



WESTERN AUSTRALIA

Office of the **Information Commissioner**

ANNUAL REPORT 2010-2011



Office of the **Information Commissioner**

DEAR MR PRESIDENT
DEAR MR SPEAKER

ANNUAL REPORT 2010-2011

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 2011 which has been prepared in compliance with the provisions and reporting requirements of both Acts.

A handwritten signature in blue ink, appearing to read 'S. Bluemmel'.

Sven Bluemmel
INFORMATION COMMISSIONER

27 September 2011

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CONTENTS

1. Overview	5
1.1 Commissioner's Foreword	6
1.2 Operational Structure.....	8
1.3 Performance Management Framework.....	10
2. Agency Performance - Report on Operations.....	11
2.1 Decisions of Interest 2010/2011	12
2.2 External Review	18
2.3 Advice and Awareness	28
2.4 Administration	34
3. Significant Issues and Trends.....	35
3.1 Complaints made by Members of Parliament	36
3.2 Non-compliant notices of decision	36
3.3 Consulting officers of an agency about disclosure of personal information	36
3.4 Supreme Court Appeals	37
3.5 Agency Statistics 2010/2011	38
4. Disclosures and Legal Compliance	43
4.1 Compliance with Other Acts	44
5. Performance Indicators	47
6. Financial Statements.....	55
7. Statistical Tables	89

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OVERVIEW

1. OVERVIEW



1.1 COMMISSIONER'S FOREWORD

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

The importance of government accountability and public participation in government was recognised by the Supreme Court during the year in a judgment on an appeal under the *Freedom of Information Act 1992* (the Act). His Honour Justice Martin noted that the aims of the Act, which are to enable the public to participate more effectively in government and to make government more accountable to the public, are *the essential bedrock of open, democratic government whose policy importance cannot be overstated*¹.

"... one of the biggest challenges for my office in ensuring that the aims of the Act are achieved is to ensure the timely and just resolution of complaints."

As I have noted in my two previous reports, one of the biggest challenges for my office in ensuring that the aims of the Act are achieved is to ensure the timely and just resolution of complaints. In this regard, I welcome the additional funding made available to my office in the 2011 State Budget. This will allow my office to employ an additional two officers to assist in clearing the backlog of complaints before me. While the current backlog is still well above historical levels, a focus on complaint resolution by my office within its existing resources saw the average age of complaints before me decrease from 223 days to 192 days over the course of the reporting year.

Another positive development is that two of the key recommendations made in my report to Parliament following a review of the administration of Freedom of Information (FOI) in Western Australia² are being implemented. The first of these recommended that Ministers may wish to explore with the Department of the Premier and Cabinet (DPC) the option of a more formal shared capability to assist their offices in dealing with FOI applications. DPC is now obtaining additional resources to implement the recommendation. This will provide a comprehensive FOI resource for Ministers which can carry out complete and effective searches for relevant

¹ *Water Corporation v McKay* [2010] WASC 210 per Martin J at paragraph 38

² *The Administration of Freedom of Information in Western Australia* 31 August 2010

documents, negotiate with applicants on large applications, consult with third parties and draft notices of decision for review by the relevant Minister. This will assist in addressing problems identified by the review. Second, the Department of Health is currently taking tangible and positive steps to implement my recommendation that health services across the State should further share knowledge and improve the quality and consistency of FOI processing across that very important portfolio.

The year also saw a continuing focus on delivering advice and awareness services to State and local government agencies and to the broader community. The number of training courses and briefings, as well as the total number of attendees at advice and awareness functions, all increased during the year. My office also visited Albany and Bunbury during the year to ensure that agencies and communities outside the Perth metropolitan area have access to these services. I believe that ongoing investment in advice and awareness will pay medium to long term dividends in improving the administration of FOI in our State.

In last year's report I noted that FOI reforms in other Australian jurisdictions could provide opportunities for greater cooperation between information commissioners, which will have benefits for better administration in Western Australia. In this regard I am pleased to say that I hosted the inaugural meeting of the Association of Information Access Commissioners (AIAC) in April 2011, attended by my counterparts from other Australian jurisdictions and New Zealand. The objectives of AIAC include the

sharing of knowledge and resources between Commissioners within the region, as well as cooperating in areas such as the proactive disclosure of government information and general open government initiatives. The association also aims to promote best practice amongst Commissioners to achieve the objectives set out in our respective legislation.

The final issue I wish to draw to the attention of Parliament in this report is the potential impact of the harmonisation of a number of areas of law under the auspices of the Council of Australian Governments (COAG) in areas such as rail safety and heavy vehicle regulation. Such initiatives have a potentially significant impact on FOI rights and obligations across Australia. These impacts need to be carefully considered to prevent information laws and processes from becoming inconsistent, incoherent, inefficient or fragmented. These concerns have been formally raised by my Commonwealth counterpart³ and I have brought them to the attention of the Western Australian Government.

While significant challenges remain, particularly in ensuring the timely resolution of complaints, a number of welcome developments during the year provide cause for optimism and help to shore up the foundations of the administration of FOI in Western Australia. I look forward to working with my team and with agencies across the State to continue building on these foundations into the future.

Sven Bluemmel
Information Commissioner

³ http://www.oaic.gov.au/publications/submissions/2011_08_Submission_Draft_Rail_Safety_National_Law.html

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 Information Commissioner 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 Commissioner is supported by staff in the Office of the Information Commissioner (OIC). The main function of the OIC 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 to be achieved [s.111(4)].

The following principles or values are part of the corporate philosophy of the OIC:

- ❖ 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 of accountability and responsibility to agencies.

