,000
		131,065	-	131,065	-	-	-	-	-	-	-	131,065

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable)

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the balance sheet date. The table includes both interest and principal cash flows. An adjustment has been made where material.

Interest rate exposure and maturity analysis of financial liabilities

	Weighted average interest rate %	Carrying Amount	Variable Interest Rate	Non- interest bearing	Up to 3 months	3 - 12 months	1 - 2 years	2 - 3 years	3 - 4 years	4 - 5 years	More than 5 years	Impaired financial assets
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
2009												
5.57												
<u>Financial Liabilities</u>												
Payables		90,759	-	90,759	-	-	-	-	-	-	-	90,759
Other borrowings		-	-	-	-	-	-	-	-	-	-	-
Finance lease liabilities		-	-	-	-	-	-	-	-	-	-	-
Amounts due to the Treasurer		-	-	-	-	-	-	-	-	-	-	-
		-	90,759	-	90,759	-	-	-	-	-	-	90,759
2008												
Payables		76,424	-	76,424	-	-	-	-	-	-	-	76,424
Other borrowings		-	-	-	-	-	-	-	-	-	-	-
Finance lease liabilities		-	-	-	-	-	-	-	-	-	-	-
Amounts due to the Treasurer		-	-	-	-	-	-	-	-	-	-	-
		-	76,424	-	76,424	-	-	-	-	-	-	76,424

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities

Interest rate sensitivity analysis

None of the Commission's financial assets and liabilities at the balance sheet date are sensitive to movements in interest rates, hence movements in interest rates have no bottom line impact on the Commission's surplus or equity.

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 2009

27 Remuneration of Senior OfficersRemuneration

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:

\$	2009	2008
20,001 - 30,000	1	
60,001 - 70,000	1	
130,001 - 140,000	1	
150,001 - 160,000	1	
170,001 - 180,000		1
180,001 - 190,000		1
Total remuneration of senior officers:	\$371,853	\$363,470

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

No senior officer was member of the Pension Scheme.

28 Remuneration of Auditor

Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:

Auditing the accounts, financial statements and performance indicators	\$20,000	\$19,000
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The expense is included in note 8 'Supplies and services'.

29 Supplementary Financial Information

- . There was no public property written off by the Commission during the financial year (2008: nil).
- . There were no losses of public moneys, public and/or other property through theft, default or other causes during the financial year (2008: nil).
- . There were no gifts of public property provided by the Commission during the financial year (2008: nil).
- There were no contingent liabilities as at 30 June 2009 (2008: nil).
- . There were no events occurring after the balance sheet date (2008: nil).
- . The Commission had no related bodies during the financial year (2008: nil).
- . The Commission had no affiliated bodies during the financial year (2008: nil).

STATISTICAL TABLES

TABLE 16: REQUESTS RECEIVED BY AGENCIES

AGENCY NAME	No.
Acacia Prison	154
Agriculture and Food, Department of	12
Albany Port Authority	0
Armadale, City of	8
Armadale Redevelopment Authority	0
Ashburton, Shire of	1
Attorney General, Department of the	78
Augusta-Margaret River, Shire of	6
Bassendean, Town of	1
Bayswater, City of	10
Belmont, City of	19
Beverley, Shire of	0
Botanic Gardens and Parks Authority	0
Bridgetown-Greenbushes, Shire of	1
Brookton, Shire of	1
Broome, Shire of	2
Broome Port Authority	0
Broomehill-Tambellup, Shire of	0
Bruce Rock, Shire of	0
Builders Registration Board	2
Building and Construction Industry Training Fund	0
Bunbury, City of	9
Bunbury Port Authority	0
Bunbury Water Board (Aqwest)	0
Burswood Park Board	0
Busselton, Shire of	13
Busselton Water	0
C&AHS - Princess Margaret Hospital for Children	213
Cambridge, Town of	10
Canning, City of	4
Capel, Shire of	0
Carnamah, Shire of	0
Carnarvon, Shire of	1
Central TAFE	4
Central West TAFE	0
Challenger TAFE	1
Chemistry Centre Western Australia	1
Child Protection, Department for	167
Chiropractors' Registration Board	0
Chittering, Shire of	0
Claremont, Town of	6
Cockburn, City of	17
College of Teaching, Western Australian	0

AGENCY NAME	No.
Collie, Shire of	0
Commerce, Department of	448
Commissioner for Children and Young People, Office of the	0
Communities, Department for	5
Conservation Commission of Western Australia	0
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrective Services, Department of	376
Corrigin, Shire of	0
Cottesloe, Town of	3
Country High School Hostels Authority, Office of the	1
Court Security and Custodial Services	3
Cranbrook, Shire of	0
Cuballing, Shire of	0
Cue, Shire of	0
Culture and the Arts, Department of	5
Curriculum Council	0
Curtin University of Technology	10
Dampier Port Authority	0
Dandaragan, Shire of	0
Dardanup, Shire of	0
Denmark, Shire of	1
Dental Health Services	0
Derby-West Kimberley, Shire of	0
Disability Services Commission	8
Donnybrook-Balingup, Shire of	2
Dowerin, Shire of	0
Drug and Alcohol Office	2
Dundas, Shire of	0
East Fremantle, Town of	3
East Perth Redevelopment Authority	0
East Pilbara, Shire of	5
Economic Regulation Authority	0
Edith Cowan University	7
Education and Training, Department of	64
Education Services, Department of	1
Electoral Commission, Western Australian	1
Energy, Office of	12
Environment and Conservation, Department of	260
Equal Employment Opportunity, Office of	0
Equal Opportunity Commission	0
Esperance Port Authority	0
Exmouth, Shire of	0
Fire and Emergency Services Authority of Western Australia	69

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Fisheries, Department of	12
Forest Products Commission	5
Fremantle, City of	14
Fremantle Port Authority	2
Geraldton Port Authority	0
Geraldton-Greenough, City of	7
Gingin, Shire of	6
Gnowangerup, Shire of	1
Gold Corporation	1
Goldfields Esperance Development Commission	0
Goomalling, Shire of	0
Gosnells, City of	13
Government Employees Superannuation Board	3
Great Southern Development Commission	0
Great Southern TAFE	0
Greyhound Racing Association, Western Australian	0
Hairdressers Registration Board	0
Harvey, Shire of	4
Health, Department of	74
Health Promotion Foundation WA	0
Health Review, Office of	2
Heritage Council of Western Australia	4
Horizon Power	0
Housing, Department of (post 1/1/09)	29
Housing and Works, Department of (pre 1/1/09)	38
Independent Market Operator	0
Indigenous Affairs, Department of	13
Industrial Relations Commission, Office of the Registrar	0
Industry and Resources, Department of	26
Institute of Sport, Western Australian	0
Insurance Commission of Western Australia	166
Irwin, Shire of	0
Jerramungup, Shire of	0
Joondalup, City of	34
Joondalup Health Campus	303
Kalamunda, Shire of	24
Kalgoorlie-Boulder, City of	1
Katanning, Shire of	0
Kellerberrin, Shire of	0
Kent, Shire of	0
Kimberley College of TAFE	1
Kimberley Development Commission	0
Kojonup, Shire of	0
Kondinin, Shire of	0

