

**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.