RELEVANT LEGISLATION

- ❖ *Freedom of Information Act 1992*
- ❖ *Freedom of Information Regulations 1993*

CONTACT DETAILS

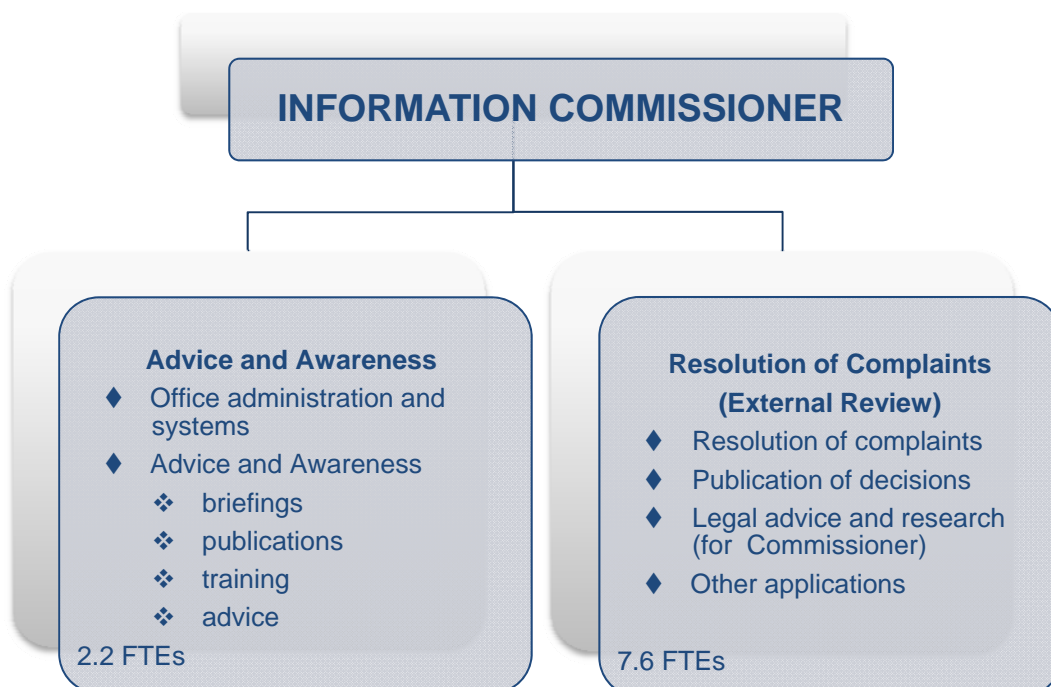
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STAFF



Standing L to R: Anne Marshall, Principal Legal Officer; Rachel Crute, A/Senior Legal Officer; Kim Bracknell, Information Services Manager; Sven Bluemmel, Information Commissioner; Tony Pruyn, Senior Investigations Officer; Michelle Fitzgerald, Executive Officer; Lavina Mandy, A/Legal Officer.
Front row L to R: Grace Grandia, Senior Advisory Officer; Sylvie de Laroche, Administrative Assistant; Vivien Hillyard, Investigations Officer.

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 OIC 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 Commissioner has a statutory duty to undertake these functions and the OIC 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 and Cases of Interest 2010/2011

The following section outlines matters of interest dealt with during the year. It includes decisions of interest as well as some matters which were conciliated without requiring a formal decision.

Dealing with old documents, consent by spouse

An applicant from regional Western Australia applied to a health related agency for access to various documents relating to the applicant's admissions and treatment at a hospital in the early 1970s. As the hospital has since closed, the agency that had taken over responsibility for the relevant records of the now defunct agency dealt with the access application. However, as the requested documents related to events that took place nearly 40 years ago, the agency encountered some initial difficulties in identifying the requested documents. Following a series of searches and inquiries, the agency found a limited number of documents that had been copied to microfilm. Although not confirmed, it appeared that the original paper documents may have been destroyed when the hospital closed down.

The agency gave full access to some documents but refused access in full or in part to others. The agency claimed exemption under clause 3 of Schedule 1 to the FOI Act for the latter on the basis that it consisted of personal information about third parties.

Upon examination of the disputed documents by the Commissioner, it was evident that the spouse of the applicant was the main third party. Without confirming the content of the disputed documents, the Commissioner invited the

applicant to arrange for the applicant's spouse to give written consent to the disclosure of personal information about the spouse, which was done. On that basis the documents were disclosed and the complaint was conciliated.

Scope of applications for applicant's personal information

The applicant applied to the Health and Disability Services Complaints Office for documents relating to treatment he had received.

The applicant did not pay the \$30.00 application fee payable for an application for non-personal information and the agency advised him that he was only entitled to access personal information about himself. The agency gave him access to all of the personal information about him contained in the requested documents but deleted all the personal information about third parties on the basis that it was outside the scope of the access application.

The applicant disputed the agency's decision. Based on the A/Commissioner's examination of the agency's FOI file it was apparent that the agency had explained to the applicant that, since he had not paid the \$30.00 application fee, he was only entitled to access personal information about himself and not personal information about other people. The A/Commissioner upheld the agency's decision: *Re O'Donoghue and Health and Disability Services Complaints Office* [2011] WAICmr 20.

Searches for electronic documents

The Commissioner dealt with six separate complaints from the Hon. Adele Farina MLC against decisions of the former Treasurer, the Hon. Troy Buswell MLA ('the former Treasurer') which all involved claims that additional documents within the scope of those access applications existed or should exist pursuant to s.26 of the FOI Act: see *Re Farina and Treasurer* [2011] WAICmr 12; *Re Farina and Treasurer No.2* [2011] WAICmr 13¹; *Re Farina and Treasurer No.3* [2011] WAICmr 14; *Re Farina and Treasurer No.4* [2011] WAICmr 15; *Re Farina and Treasurer No.5* [2011] WAICmr 16; and *Re Farina and Treasurer No.6* [2011] WAICmr 17.