AGENCY NAME	No.
Kwinana, Town of	5
Lake Grace, Shire of	0
Land Authority (LandCorp), Western Australian	12
Landgate	6
Laverton, Shire of	0
Law Reform Commission	0
Legal Aid Western Australia	9
Legal Profession Complaints Committee	2
Leonora, Shire of	0
Liquor Commission	0
Local Government and Regional Development, Department of	12
Lotteries Commission	0
Main Roads Western Australia	45
Mandurah, City of	15
Manjimup, Shire of	3
Medical Board of Western Australia	6
Medical Radiation Technologists Registration Board of Western Australia	0
Meekatharra, Shire of	0
Melville, City of	23
Menzies, Shire of	0
Merredin, Shire of	0
Metropolitan Cemeteries Board	0
Mid West Development Commission	1
Midland Redevelopment Authority	0
Minerals and Energy Research Institute of Western Australia	0
Mines and Petroleum, Department of	169
Moora, Shire of	0
Morawa, Shire of	0
Mosman Park, Town of	3
Mount Magnet, Shire of	0
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mullewa, Shire of	0
Mundaring, Shire of	12
Murdoch University	4
Murray, Shire of	13
Nannup, Shire of	0
Narrogin, Shire of	0
National Trust of Australia (WA)	0
Nedlands, City of	8
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	184
NMAHS - Osborne Park Hospital	43
NMAHS - Sir Charles Gairdner Hospital	989
NMAHS - Swan Kalamunda Health Service	223

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
NMAHS - Women and Newborn Health Service	101
Northampton, Shire of	0
Nurses and Midwives Board of Western Australia	0
Occupational Therapists' Registration Board of Western Australia	0
Optometrists' Registration Board of Western Australia	0
Osteopaths' Registration Board of Western Australia	0
Painters' Registration Board	1
PathWest Laboratory Medicine WA	10
Peel Development Commission	0
Perth, City of	14
Perth Market Authority	1
Pharmaceutical Council of Western Australia, The	0
Physiotherapists Registration Board	0
Pilbara College of TAFE	0
Planning and Infrastructure, Department for	254
Plantagenet, Shire of	0
Podiatrists' Registration Board	0
Police Force of Western Australia	1,847
Port Hedland, Town of	9
Port Hedland Port Authority	4
Potato Marketing Corporation of Western Australia	0
Premier and Cabinet, Department of the	79
Psychologists Registration Board of WA	1
Public Advocate, Office of the	2
Public Sector Commission	7
Public Sector Standards Commissioner, Office of the	7
Public Transport Authority	0
Public Trust Office	1
Quairading, Shire of	0
Racing and Wagering Western Australia	0
Racing, Gaming and Liquor, Department of	13
Ravensthorpe, Shire of	0
Rockingham, City of	5
Roebourne, Shire of	5
Rottne Island Authority	2
Salaries and Allowances Tribunal	1
Sandstone, Shire of	0
Serpentine/Jarrahdale, Shire of	13
SMAH - Armadale-Kelmscott Memorial Hospital	250
SMAH - Bentley Hospital	106
SMAH - Fremantle Hospital	748
SMAH - Rockingham-Kwinana District Hospital	205
SMAH - Royal Perth Hospital	1,637
Small Business Development Corporation	0

AGENCY NAME	No.
South Perth, City of	11
South West Development Commission	8
South West Regional College of TAFE	0
Sport and Recreation, Department of	3
Sports Centre Trust	0
State Administrative Tribunal	1
State Development, Department of	9
State Supply Commission	2
Stirling, City of	56
Subiaco, City of	8
Subiaco Redevelopment Authority	1
Swan, City of	32
Swan TAFE	2
Synergy	1
Tammin, Shire of	0
Three Springs, Shire of	0
Toodyay, Shire of	6
Tourism Commission Western Australia	5
Treasury and Finance, Department of	55
Treasury Corporation, Western Australian	0
Trotting Association, Western Australian	0
University of Western Australia, The	7
Upper Gascoyne, Shire of	0
Verve Energy	3
Victoria Park, Town of	8
Victoria Plains, Shire of	0
Vincent, Town of	12
WACHS - Goldfields	559
WACHS - Kimberley	456
WACHS - Pilbara	49
WACHS - South West	321
WACHS - Wheatbelt	372
Wandering, Shire of	0
Wanneroo, City of	21
Warooka, Shire of	0
Water, Department of	92
Water Corporation	20
West Arthur, Shire of	0
West Coast TAFE	3
Western Power	16
Wheatbelt Development Commission	0
Wiluna, Shire of	0
Woodanilling, Shire of	0

STATISTICAL TABLES continued

REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Workers' Compensation & Rehabilitation Commission (WorkCover)	10
Wyndham-East Kimberley, Shire of	0
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	0
Zoological Parks Authority	0
Ministers — Prior to September 2008	
Chance MLC, Hon K M	1
Ellery MLC, Hon S M	1
Ford JP MLC, Hon J R	0
Kobelke MLA, Hon J C	2
Logan MLA, Hon F M	6
MacTiernan MLA, Hon A	2
McGinty MLA, Hon J A	1
McHale MLA, Hon S M	2
Quirk MLA, Hon M M	1
Ravlich MLC, Hon L	1
Ripper MLA, Hon E S	2
Templeman MLA, Hon D A	1
Ministers — Post September 2008	
Buswell MLA, Hon T	50
Castrilli MLA, Hon J	7
Collier MLC, Hon P	15
Constable MLA, Hon E	14
Day MLA, Hon J	15
Faragher MLC, Hon D	17
Grylls MLA, Hon B	25
Hames MLA, Hon K	15
Jacobs MLA, Hon G	9
Johnson MLA, Hon R	3
McSweeney MLC, Hon R	9
Moore MLC, Hon N	21
O'Brien MLC, Hon S	21
Porter MLA, Hon C	9
Redman MLA, Hon T	12
Waldron MLA, Hon T	5
Total	12,336

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 17: DECISIONS MADE — OUTCOME