Section 26 provides that an agency may refuse access to a document if the agency is satisfied that all reasonable steps have been taken to find the document and the document is either in the agency's possession but cannot be found or does not exist.

In the course of dealing with each of these complaints:

- ❖ Additional searches required by the Commissioner located further documents.
- ❖ The Commissioner considered that the former Treasurer had not taken all reasonable steps to locate documents within the scope of the application in the first instance, as required by s.26(1). Had all reasonable steps been taken to find those documents in the first instance, and had all documents that fell within the scope of the

application been correctly identified, the complaint might have been avoided or resolved much sooner.

- ❖ The Commissioner was satisfied, following completion of those further searches, that all reasonable steps had eventually been taken to locate emails within the scope of the access application.
- ❖ The Minister gave the complainant access to edited copies of the further documents located, after deleting small amounts of personal information under clause 3(1) and information that was outside the scope of the complainant's application.

Those matters highlight the importance of proper searches being conducted by agencies (including Ministers) in the first instance: specifically, they highlight the need for adequate instructions to be given to officers conducting searches – particularly, as in these cases, when searching for emails – and for officers properly to record the specific searches made, including the locations searched and the search terms used. In these cases, not all of that information was recorded on the former Treasurer's FOI files, so that the searches had to be conducted again on external review. This created an additional workload for both the Minister and the Department of the Premier and Cabinet (which provides information technology support to Ministers) and significantly increased the time it took for the Commissioner to deal with those matters.

Local government councilors and prescribed details about officers of agencies

Under clause 3 of Schedule 1 to the FOI Act, personal information about an individual is exempt from disclosure, subject to a number of limitations. Clause

¹ In the course of dealing with the complaints, the position of Treasurer came to be held after December 2010 by the Hon. Christian Porter MLA ('the Minister').

3(3) provides that certain information about officers or former officers of agencies is not exempt merely because its disclosure would reveal prescribed details about the officer or things done by the officer in the course of performing functions as an officer. Regulation 9(1) of the *Freedom of Information Regulations 1993* ('the Regulations') sets out these prescribed details in full.

In *Re Aniveb Pty Ltd & Blackbeard Pty Ltd trading as Urban Endeavour and Avon Capital Estates (Australia) Limited and City of Canning and 'Y'* [2010] WAICmr 28, the Commissioner considered whether local government councillors were 'officers of an agency' for the purposes of the FOI Act and whether certain information about those officers were prescribed details and therefore not exempt pursuant to clause 3(3).

In this case, the complainant sought access to a copy of a tape recording of a Council meeting relating to a specific item of discussion. During the external review, the complainant advised that it would be satisfied with a transcript of the relevant tape recording. The transcript identified a number of third parties, most of whom were councillors of the agency. All third parties consented to the disclosure of their personal information contained in the transcript, except one third party who was joined as a party to the complaint. That third party maintained that the transcript was exempt under clause 3(1) and submitted that while councillors were paid an allowance, they were not employed by the agency and therefore were not 'officers of the agency' as defined in the Glossary to the FOI Act.

The Commissioner noted the definition of 'officer of an agency' in the Glossary to the FOI Act which includes, among others, "(a) a member of the agency" and "(c) any person employed in, by, or for the

purposes of, the agency". The Commissioner noted that a councillor of the agency will be an 'officer of an agency' if that person comes within any one of those definitions. The Commissioner held that a local government councillor fell within the definition of "a member of the agency" as defined in the Glossary. The Commissioner considered that the plain meaning of "member" included a person formally elected as a member or councillor of a local government and was satisfied that councillors identified in the transcript were members of the agency and therefore officers of an agency for the purposes of the FOI Act.

In the circumstances of this case, the Commissioner considered that the personal information about officers of the agency contained in the transcript were 'prescribed details' as defined in regulation 9(1) of the Regulations and were not exempt because the transcript disclosed no more than the names, positions and opinions of officers of an agency on matters within the decision-making responsibilities of those officers. In reviewing that information, the Commissioner recognised that the *Local Government Act 1995* sets out the role of councillors which included participating in the local government's decision-making processes at council and committee meetings.

The Commissioner found that the transcript was not exempt under clause 3(1) and set aside the agency's decision to refuse access to it.

Membership information about political parties

The Australia First Party (NSW) Inc (AFPNSW), a political organisation, claimed that it was the successor to another, defunct, political organisation, the Australia First Party Incorporated

(AFP). AFPNSW sought access to the records of the AFP – including its membership records – which were held by the Associations and Charities unit of the agency following the cancellation of the AFP's incorporation pursuant to the *Associations Incorporation Act 1987*.

AFPNSW argued that the surplus property of the AFP had been distributed to it and it was entitled to the membership records as the successor organisation to the AFP. The AFPNSW took the view that the former members of the AFP were 'de facto members' of its organisation and argued that the disclosure of the membership records would, on balance, be in the public interest.

The Commissioner found that the disputed information was *prima facie* exempt under clause 3(1) because it would clearly identify particular individuals. The Commissioner considered the limit on that provision in clause 3(6), which required him to decide whether disclosure would, on balance, be in the public interest. In weighing the competing public interests, the Commissioner did not accept AFPNSW's assertions that in joining a political party, individuals gave up a certain element of privacy to the elected officers of that party or that they became de facto members of any successor party. The Commissioner noted that the FOI Act is intended to make government more accountable, not to unnecessarily intrude upon the privacy of individuals. In the circumstances of this particular case, the Commissioner held that the strong public interest in protecting privacy outweighed the public interests in favour of disclosure put forward by AFPNSW: *Re Australia First Party (NSW) Inc and Department of Commerce* [2010] WAICmr 32.

Public interest in disclosure of personal and business information

The complainant, a Member of Parliament, sought access to documents held by the Minister for Regional Development sent to or from the Minister's office to a mining company, Mineralogy Pty Ltd ('Mineralogy'), and its Chairman. Mineralogy is the principal proponent to a State Agreement. On external review, the complainant claimed, among other things, that further documents should exist. Searches required by the Commissioner's office resulted in the identification of six additional documents.

The Minister claimed exemption for the disputed documents under clauses 3 and 4 of Schedule 1 to the FOI Act. With regard to the clause 3 claim, the complainant submitted that the Chairman of Mineralogy had lobbied the State Government in relation to Mineralogy's business interests and there was, thus, a public interest in the disclosure of documents relating to the relationship between Mineralogy and the Government, pursuant to the limit on the exemption in clause 3(6). Both the Minister and Mineralogy submitted, among other things, that there was a strong public interest in protecting the personal privacy of individuals, such as the Chairman of Mineralogy.

The Commissioner found that the facts of the matter were in the public domain, having been reported in the media and discussed in Parliament. In addition, the information in the disputed documents about the Chairman was not information of a private character but related solely to his role as a representative of Mineralogy. Consequently, in weighing the competing public interests, the Commissioner gave less weight to the public interest in the protection of people's privacy and found

that particular public interest was outweighed by the public interests in government transparency and accountability in this case: *Re McGowan and Minister for Regional Development; Lands and Mineralogy Pty Ltd* [2011] WAICmr 2.

Infringing the privileges of Parliament

During the reporting period, the Commissioner considered a claim for exemption under clause 12(c) of Schedule 1 to the FOI Act. That provision provides that matter is exempt if its public disclosure would “*infringe the privileges of Parliament.*” The documents in question were two letters sent by a Standing Committee of Parliament to the Chief Executive Officers of two government agencies.

The Commissioner considered the question of parliamentary privilege, which confers certain rights and immunities on Parliament, its committees, members and officers. Although no previous decisions on this matter had been decided in this State, the Commissioner noted relevant decisions made under FOI legislation in other jurisdictions. The Commissioner held that the disputed documents were protected by parliamentary privilege because they were communications made in the course of, or for the purposes of, or incidental to, transacting the business of a House or a committee of Parliament. In addition, their disclosure under the FOI Act would infringe the privileges of Parliament, noting that the *Parliamentary Privileges Act 1891* sets out relevant privileges in section 1, including the control of publication of Parliamentary proceedings: *Re Ravlich and Department of the Premier and Cabinet* [2011] WAICmr 3.

Disclosure not in the best interests of a child

Information was provided to the Department for Child Protection about the complainant’s daughter in relation to a particular matter. The complainant’s daughter has an acquired brain injury and she has limited or no insight into her actions. The agency made a series of inquiries in respect of the information it had received and, following the completion of those inquiries, advised the complainant, albeit in broad terms, of the outcome of those inquiries. In particular, the agency advised the complainant that it had closed its involvement in the matter on the basis that the initial information it had received was unsubstantiated. The complainant sought access to copies of various documents relating to the agency’s investigation of the matter it had handled involving his daughter.

Although the agency gave access to some documents, it refused access to most of the requested documents under section 23(4) of the FOI Act. The agency advised the complainant that the information contained in the disputed documents consisted of personal information about another person (his daughter), who is a child under the age of 16 years. The agency considered that she did not have the capacity to appreciate the circumstances and that it was not in the best interests of the child to release the information to the complainant under the FOI Act.

The Commissioner described four relevant issues he must be satisfied on in deciding a matter under section 23(4).

Those issues are:

- ❖ he must be satisfied that the requested documents contain personal information about a child who has not turned 16;

- ❖ it must be established that the decision-maker, at the relevant time, was satisfied that giving access to the requested documents would not be in the best interests of the child;
- ❖ he must be satisfied that the decision-maker, at the relevant time, held the view that the child does not have the capacity to appreciate the circumstances and make a mature judgement as to what might be in her best interests; and
- ❖ he must be satisfied that the views of the decision-maker on the above issues were held on reasonable grounds.

The Commissioner noted the complainant's submissions and acknowledged his concerns and the issues he had raised. However, the complainant's submissions were not relevant to the matters for the Commissioner's determination. Having considered all of the material before him, the Commissioner was satisfied that the agency had satisfied the relevant issues for his consideration and he confirmed the agency's decision: *Re "C" and Department for Child Protection* [2011] WAICmr 11.

2.2 EXTERNAL REVIEW

2.2.1 External Review Applications and Other Applications

A total of 143 applications composed of 127 complaints (including 22 informal/invalid complaints) and 16 other kinds of applications under the Act were received in 2010/2011. 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	105
Complaints - informal / invalid	22
Section 66(4) - applications - out of time	8
Section 66(6) - applications - no internal review	7
Section 13(5) - applications for extension of time	1
TOTAL	143

TABLE 2: BREAKDOWN OF VALID COMPLAINTS

APPLICANT GROUP	No.	RESPONDENT GROUP	No.
Individual Citizen	48	Department (ex. Police & Health)	43
Company	23	Local Government	18
Member of Parliament	12	Board, Committee, Commission, Authority, Corporation	13
NFP Group	9	Minister	12
Media	7	Health Related	12
Prisoner	6	Police	7
TOTAL	105	TOTAL	105

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 22 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	75	59.06	17	13.39	92	72.45
Minister	12	9.45	3	2.36	15	11.81
Local	18	14.17	2	1.57	20	15.74
TOTAL	105	82.68	22	17.32	127	100.00

Table 4 details the number of complaints received in 2010/11 and the agencies concerned.