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Acacia Prison	37(45.7)	33(40.7)	2(2.5)	0(0.0)	9(11.1)
Agriculture and Food, Department of	4(33.3)	5(41.7)	0(0.0)	1(8.3)	2(16.7)
Armadale, City of	1(14.3)	4(57.1)	0(0.0)	0(0.0)	2(28.6)
Ashburton, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Attorney General, Department of the	6(12.5)	1(2.1)	0(0.0)	0(0.0)	41(85.4)
Augusta-Margaret River, Shire of	4(66.7)	2(33.3)	0(0.0)	0(0.0)	0(0.0)
Bassendean, Town of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Bayswater, City of	1(16.7)	4(66.7)	1(16.7)	0(0.0)	0(0.0)
Belmont, City of	2(15.4)	11(84.6)	0(0.0)	0(0.0)	0(0.0)
Bridgetown-Greenbushes, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Brookton, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Broome, Shire of	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)
Builders Registration Board	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Bunbury, City of	4(57.1)	3(42.9)	0(0.0)	0(0.0)	0(0.0)
Busselton, Shire of	9(64.3)	5(35.7)	0(0.0)	0(0.0)	0(0.0)
C&AHS - Princess Margaret Hospital for Children	167(79.5)	23(11.0)	0(0.0)	3(1.4)	17(8.1)
Cambridge, Town of	1(11.1)	8(88.9)	0(0.0)	0(0.0)	0(0.0)
Canning, City of	3(75.0)	1(25.0)	0(0.0)	0(0.0)	0(0.0)
Carnarvon, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Central TAFE	4(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Challenger TAFE	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Chemistry Centre Western Australia	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Child Protection, Department for	3(2.3)	94(71.8)	0(0.0)	0(0.0)	34(26.0)
Claremont, Town of	1(20.0)	4(80.0)	0(0.0)	0(0.0)	0(0.0)
Cockburn, City of	6(50.0)	6(50.0)	0(0.0)	0(0.0)	0(0.0)
Commerce, Department of	32(7.3)	268(60.8)	0(0.0)	0(0.0)	141(32.0)
Communities, Department for	0(0.0)	3(75.0)	0(0.0)	0(0.0)	1(25.0)
Corrective Services, Department of	195(66.8)	48(16.4)	0(0.0)	2(0.7)	47(16.1)
Cottesloe, Town of	0(0.0)	1(33.3)	0(0.0)	0(0.0)	2(66.7)
Country High School Hostels Authority, Office of the	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Court Security and Custodial Services	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Culture and the Arts, Department of	1(25.0)	3(75.0)	0(0.0)	0(0.0)	0(0.0)
Curtin University of Technology	2(22.2)	7(77.8)	0(0.0)	0(0.0)	0(0.0)
Denmark, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Disability Services Commission	1(14.3)	4(57.1)	0(0.0)	1(14.3)	1(14.3)
Donnybrook-Balingup, Shire of	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)
Drug and Alcohol Office	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
East Fremantle, Town of	2(66.7)	0(0.0)	1(33.3)	0(0.0)	0(0.0)
East Pilbara, Shire of	4(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Edith Cowan University	2(28.6)	3(42.9)	0(0.0)	0(0.0)	2(28.6)
Education and Training, Department of	8(17.0)	29(61.7)	0(0.0)	0(0.0)	10(21.3)
Education Services, Department of	0(0.0)	0(0.0)	1(50.0)	0(0.0)	1(50.0)
Electoral Commission, Western Australian	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Energy, Office of	0(0.0)	12(100.0)	0(0.0)	0(0.0)	0(0.0)

DECISIONS MADE—OUTCOME (cont...)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
Environment and Conservation, Department of	7(2.8)	72(29.1)	0(0.0)	0(0.0)	168(68.0)
Fire and Emergency Services Authority of Western Australia	16(23.9)	49(73.1)	0(0.0)	0(0.0)	2(3.0)
Fisheries, Department of	4(25.0)	10(62.5)	0(0.0)	0(0.0)	2(12.5)
Forest Products Commission	0(0.0)	5(100.0)	0(0.0)	0(0.0)	0(0.0)
Fremantle, City of	3(25.0)	9(75.0)	0(0.0)	0(0.0)	0(0.0)
Fremantle Port Authority	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
Geraldton-Greenough, City of	3(75.0)	0(0.0)	0(0.0)	0(0.0)	1(25.0)
Gingin, Shire of	1(33.3)	1(33.3)	0(0.0)	0(0.0)	1(33.3)
Gnowangerup, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Gosnells, City of	3(20.0)	12(80.0)	0(0.0)	0(0.0)	0(0.0)
Harvey, Shire of	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Health, Department of	28(51.9)	17(31.5)	1(1.9)	0(0.0)	8(14.8)
Health Review, Office of	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Heritage Council of Western Australia	0(0.0)	4(100.0)	0(0.0)	0(0.0)	0(0.0)
Housing, Department of (post 1/1/09)	4(17.4)	18(78.3)	0(0.0)	0(0.0)	1(4.3)
Housing and Works, Department of (pre 1/1/09)	12(29.3)	28(68.3)	0(0.0)	0(0.0)	1(2.4)
Indigenous Affairs, Department of	0(0.0)	4(57.1)	0(0.0)	0(0.0)	3(42.9)
Industry and Resources, Department of	0(0.0)	19(90.5)	0(0.0)	0(0.0)	2(9.5)
Insurance Commission of Western Australia	10(6.6)	136(90.1)	0(0.0)	0(0.0)	5(3.3)
Joondalup, City of	6(17.6)	28(82.4)	0(0.0)	0(0.0)	0(0.0)
Joondalup Health Campus	289(99.3)	0(0.0)	1(0.3)	0(0.0)	1(0.3)
Kalamunda, Shire of	5(23.8)	15(71.4)	0(0.0)	0(0.0)	1(4.8)
Kalgoorlie-Boulder, City of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Kwinana, Town of	0(0.0)	5(100.0)	0(0.0)	0(0.0)	0(0.0)
Land Authority (LandCorp), Western Australian	2(16.7)	10(83.3)	0(0.0)	0(0.0)	0(0.0)
Landgate	2(50.0)	0(0.0)	0(0.0)	0(0.0)	2(50.0)
Legal Aid Western Australia	8(88.9)	1(11.1)	0(0.0)	0(0.0)	0(0.0)
Legal Profession Complaints Committee	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Local Government and Regional Development, Department of	4(25.0)	10(62.5)	0(0.0)	0(0.0)	2(12.5)
Main Roads Western Australia	21(51.2)	20(48.8)	0(0.0)	0(0.0)	0(0.0)
Mandurah, City of	4(36.4)	4(36.4)	0(0.0)	0(0.0)	3(27.3)
Manjimup, Shire of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)
Medical Board of Western Australia	1(16.7)	5(83.3)	0(0.0)	0(0.0)	0(0.0)
Melville, City of	1(4.5)	17(77.3)	0(0.0)	0(0.0)	4(18.2)
Mid West Development Commission	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Mines and Petroleum, Department of	25(31.3)	49(61.3)	0(0.0)	0(0.0)	6(7.5)
Mosman Park, Town of	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Mundaring, Shire of	1(11.1)	7(77.8)	0(0.0)	0(0.0)	1(11.1)
Murdoch University	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Murray, Shire of	4(30.8)	9(69.2)	0(0.0)	0(0.0)	0(0.0)
Nedlands, City of	1(14.3)	6(85.7)	0(0.0)	0(0.0)	0(0.0)
NMAHS - Graylands Selby-Lemnos & Special Care Health Svcs	145(83.8)	17(9.8)	0(0.0)	3(1.7)	8(4.6)
NMAHS - Osborne Park Hospital	39(95.1)	2(4.9)	0(0.0)	0(0.0)	0(0.0)
NMAHS - Sir Charles Gairdner Hospital	895(98.7)	9(1.0)	0(0.0)	0(0.0)	3(0.3)
NMAHS - Swan Kalamunda Health Service	181(82.3)	27(12.3)	0(0.0)	0(0.0)	12(5.5)
NMAHS - Women and Newborn Health Service	78(81.3)	12(12.5)	0(0.0)	3(3.1)	3(3.1)

Agency	Access In Full	Edited Access	Access Deferred	Access s.28	Access Refused
PathWest Laboratory Medicine WA	10(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Perth, City of	4(36.4)	4(36.4)	0(0.0)	0(0.0)	3(27.3)
Perth Market Authority	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Planning and Infrastructure, Department for	31(14.4)	118(54.9)	0(0.0)	0(0.0)	66(30.7)
Police Force of Western Australia	64(4.0)	1445(91.3)	0(0.0)	0(0.0)	74(4.7)
Port Hedland, Town of	7(77.8)	2(22.2)	0(0.0)	0(0.0)	0(0.0)
Port Hedland Port Authority	0(0.0)	3(75.0)	0(0.0)	0(0.0)	1(25.0)
Premier and Cabinet, Department of the	11(16.9)	31(47.7)	0(0.0)	0(0.0)	23(35.4)
Psychologists Registration Board of WA	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Public Advocate, Office of the	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Public Sector Commission	2(40.0)	2(40.0)	0(0.0)	0(0.0)	1(20.0)
Public Sector Standards Commissioner, Office of the	3(50.0)	3(50.0)	0(0.0)	0(0.0)	0(0.0)
Public Trust Office	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Racing, Gaming and Liquor, Department of	2(15.4)	11(84.6)	0(0.0)	0(0.0)	0(0.0)
Rockingham, City of	4(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Roebourne, Shire of	2(50.0)	2(50.0)	0(0.0)	0(0.0)	0(0.0)
Rottne Island Authority	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Salaries and Allowances Tribunal	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Serpentine/Jarrahdale, Shire of	5(45.5)	5(45.5)	0(0.0)	0(0.0)	1(9.1)
SMAH - Armadale-Kelmscott Memorial Hospital	217(90.0)	23(9.5)	0(0.0)	0(0.0)	1(0.4)
SMAH - Bentley Hospital	22(22.4)	73(74.5)	1(1.0)	2(2.0)	0(0.0)
SMAH - Fremantle Hospital	768(98.8)	4(0.5)	0(0.0)	1(0.1)	4(0.5)
SMAH - Rockingham-Kwinana District Hospital	191(94.1)	5(2.5)	0(0.0)	2(1.0)	5(2.5)
SMAH - Royal Perth Hospital	1429	89(5.8)	0(0.0)	0(0.0)	10(0.7)
South Perth, City of	8(80.0)	2(20.0)	0(0.0)	0(0.0)	0(0.0)
South West Development Commission	0(0.0)	8(100.0)	0(0.0)	0(0.0)	0(0.0)
Sport and Recreation, Department of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)
State Administrative Tribunal	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
State Development, Department of	2(40.0)	2(40.0)	0(0.0)	0(0.0)	1(20.0)
State Supply Commission	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Stirling, City of	4(7.1)	50(89.3)	0(0.0)	0(0.0)	2(3.6)
Subiaco, City of	2(22.2)	6(66.7)	0(0.0)	0(0.0)	1(11.1)
Subiaco Redevelopment Authority	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Swan, City of	0(0.0)	27(100.0)	0(0.0)	0(0.0)	0(0.0)
Swan TAFE	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Synergy	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Toodyay, Shire of	2(66.7)	0(0.0)	0(0.0)	0(0.0)	1(33.3)
Tourism Commission Western Australia	1(25.0)	2(50.0)	0(0.0)	0(0.0)	1(25.0)
Treasury and Finance, Department of	9(19.1)	28(59.6)	0(0.0)	0(0.0)	10(21.3)
University of Western Australia, The	1(12.5)	7(87.5)	0(0.0)	0(0.0)	0(0.0)
Verve Energy	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Victoria Park, Town of	2(28.6)	4(57.1)	0(0.0)	0(0.0)	1(14.3)
Vincent, Town of	1(10.0)	7(70.0)	0(0.0)	0(0.0)	2(20.0)
WACHS - Goldfields	559	0(0.0)	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
WACHS - Kimberley	434(99.3)	0(0.0)	0(0.0)	0(0.0)	3(0.7)
WACHS - Pilbara	31(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
WACHS - South West	301(95.9)	0(0.0)	0(0.0)	1(0.3)	12(3.8)
WACHS - Wheatbelt	235(70.8)	74(22.3)	23(6.9)	0(0.0)	0(0.0)
Wanneroo, City of	4(22.2)	11(61.1)	0(0.0)	0(0.0)	3(16.7)
Water, Department of	2(2.0)	11(10.9)	0(0.0)	0(0.0)	88(87.1)
Water Corporation	4(25.0)	8(50.0)	0(0.0)	0(0.0)	4(25.0)
West Coast TAFE	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Western Power	6(37.5)	6(37.5)	0(0.0)	0(0.0)	4(25.0)
Workers' Compensation & Rehabilitation Commission (WorkCover)	3(33.3)	2(22.2)	1(11.1)	0(0.0)	3(33.3)
Ministers — Prior to September 2008					
Chance MLC, Hon K M	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Ellery MLC, Hon S M	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
Kobelke MLA, Hon J C	0(0.0)	1(50.0)	0(0.0)	0(0.0)	1(50.0)
Logan MLA, Hon F M	0(0.0)	9(100.0)	0(0.0)	0(0.0)	0(0.0)
MacTiernan MLA, Hon A	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)
McGinty MLA, Hon J A	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
McHale MLA, Hon S M	2(66.7)	1(33.3)	0(0.0)	0(0.0)	0(0.0)
Quirk MLA, Hon M M	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Ravlich MLC, Hon L	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
Ripper MLA, Hon E S	1(50.0)	1(50.0)	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)
Ministers — Post September 2008					
Buswell MLA, Hon T	2(5.1)	31(79.5)	3(7.7)	0(0.0)	3(7.7)
Castrilli MLA, Hon J	0(0.0)	3(75.0)	0(0.0)	0(0.0)	1(25.0)
Collier MLC, Hon P	2(13.3)	7(46.7)	0(0.0)	0(0.0)	6(40.0)
Constable MLA, Hon E	3(23.1)	3(23.1)	0(0.0)	0(0.0)	7(53.8)
Day MLA, Hon J	7(50.0)	7(50.0)	0(0.0)	0(0.0)	0(0.0)
Faragher MLC, Hon D	2(18.2)	9(81.8)	0(0.0)	0(0.0)	0(0.0)
Grylls MLA, Hon B	2(11.8)	12(70.6)	0(0.0)	0(0.0)	3(17.6)
Hames MLA, Hon K	3(25.0)	3(25.0)	0(0.0)	0(0.0)	6(50.0)
Jacobs MLA, Hon G	0(0.0)	8(88.9)	0(0.0)	0(0.0)	1(11.1)
Johnson MLA, Hon R	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)
McSweeney MLC, Hon R	0(0.0)	4(80.0)	0(0.0)	0(0.0)	1(20.0)
Moore MLC, Hon N	0(0.0)	13(72.2)	0(0.0)	0(0.0)	5(27.8)
O'Brien MLC, Hon S	0(0.0)	17(100.0)	0(0.0)	0(0.0)	0(0.0)
Porter MLA, Hon C	1(12.5)	6(75.0)	0(0.0)	0(0.0)	1(12.5)
Redman MLA, Hon T	1(12.5)	6(75.0)	0(0.0)	0(0.0)	1(12.5)
Waldron MLA, Hon T	1(25.0)	3(75.0)	0(0.0)	0(0.0)	0(0.0)
Total	6740	3479	35	19	915
Percentage	60.2%	31.1%	0.3%	0.2%	8.2%
Grand Total	11188				