TABLE 4: COMPLAINTS RECEIVED

AGENCY	COMPLAINTS INVALID	TOTAL	AGENCY	COMPLAINTS INVALID	TOTAL
State Agencies:					
Agency Unknown	0	3	Transport, Department of	1	0
Agriculture and Food, Department of	5	1	Treasury and Finance, Department of	1	0
Attorney General, Department of the	2	0	WACHS - South West	1	0
Challenger Institute of Technology	1	0	Water, Department of	2	0
Chemistry Centre Western Australia	1	0	West Coast Institute of Training	1	0
Child Protection, Department for	2	1	Western Power	1	0
Commerce, Department of	2	0	<i>Sub-total:</i>	75	17
Corrective Services, Department of	5	1	Local Agencies:		
Education, Department of	1	2	Bayswater, City of	1	0
Environment and Conservation, Department of	7	1	Beverley, Shire of	1	0
Fisheries, Department of	2	0	Broome, Shire of	2	1
Fremantle Port Authority	3	0	Cambridge, Town of	1	0
Government Employees Superannuation Board	1	1	Cockburn, City of	2	0
Health, Department of	2	0	Denmark, Shire of	1	0
Indigenous Affairs, Department of	1	0	Joondalup, City of	2	0
Main Roads Western Australia	1	0	Kalamunda, Shire of	1	0
Medical Board of Western Australia	0	1	Mandurah, City of	1	0
Mines and Petroleum, Department of	1	0	Nedlands, City of	0	1
NMAHS - Mental Health	2	1	Northampton, Shire of	1	0
NMAHS - Osborne Park Hospital	1	1	Stirling, City of	1	0
NMAHS - Sir Charles Gairdner Hospital	1	1	Subiaco, City of	1	0
Planning, Department of	3	0	Swan, City of	1	0
Police, Western Australia	7	2	Toodyay, Shire of	1	0
Port Hedland Port Authority	1	0	Victoria Plains, Shire of	1	0
Premier and Cabinet, Department of the	2	0	<i>Sub-total:</i>	18	2
Professional Combat Sports Commission	1	0	Ministers:		
Public Sector Commission	1	0	Agriculture and Food, Minister for	1	0
Public Sector Standards Commissioner, Office of the	0	1	Attorney General	1	1
Public Transport Authority	1	0	Education, Minister for	1	0
Racing and Wagering Western Australia	1	0	Environment, Minister for	1	2
Regional Development and Lands, Department of	1	0	Forestry, Minister for	1	0
SMAH - Bentley Hospital	1	0	Health, Minister for	1	0
SMAH - Fremantle Hospital	2	0	Local Government, Minister for	1	0
SMAH - Royal Perth Hospital	2	0	Mines and Petroleum, Minister for	1	0
State Administrative Tribunal	1	0	Planning, Minister for	1	0
State Development, Department of	1	0	Regional Development; Lands, Minister for	1	0
Tourism Commission, Western Australian	1	0	Transport, Minister for	2	0
Training and Workforce Development, Department of	1	0	<i>Sub-total:</i>	12	3
			TOTAL	105	22
					127

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

Sixteen “other” applications were received in 2010/11, compared with 19 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)	EXTENSION OF TIME s.13(5)	T O T A L
Bayswater, City of	1			1
Commerce, Department of		1		1
Denmark, Shire of		1		1
Fisheries, Department of			1	1
Health, Minister for	1			1
Lotteries Commission		1		1
Main Roads Western Australia	1			1
Manjimup, Shire of	1			1
NMAHS - Graylands, Selby-Lemnos and Special Care Health Service		1		1
Perth, City of	1			1
Premier and Cabinet, Department of the		1		1
Public Transport Authority		1		1
Rockingham, City of	1			1
Roebourne, Shire of		1		1
Treasury and Finance, Department of	1			1
Vincent, Town of	1			1
TOTAL	8	7	1	16

2.2.4 External Review Outcomes

A total of 143 applications, made up of 128 complaints (including 22 informal/invalid complaints) and 15 other applications were finalised during the year. Table 6 gives details of the types of applications dealt with in the 2010/11 reporting period.

TABLE 6: APPLICATIONS DEALT WITH

TYPE OF APPLICATION	No. FINALISED
Complaints - valid	106
Complaints - informal / invalid	22
Section 66(4) - out of time	7
Section 66(6) - no internal review	7
Section 13(5) - application for extension of time	1
TOTAL	143

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	31	55.36%	23	41.07%	2	3.57%	56	52.83%
Minister	21	63.64%	12	36.36%	0	0.00%	33	31.13%
Local	13	76.47%	3	17.65%	1	5.88%	17	16.04%
Total	65	61.32%	38	35.85%	3	2.83%	106	100.00%

Note: Table 7 excludes Informal/Invalid complaints

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 SUBSTITUTED		
Agriculture and Food, Department of	1					1
Attorney General, Department of	2			1		3
Bassendean, Town of	1					1
Bayswater, City of	1					1
Belmont, City of	1					1
Bunbury, City of				1		1
Cambridge, Town of	1					1
Canning, City of	2			1		3
Challenger Institute of Technology	1					1
Child Protection, Department for		1				1
Cockburn, City of	1					1
Commerce, Department of		2	1	1		4
Communities, Department for		1				1
Education, Department of	1					1
Environment and Conservation, Department of	3		1			4
Forest Products Commission	1					1
Government Employees Superannuation Board		1				1
Health, Department of	1					1
Health and Disability Services Complaints Office		1				1
Kalamunda, Shire of	1					1
Local Government, Department of		1	1			2
Main Roads Western Australia	2					2
Mandurah, City of	1					1
Medical Board of Western Australia	1					1
Mines and Petroleum, Department of	1		1			2
Murray, Shire of	1	1				2
NMAHS - Mental Health	1	1				2
NMAHS - Sir Charles Gairdner Hospital	1					1
Planning, Department of	4				1	5
Police, Western Australia		2				2
Port Hedland, Town of	1					1
Port Hedland Port Authority	3					3