TABLE 18 — 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	29	0	0	4	0	0	0	0	0	0	0	0	0	0
Agriculture and Food, Department of	1	0	5	0	0	0	1	1	1	0	0	0	0	0	0	0
Armadale, City of	0	0	5	1	0	1	0	0	1	0	0	0	0	0	0	0
Attorney General, Department of the	1	0	0	2	0	0	0	4	0	0	0	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Bayswater, City of	0	0	4	0	0	1	0	0	0	0	0	0	0	0	0	0
Belmont, City of	0	1	11	2	0	2	0	1	0	0	0	0	0	0	0	0
Broome, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Builders Registration Board	0	0	2	0	0	2	0	2	0	0	0	0	0	0	0	0
Bunbury, City of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Busselton, Shire of	0	0	2	1	0	0	1	1	0	0	0	0	0	0	0	0
C&AHS - Princess Margaret Hospital for Children	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0
Cambridge, Town of	0	0	8	0	0	0	0	1	0	0	0	0	0	0	0	0
Canning, City of	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Chance MLC, Hon K M	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Child Protection, Department for	0	0	94	11	0	13	0	4	1	0	0	0	0	0	0	0
Claremont, Town of	0	0	5	3	0	0	0	0	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	8	0	0	0	0	2	2	0	0	0	0	0	0	0
Commerce, Department of	1	1	269	6	0	6	1	5	6	0	0	1	0	0	0	0
Communities, Department for	0	0	3	3	0	0	0	0	0	0	0	0	0	0	0	0
Corrective Services, Department of	0	0	42	0	0	1	10	0	0	0	0	20	0	0	0	0
Cottesloe, Town of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Culture and the Arts, Department of	1	0	2	1	0	1	1	0	2	0	0	0	0	0	0	0
Curtin University of Technology	0	0	7	2	0	1	1	2	4	0	0	3	0	0	0	0
Disability Services Commission	1	0	6	1	0	0	1	0	0	0	0	0	0	0	0	0
Donnybrook-Balingup, Shire of	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
East Fremantle, Town of	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Edith Cowan University	0	0	4	1	0	1	0	0	0	0	0	0	0	0	0	0
Education and Training, Department of	1	0	32	1	0	0	4	1	0	0	0	0	0	0	0	0
Education Services, Department of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Electoral Commission, Western Australian	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Energy, Office of	8	0	1	3	0	0	2	3	0	0	0	0	0	0	0	0
Environment and Conservation, Department of	0	0	58	3	0	6	2	1	0	0	1	1	0	0	0	0
Fire and Emergency Services Authority of Western Australia	1	0	52	0	0	0	2	0	0	0	0	0	0	0	0	0
Fisheries, Department of	2	0	7	5	0	2	7	1	3	0	1	1	0	0	0	0
Forest Products Commission	0	0	3	3	0	0	1	0	1	0	2	0	0	0	0	0
Fremantle, City of	0	0	8	4	0	2	0	0	0	0	0	0	0	0	0	0

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	
Fremantle Port Authority	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Geraldton-Greenough, City of	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
Gingin, Shire of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	
Gnowangerup, Shire of	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	
Gold Corporation	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Gosnells, City of	0	0	12	2	0	0	0	1	0	0	0	0	0	0	0	0	
Health, Department of	1	0	15	2	0	1	3	0	1	0	0	0	0	0	0	0	
Health Review, Office of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
Heritage Council of Western Australia	0	0	4	0	0	0	2	0	1	0	0	0	0	0	0	0	
Housing, Department of (post 1/1/09)	0	0	17	0	0	0	0	1	0	0	0	0	0	0	0	0	
Housing and Works, Department of (pre 1/1/09)	0	0	27	0	0	1	2	1	0	0	0	0	0	0	0	0	
Indigenous Affairs, Department of	0	0	3	1	0	0	2	1	1	0	0	0	0	0	0	0	
Industry and Resources, Department of	1	1	19	9	0	2	2	6	2	0	0	0	0	0	0	0	
Insurance Commission of Western Australia	0	0	139	5	0	1	34	41	2	0	0	0	0	0	0	0	
Joondalup, City of	0	0	25	4	0	1	1	4	0	0	0	0	0	0	0	0	
Kalamunda, Shire of	0	0	14	1	0	0	0	1	0	0	0	0	0	0	0	0	
Kwinana, Town of	0	0	4	2	0	0	0	0	0	0	0	0	0	0	0	0	
Land Authority (LandCorp), Western Australian	0	0	8	1	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 Profession Complaints Committee	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	
Local Government and Regional Development, Department of	0	0	7	2	0	0	1	1	2	0	0	0	0	0	0	0	
Main Roads Western Australia	0	0	16	16	0	0	15	5	3	0	17	0	0	0	0	0	
Mandurah, City of	0	0	6	2	0	0	0	0	0	0	0	0	0	0	0	0	
Manjimup, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	
Medical Board of Western Australia	0	0	2	1	0	3	3	0	3	0	0	0	0	0	0	0	
Melville, City of	0	0	17	0	0	0	0	1	0	0	0	0	0	0	0	0	
Mid West Development Commission	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	
Mines and Petroleum, Department of	0	0	49	2	0	1	0	0	0	0	0	0	0	0	0	0	
Mosman Park, Town of	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	
Mundaring, Shire of	0	0	7	1	0	0	0	2	1	0	0	0	0	0	0	0	
Murdoch University	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Nedlands, City of	0	0	6	0	0	0	0	1	0	0	0	0	0	0	0	0	
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	0	0	80	0	0	0	0	0	10	0	0	3	0	0	0	0	
NMAHS - Osborne Park Hospital	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	
NMAHS - Sir Charles Gairdner Hospital	0	0	10	0	0	0	0	0	1	0	0	0	0	0	0	0	
NMAHS - Swan Kalamunda Health Service	0	0	27	0	0	0	0	0	0	0	0	0	0	0	0	0	
NMAHS - Women and Newborn Health Service	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0	

Agency	CLAUSE NUMBER OF EXEMPTION (Schedule 1 of the Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Perth, City of	0	0	6	4	0	0	0	0	0	0	0	0	0	0	0	0
Perth Market Authority	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
Planning and Infrastructure, Department for	0	0	124	7	0	1	17	4	4	0	0	0	0	0	0	0
Police Force of Western Australia	2	0	1437	0	0	5	1	7	0	0	0	3	0	0	0	0
Port Hedland, Town of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Port Hedland Port Authority	1	1	3	3	0	0	3	0	2	1	2	2	0	0	0	0
Premier and Cabinet, Department of the	21	0	27	18	0	0	12	11	4	0	1	0	1	0	0	0
Psychologists Registration Board of WA	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Public Advocate, Office of the	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Sector Commission	2	0	2	0	0	0	1	0	1	0	0	0	0	0	0	0
Public Sector Standards Commissioner, Office of the	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2	0
Racing, Gaming and Liquor, Department of	0	0	0	2	0	2	1	0	0	0	0	0	0	0	0	0
Roebourne, Shire of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Salaries and Allowances Tribunal	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Serpentine/Jarrahdale Shire	0	0	4	0	0	0	1	0	0	0	0	0	0	0	0	0
SMAH - Armadale-Kelmscott Memorial Hospital	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0
SMAH - Bentley Hospital	0	0	75	0	0	0	0	0	0	0	0	0	0	0	0	0
SMAH - Fremantle Hospital	0	0	0	0	0	0	1	0	3	0	0	0	0	0	0	0
SMAH - Rockingham-Kwinana District Hospital	0	0	4	0	0	1	0	0	0	0	0	0	0	0	0	0
SMAH - Royal Perth Hospital	0	0	76	0	0	0	0	1	47	0	0	0	0	0	0	0
South Perth, City of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
South West Development Commission	2	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0
Sport and Recreation, Department of	0	0	0	2	0	1	0	1	0	0	1	0	0	0	0	0
State Development, Department of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
State Supply Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Stirling, City of	0	0	48	2	0	5	4	4	1	0	0	0	0	0	0	0
Subiaco, City of	0	0	0	4	0	0	4	5	1	0	6	0	0	0	0	0
Subiaco Redevelopment Authority	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0
Swan, City of	0	0	27	8	0	0	0	3	0	0	0	0	0	0	0	0
Toodyay, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Tourism Commission Western Australia	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Treasury and Finance, Department of	28	0	20	1	0	1	13	0	1	2	1	0	0	0	0	0
University of Western Australia, The	0	0	4	0	0	0	0	2	0	0	0	0	0	0	0	0
Verve Energy	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0
Vincent, Town of	0	0	8	0	0	0	0	2	0	0	0	0	0	0	0	0
WACHS - South West	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
WACHS - Wheatbelt	0	0	74	0	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	10	0	0	0	2	0	0	0	0	1	0	0	0	0
Water, Department of	1	0	10	0	0	0	2	1	0	0	0	0	0	0	0	0
Water Corporation	0	0	11	1	0	0	3	1	2	0	3	0	0	0	0	0
West Coast TAFE	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Western Power	0	0	5	0	0	0	0	1	2	0	1	0	0	0	0	0

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
Workers' Compensation & Rehabilitation Commission (WorkCover)	0	0	6	0	0	0	0	1	0	0	0	0	0	0	0	0
Ministers — Prior to September 2008																
Ellery MLC, Hon S M	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Kobelke MLA, Hon J C	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Logan MLA, Hon F M	0	0	9	9	0	4	4	0	0	0	4	0	0	0	0	0
MacTiernan MLA, Hon A	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
McGinty MLA, Hon J A	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
McHale MLA, Hon S M	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Ravlich MLC, Hon L	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Ripper MLA, Hon E S	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Templeman MLA, Hon D A	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ministers — Post September 2008																
Buswell MLA, Hon T	16	0	28	2	0	0	4	0	1	0	0	0	0	0	0	0
Castrilli MLA, Hon J	0	0	3	0	0	1	2	0	0	0	0	0	0	0	0	0
Collier MLC, Hon P	2	0	4	2	0	0	3	0	1	0	0	0	0	0	0	0
Constable MLA, Hon E	3	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Day MLA, Hon J	2	0	5	1	0	0	2	0	0	0	0	0	0	0	0	0
Faragher MLC, Hon D	3	0	7	0	0	0	3	2	0	0	0	0	0	0	0	0
Grylls MLA, Hon B	8	1	10	0	0	1	2	1	0	0	1	0	0	0	0	0
Hames MLA, Hon K	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jacobs MLA, Hon G	8	0	8	4	0	0	0	0	0	1	0	0	0	0	0	0
Johnson MLA, Hon R	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
McSweeney MLC, Hon R	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Moore MLC, Hon N	5	1	10	5	0	0	8	2	1	0	0	0	0	0	0	0
O'Brien MLC, Hon S	6	0	0	1	0	0	2	1	0	0	0	0	0	0	0	0
Porter MLA, Hon C	3	0	3	1	0	0	1	0	0	0	0	0	0	0	0	0
Redman MLA, Hon T	3	0	4	0	0	0	1	1	0	0	0	0	0	0	0	0
Waldron MLA, Hon T	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	146	6	3354	193	0	77	201	159	122	4	42	35	1	0	2	0

Note: Agencies which did not cite exemptions are omitted.