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		
Premier and Cabinet, Department of the	2		1			3
Public Advocate, Office of the	1					1
Public Sector Commission	1					1
Public Sector Standards Commissioner, Office of the	1		1			2
SMAH - Bentley Hospital	1					1
SMAH - Fremantle Hospital	1				1	2
SMAH - Royal Perth Hospital		1				1
Sport and Recreation, Department of		1				1
Subiaco, City of	1					1
Toodyay, Shire of	1					1
Training and Workforce Development, Department of		1				1
Treasury and Finance, Department of		1				1
Victoria Plains, Shire of					1	1
Western Power	1					1
Workcover Western Australia Authority (Workcover WA)		1				1
Sub-Total: Agencies	44	16	6	4	3	73
Ministers:						
Attorney General	1	2				3
Energy, Minister for	3					3
Environment, Minister for	3	1				4
Forestry, Minister for		1				1
Health, Minister for	1					1
Local Government, Minister for	1					1
Planning, Minister for	2					2
Police, Minister for		1				1
Regional Development; Lands, Minister for	2		1			3
Training, Minister for	2					2
Transport, Minister for	3					3
Treasurer	3	6				9
Sub-Total: Ministers	21	11	1	0	0	33
Progressive-Total: All Complaints	65	27	7	4	3	106

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		
Informal / Invalid Complaints						
Agency Unknown					3	3
Agriculture and Food, Department of					1	1
Attorney General					1	1
Cambridge, Town of					1	1
Child Protection, Department of					1	1
Corrective Services, Department of					1	1
Education, Department of					2	2
Environment, Minister for					2	2
Environment and Conservation, Department of					1	1
Government Employees Superannuation Board					1	1
Medical Board of Western Australia					1	1
NMAHS - Mental Health					1	1
NMAHS - Osborne Park Hospital					1	1
NMAHS - Sir Charles Gairdner Hospital					1	1
Northampton, Shire of					1	1
Police, Western Australia					2	2
Public Sector Standards Commissioner, Office of the					1	1
Sub-Total: Informal/Invalid					22	22
TOTAL	65	27	7	4	25	128

Note: 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. Three of the complaints declined related to formal complaints and the remainder declined related to informal/invalid complaints.

TABLE 9: PUBLISHED DECISIONS

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0222010	Braybrooke	Department of Treasury and Finance (Office of State Revenue)	30/07/2010
D0232010	"X"	Department of Local Government	18/08/2010
D0242010	Boyd	Minister for Police; Emergency Services; Road Safety	18/08/2010
D0252010	Malik	Office of the Public Sector Standards Commissioner	27/10/2010
D0262010	Dow-Hall	Department of Training and Workforce Development	27/10/2010

TABLE 9: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0272010	The Wilderness Society (WA) Inc	Minister for Environment; Youth	28/10/2010
D0282010	Aniveb Pty Ltd & Blackbeard Pty Ltd trading as Urban Endeavour and Avon Capital Estates (Australia) Limited	City of Canning and "Y"	29/10/2010
D0292010	McGowan	Shire of Murray	03/11/2010
D0302010	Commercial Properties Pty Ltd	City of Bunbury and Another	17/11/2010
D0312010	Glasson	Department of Commerce	03/12/2010
D0322010	Australia First Party (NSW) Inc.	Department of Commerce	13/12/2010
D0332010	Audio Visual Image'Nation Pty Ltd	Department of the Attorney General and Another	14/12/2010
D0342010	"Z"	Department of Commerce	17/12/2010
D0352010	Apache Northwest Pty Ltd	Department of Mines and Petroleum and Lander and Rogers, Lawyers	30/12/2010
D0012011	"A"	Department of Sport and Recreation	06/01/2011
D0022011	McGowan	Minister for Regional Development; Lands and Mineralogy Pty Ltd	24/01/2011
D0032011	Ravlich	Department of the Premier and Cabinet	16/02/2011
D0042011	Nichols	Government Employees Superannuation Board	17/02/2011
D0052011	Subiaco's Past Players' and Officials' Association (Inc)	Department of Commerce	03/03/2011
D0062011	Treby	Department of Local Government	29/03/2011
D0072011 *	Ravlich	Attorney General	31/03/2011
D0082011	Watson	Minister for Forestry	05/04/2011
D0092011	"B"	Western Australia Police	06/04/2011
D0102011	Allison and Allison	Western Australia Police	07/04/2011
D0112011	"C"	Department for Child Protection	14/04/2011
D0122011	Farina	Treasurer	29/04/2011
D0132011	Farina	Treasurer	29/04/2011
D0142011	Farina	Treasurer	29/04/2011
D0152011	Farina	Treasurer	29/04/2011
D0162011	Farina	Treasurer	29/04/2011
D0172011	Farina	Treasurer	29/04/2011
D0182011	"D"	North Metropolitan Area Health Service - Mental Health	16/05/2011
D0192011	"E"	Royal Perth Hospital	31/05/2011

* D0072011 decided two complaints

TABLE 9: PUBLISHED DECISIONS (cont...)