TABLE 19: OUTCOME OF REQUESTS FOR INTERNAL REVIEW

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Acacia Prison	1	1	0	0	0
Agriculture and Food, Department of	5	4	1	0	0
Attorney General, Department of the	2	2	0	0	0
Bayswater, City of	1	0	1	0	0
Busselton, Shire of	1	0	0	1	0
C&AHS - Princess Margaret Hospital for Children	3	1	1	1	0
Canning, City of	1	0	1	0	0
Challenger TAFE	1	0	1	0	0
Child Protection, Department for	1	1	0	0	0
Cockburn, City of	1	1	0	0	0
Commerce, Department of	6	2	3	0	0
Corrective Services, Department of	6	4	1	1	0
Culture and the Arts, Department of	1	0	1	0	0
Curtin University of Technology	2	2	0	0	0
Edith Cowan University	3	2	1	0	0
Education and Training, Department of	7	5	0	0	0
Energy, Office of	2	1	1	0	0
Environment and Conservation, Department of	15	8	4	3	0
Fire and Emergency Services Authority of Western Australia	2	1	0	0	1
Fisheries, Department of	2	0	2	0	0
Forest Products Commission	1	1	0	0	0
Gingin, Shire of	1	1	0	0	0
Gosnells, City of	1	0	0	0	1
Health, Department of	1	1	0	0	0
Housing and Works, Department of	2	1	1	0	0
Industry and Resources, Department of	4	1	1	2	0
Insurance Commission of Western Australia	4	1	3	0	0
Joondalup, City of	5	3	2	0	0
Kalamunda, Shire of	1	1	0	0	0
Land Authority (LandCorp), Western Australian	7	1	5	1	0
Legal Aid Western Australia	3	2	1	0	0
Local Government and Regional Development, Department of	3	3	0	0	0
Main Roads Western Australia	3	2	1	0	0
Mandurah, City of	1	1	0	0	0
Manjimup, Shire of	1	1	0	0	0
Medical Board of Western Australia	1	1	0	0	0
Medical Radiation Technologists Registration Board of WA	1	1	0	0	0

TABLE 19: OUTCOME OF REQUESTS FOR INTERNAL REVIEW (cont...)

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Melville, City of	1	1	0	0	0
Mines and Petroleum, Department of	3	1	1	1	0
Mosman Park, Town of	1	1	0	0	0
Mundaring, Shire of	2	2	0	0	0
Murray, Shire of	2	2	0	0	0
Nedlands, City of	3	1	1	1	0
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	5	4	1	0	0
NMAHS - Osborne Park Hospital	1	1	0	0	0
NMAHS - Sir Charles Gairdner Hospital	1	1	0	0	0
NMAHS - Swan Kalamunda Health Service	1	1	0	0	0
NMAHS - Women and Newborn Health Service	1	0	1	0	0
Perth, City of	4	3	0	0	1
Planning and Infrastructure, Department for	12	11	1	0	0
Police Force of Western Australia	21	19	1	0	1
Port Hedland Port Authority	3	3	0	0	0
Premier and Cabinet, Department of the	20	18	2	0	0
Public Sector Commission	1	1	0	0	0
Public Sector Standards Commissioner, Office of the	2	2	0	0	0
Rockingham, City of	1	1	0	0	0
Serpentine/Jarrahdale, Shire of	2	2	0	0	0
SMAH - Bentley Hospital	3	2	1	0	0
SMAH - Fremantle Hospital	1	0	1	0	0
SMAH - Rockingham-Kwinana District Hospital	1	1	0	0	0
SMAH - Royal Perth Hospital	1	1	0	0	0
South Perth, City of	1	0	1	0	0
State Administrative Tribunal	1	1	0	0	0
Stirling, City of	7	4	2	1	0
Subiaco, City of	5	4	1	0	0
Swan, City of	1	1	0	0	0
Toodyay, Shire of	2	2	0	0	0
Treasury and Finance, Department of	5	5	0	0	0
University of Western Australia, The	1	1	0	0	0
Vincent, Town of	1	1	0	0	0
Wanneroo, City of	1	1	0	0	0
Water, Department of	2	1	0	1	0
Water Corporation	3	3	0	0	0
Workers' Compensation & Rehabilitation Commission (WorkCover)	1	0	1	0	0
Total	227	160	47	13	4

TABLE 20 — REQUESTS FOR AMENDMENT OF PERSONAL INFORMATION

Agency	Received	Amended	Not Amended	Amended (but not as Requested)	Withdrawn
C&AHS - Princess Margaret Hospital for Children	1	1	0	0	0
Child Protection, Department for	1	0	1	0	0
NMAHS - Women and Newborn Health Service	1	0	0	1	0
Planning and Infrastructure, Department for	1	0	1	0	0
SMAH - Bentley Hospital	1	1	0	0	0
SMAH - Rockingham-Kwinana District Hospital	1	0	1	0	0
SMAH - Royal Perth Hospital	2	0	0	2	0
Total	8	2	3	3	0

TABLE 21: INTERNAL REVIEW RE: AMENDMENT OF PERSONAL INFORMATION

Agency	Applications	Confirmed	Varied	Reversed	Withdrawn
Planning and Infrastructure, Department for	1	1	0	0	0
Child Protection, Department for	1	1	0	0	0
Medical Radiation Technologists Registration Board of Western Australia	1	0	0	0	0
Kalamunda, Shire of	1	1	0	0	0
Total	4	3	0	0	0