DECISION NUMBER	COMPLAINANT	RESPONDENT	DECISION DATE
D0202011	O'Donoghue	Health and Disability Services Complaints Office	14/06/2011
D0212011	Amos	Workcover Western Australia Authority	24/06/2011
D0222011	Blahusiak	Department for Communities	24/06/2011
D0232011	Courtney	Department of Environment and Conservation	30/06/2011

2.2.5 Other Applications

There were 15 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)); 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)	TOTAL MATTERS FINALISED
	R	W	R	A	
Bayswater, City of			1		1
Commerce, Department of	1				1
Denmark, Shire of	1				1
Fisheries, Department of				1	1
Lotteries Commission	1				1
Main Roads Western Australia			1		1
Manjimup, Shire of			1		1
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	1				1
Perth, City of		1			1
Premier and Cabinet, Department of the	1				1
Public Transport Authority	1				1
Rockingham, City of			1		1
Roebourne, Shire of	1				1
Treasury and Finance, Department of			1		1
Vincent, Town of			1		1
TOTAL	7	1	6	1	15

Key: A-Approved; W-Withdrawn; R-Refused

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 the OIC.

All members of the OIC contribute to 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 OIC.

Training Courses and Briefings

The OIC 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 OIC 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. A summary of attendees at these presentations is shown in Table 11 on page 30. A list of the briefings, presentations and training sessions given by staff of the OIC are shown in Table 12 on page 31.

The Legal Practice Board of Western Australia recognises the OIC as a QA Provider for the purposes of the *Legal Profession Rules 2009*. Accordingly, legal practitioners may claim CPD points for attendance at training provided by the OIC as outlined on the OIC website.

FOI Coordinators Workshops

Workshops are scheduled based on the level of demand and are conducted by the OIC at no charge to agencies. Eleven 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 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 OIC who can subsequently 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 co-location with other accountability agencies is that OIC was able to host the majority of the FOI coordinators workshops in 2010/11 at its own premises. Feedback from participants who attended the workshops was very positive.

32 officers from local government agencies attended the workshops and 185 from State government agencies (including Ministers' offices).

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 an application; refusing to deal with an application; considering exemptions; applying the public interest test; preparing a notice of decision that complies with the Act; understanding the internal and external review processes; and making decisions. Attendees also establish a relationship with staff of the OIC who may be contacted for advice in the future, which is especially useful for those agencies that do not receive many applications. Six decision-makers forums were conducted in 2010/11, attended by a total of 74 officers of State government agencies (including Ministers' offices) and 22 officers of local government agencies.

Regional Awareness Program:

- *Albany 18 – 19 November 2010*
- *Bunbury 25 January 2011*

Regional visits offer the opportunity to raise public and agency awareness of FOI procedures and processes to improve decision-making and to meet officers of State and local government agencies.

As part of the Regional Awareness Program, the OIC visited Albany together with other key accountability agencies. The OIC also visited the City of Bunbury. Seminars were held for community groups, members of the public and regionally-based public sector agencies. The OIC delivered a number of workshops and briefings explaining the process and procedures that apply when dealing with applications for documents held by State or local government agencies.

Comprehensive briefing sessions were presented to staff at Albany Hospital for the WACHS – Great Southern and local government agencies. The briefings included clarification of personal information, third party consultation, notices of decision and the review process. The briefings were informal and interactive, allowing for immediate clarification of any points raised.

A comprehensive FOI briefing session was conducted for officers of the City of Bunbury.

On 16 November 2010 a briefing session was also presented to staff of the Western Australian Country Health Service (WACHS) via video-link which covered country and regional hospitals.

TABLE 11: ATTENDEES AT PRESENTATIONS

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	MINISTERIAL STAFF	TOTAL
FOI Coordinators Workshops (11)	180	32	5	217
Decision-Makers Forums (6)	71	22	3	96
Sub-total				313
BRIEFINGS (No.)				TOTAL
Agencies (14)				793
Public (7)				100
Presentations by the Information Commissioner (6)				784
Sub-total				1677
GRAND TOTAL OF ATTENDEES				1990

TABLE 12: FORMAL TRAINING AND PRESENTATIONS

DATE	PRESENTATION STYLE	AUDIENCE
14 July 2010	FOI Coordinators Workshop	Officers from Department of Training & Workforce Development
23 July 2010	Presentation	Speech - Admin Law Conference (Sydney)
28 July 2010	FOI Briefing	Town of Claremont
10 August 2010	Decision-makers Forum	Officers from State and local government agencies
18 August 2010	Decision-makers Forum	Public Sector Commission
25 August 2010	FOI Coordinators Workshop	Officers from State and local government agencies
2 September 2010	FOI Briefing	Economic Regulation Authority
7 September 2010	FOI Briefing	University of Notre Dame
22 September 2010	FOI Coordinators Workshop	Officers from State and local government agencies
5 October 2010	FOI Briefing	FOI Coordinators/Managers Network Meeting (Graylands)
12 October 2010	Decision-makers Forum	Officers from State and local government agencies
19 October 2010	FOI Briefing	AIAL Lunchtime Seminar (Re: FOI Review)
20 October 2010	Presentation	ISACA conference - deliver keynote speech on FOI
5 November 2010	FOI Briefing	Address to PSC/OPSSC
9 November 2010	FOI Coordinators Workshop	Officers from State and local government agencies
16 November 2010	FOI Coordinators Workshop	WACHS (videoconference)
18 November 2010	Briefing	Public authorities - Albany
18 November 2010	Briefing	Community groups - Albany
18 November 2010	FOI Coordinators Workshop	Officers from local government agencies - Great Southern
19 November 2010	FOI Coordinators Workshop	Officers from government hospitals - Great Southern Health
2 December 2010	FOI Briefing	FOI Coordinators forum - Discussion of FOI Review Report
25 January 2011	FOI Briefing	Officers from local government agency - City of Bunbury
2 February 2011	FOI Briefing	PSC - Induction
9 February 2011	FOI Coordinators Workshop	Officers from State and local government agencies
15 February 2011	Decision-makers Forum	Officers from local government agencies held at City of Cockburn
2 March 2011	FOI Briefing	PSC - Induction
17 March 2011	Decision-makers Forum	Officers from State and local government agencies
24 March 2011	Presentation	National Information Law conference - Canberra
28 March 2011	Presentation	CCC Misconduct Resistance Forum
30 March 2011	FOI Briefing	JLegal conference: FOI Theory v Practice
30 March 2011	FOI Coordinators Workshop	Officers from State and local government agencies
6 April 2011	FOI Briefing	PSC - Induction
13 April 2011	FOI Coordinators Workshop	Officers from State and local government agencies
2 April 2011	Presentation	NOPSA FOI Seminar
4 April 2011	FOI Briefing	PSC - Induction
10 April 2011	FOI Briefing	IPAA Members
11 April 2011	FOI Briefing	Edith Cowan University
13 May 2011	FOI Briefing	Department of Health - Contractors
25 May 2011	Decision-makers Forum	Officers from State and local government agencies
1 June 2011	FOI Briefing	PSC - Induction
16 June 2011	FOI Briefing	Integrity Coordinating Group Forum
22 June 2011	FOI Coordinators Workshop	Officers from State and local government agencies
29 June 2011	Briefing	West Australian Newspapers