TABLE 22 — FEES AND CHARGES CALCULATED BY AGENCIES

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Armadale, City of	210.00	1060.90	
Ashburton, Shire of	35.00	65.00	
Attorney General, Department of the	360.00		
Augusta-Margaret River, Shire of	150.00		
Bassendean, Town of	30.00		30.00
Bayswater, City of	240.00		
Belmont, City of	510.00	2523.35	
Bridgetown-Greenbushes, Shire of	30.00		
Brookton, Shire of	30.00	203.00	
Broome, Shire of	60.00	137.80	
Builders Registration Board	60.00	210.20	
Bunbury, City of	270.00	180.00	
Busselton, Shire of	480.00	1958.46	30.00
C&AHS - Princess Margaret Hospital for Children		163.00	
Cambridge, Town of	300.00	80.00	
Canning, City of	120.00		
Carnarvon, Shire of	30.00		
Challenger TAFE	30.00		
Child Protection, Department for	960.00		
Claremont, Town of	150.00		
Cockburn, City of	510.00	661.40	400.00
Commerce, Department of	12510.00	7686.85	1025.04
Communities, Department for	150.00		
Corrective Services, Department of	420.00	25.00	
Cottesloe, Town of	90.00		
Culture and the Arts, Department of	90.00		
Curtin University of Technology	150.00		
Denmark, Shire of	30.00		
Disability Services Commission	30.00		
Donnybrook-Balingup, Shire of	60.00		
East Fremantle, Town of	90.00		
East Pilbara, Shire of	150.00		
Edith Cowan University	90.00		
Education and Training, Department of	1380.00		
Education Services, Department of	30.00		
Electoral Commission, Western Australian	30.00	30.00	
Energy, Office of	360.00		
Environment and Conservation, Department of	7470.00		
Fire and Emergency Services Authority of Western Australia	1980.00	585.00	210.00

STATISTICAL TABLES continued

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Fisheries, Department of	360.00		
Forest Products Commission	150.00	181.80	
Fremantle, City of	480.00		400.60
Fremantle Port Authority	60.00		
Geraldton-Greenough, City of	60.00	90.00	90.00
Gingin, Shire of	180.00	436.60	114.80
Gnowangerup, Shire of	30.00	255.54	
Gold Corporation	35.00		
Gosnells, City of	330.00	1162.00	30.00
Harvey, Shire of	90.00	69.80	
Health, Department of	1710.00	45.00	
Health Review, Office of	30.00		
Heritage Council of Western Australia	120.00	342.80	31.60
Housing, Department of (post 1/1/09)	360.00	516.45	
Housing and Works, Department of (pre 1/1/09)	540.00	1962.70	
Indigenous Affairs, Department of	390.00		
Industry and Resources, Department of	450.00	202.60	
Insurance Commission of Western Australia	2430.00		
Joondalup, City of	840.00		
Joondalup Health Campus	240.00	670.00	
Kalamunda, Shire of	600.00	785.50	
Kalgoorlie-Boulder, City of	30.00		
Kwinana, Town of	150.00	171.70	
Land Authority (LandCorp), Western Australian	301.00		
Landgate	120.00		29.00
Legal Profession Complaints Committee	60.00		
Local Government and Regional Development, Department of	270.00		30.00
Main Roads Western Australia	1350.00		
Mandurah, City of	450.00	317.35	
Manjimup, Shire of	90.00		
Medical Board of Western Australia	150.00	33.75	11.25
Melville, City of	660.00	13.00	82.60
Mid West Development Commission	30.00		
Mines and Petroleum, Department of	4560.00	1568.80	225.40
Mosman Park, Town of	90.00		
Mundaring, Shire of	330.00		
Murdoch University	30.00	30.00	
Murray, Shire of	300.00	121.30	
Nedlands, City of	240.00	2299.20	
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	330.00	60.00	
NMAHS - Sir Charles Gairdner Hospital	2910.00	1562.35	

STATISTICAL TABLES continued
FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
NMAHS - Women and Newborn Health Service	30.00	55.00	
Perth, City of	330.00	89.00	229.00
Perth Market Authority	30.00	523.40	
Planning and Infrastructure, Department for	7320.00		
Police Force of Western Australia	56566.44	52176.50	
Port Hedland, Town of	216.00		
Port Hedland Port Authority	120.00		
Premier and Cabinet, Department of the	2100.00	240.00	
Psychologists Registration Board of WA	33.00		
Public Advocate, Office of the	60.00		
Public Sector Commission	120.00		
Public Sector Standards Commissioner, Office of the	90.00		
Racing, Gaming and Liquor, Department of	360.00		
Rockingham, City of	150.00	5.00	
Roebourne, Shire of	120.00	214.00	30.00
Rottne Island Authority	30.00		
Salaries and Allowances Tribunal	30.00		
Serpentine/Jarrahdale, Shire of	363.00	317.50	166.20
SMAH - Armadale-Kelmscott Memorial Hospital	450.00		
SMAH - Bentley Hospital	90.00	20.00	
SMAH - Fremantle Hospital	330.00	176.40	30.00
SMAH - Rockingham-Kwinana District Hospital	30.00	30.00	
SMAH - Royal Perth Hospital	1380.00	151.90	
South Perth, City of	330.00	340.20	
South West Development Commission	150.00		
Sport and Recreation, Department of	120.00		
State Development, Department of	180.00		
State Supply Commission	30.00		
Stirling, City of	1710.00		
Subiaco, City of	270.00	360.00	
Swan, City of	795.00	4366.80	
Toodyay, Shire of	120.00		30.00
Tourism Commission Western Australia	150.00		
Treasury and Finance, Department of	1170.00		
University of Western Australia, The	120.00	187.20	
Verve Energy	30.00		
Victoria Park, Town of	210.00		
Vincent, Town of	360.00		
WACHS - South West	30.00		

STATISTICAL TABLES continued

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Wanneroo, City of	600.00	455.70	
Water, Department of	3000.00		
Water Corporation	540.00		
Western Power	450.00	197.00	
Workers' Compensation & Rehabilitation Commission (WorkCover)	30.00		
Ministers — Prior to September 2008			
Chance MLC, Hon K M	30.00		
Kobelke MLA, Hon J C	30.00		
MacTiernan MLA, Hon A	60.00		
McHale MLA, Hon S M	60.00		
Ripper MLA, Hon E S	30.00		
Ministers — Post September 2008			
Buswell MLA, Hon T	1470.00		250.00
Castrilli MLA, Hon J	120.00		
Collier MLC, Hon P	300.00	300.00	
Constable MLA, Hon E	420.00		
Day MLA, Hon J	390.00		
Faragher MLC, Hon D	450.00		
Grylls MLA, Hon B	750.00	498.40	
Hames MLA, Hon K	450.00		
Jacobs MLA, Hon G	270.00	340.00	
Johnson MLA, Hon R	90.00		
McSweeney MLC, Hon R	240.00		
Moore MLC, Hon N	540.00		30.00
O'Brien MLC, Hon S	570.00		
Porter MLA, Hon C	210.00		
Redman MLA, Hon T	360.00		
Waldron MLA, Hon T	120.00		
TOTAL	\$139,314	\$89,512	\$3,505

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

TABLE 23 — REASONS FOR REDUCTION OF CHARGES

Reasons for Reduction	No.	(%)
Impecunious	15	7.54%
Pensioner	4	2.01%
Other	180	90.45%
Total	199	100.00%

FURTHER INFORMATION

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