Web Site and Electronic Communications

The OIC web site (www.foi.wa.gov.au) contains extensive information about the FOI process. It is structured into sections including: *About FOI* which provides assistance with the objects of the Act including *Frequently Asked Questions (FAQs)*, guides to the *FOI process* and some of the most frequently cited exemption clauses; *Publications* which contains links to the Act and Regulations, annual reports, brochures and articles giving guidance on the FOI process; and *Decisions* which contains copies of all formal decisions made on complaints, including links to appeal decisions of the Supreme Court.

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; by section of the Act; or by catchword. This is a valuable resource for agencies and members of the public who may be researching 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.

The section entitled *Training* contains the latest news and training information available and a facility to register for training courses. The *Miscellaneous* section provides ancillary information, such as OIC contact details and feedback facilities. There are also links to other related web sites.

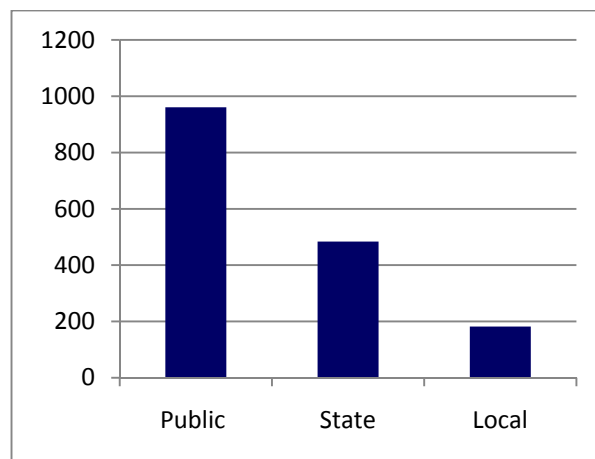
The patronage of the web site remained relatively consistent during the course of the year. There was an average of 12,700 separate visits per month recorded with each visitor, on average, only accessing

two web pages per visit. Visitors were less prevalent in the months of July 2010 and June 2011, perhaps reflecting other priorities for FOI practitioners during those times. However, visitors during those same periods were recorded as having spent a greater amount of time (approximately 13 minutes) per visit compared with an average of approximately 9 minutes per visit over the remainder of the reporting period. Apart from the 'home' page the page most frequented was that describing the FOI process, closely followed by a page outlining the assistance available to applicants, agencies and third parties.

Telephone Enquiries

There were 1,627 telephone enquiries received during the year (1,823 in 2009/10). Over 59% (961) of telephone enquiries received (62% in 2009/10) 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%-484) and local government (11%-182) agencies seeking assistance in dealing with access applications or advice regarding other statutory obligations under the Act.

Figure 1
Telephone Enquiries



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

Fifty seven 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 (13) and the Department of Corrective Services (13).

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 13 shows a summary of applications that were mistakenly directed to the OIC instead of to the agency holding the documents.

Of the remaining written enquiries, 142 were requests for advice concerning applications made under the FOI Act and a further 12 dealt with written advice dealing with other matters.

TABLE 13: MISDIRECTED APPLICATIONS RECEIVED

YEAR	CORRECTIONS	POLICE	OTHER ^r	TOTAL
2005/2006	22	23	17	62
2006/2007	16	35	40	91
2007/2008	15	24	33	72
2008/2009	15	33	25	73
2009/2010	15	20	30	65
2010/2011	13	13	31	57

2.4 ADMINISTRATION

The 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 WA 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.

The OIC 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 OIC.

SIGNIFICANT ISSUES AND TRENDS

3. SIGNIFICANT ISSUES AND TRENDS

3.1 Complaints made by Members of Parliament

As reported in the last two annual reports, since December 2008 there has been a significant increase in the number of complaints made by Members of Parliament about decisions of Ministers which has resulted in a backlog of complaints and a significant deterioration in this office's ability to resolve complaints under the Act in a timely manner. However, this office has recently received a budget increase to fund two new positions which will greatly assist in tackling the backlog. In addition, the number of complaints made to this office by Members of Parliament has decreased this year. During the current reporting year, 12 complaints were made to this office by Members of Parliament, compared to 21 complaints in 2009/10 and 80 complaints in 2008/09. While these numbers show a downward trend, they remain well above long term averages.

3.2 Non-compliant notices of decision

Section 30 of the FOI Act sets out the details that must be included in an agency's notice of decision given to an access applicant. During the year this office identified a significant number of notices of decision that did not comply with s.30. In particular, s.30(h) requires agencies to ensure that applicants are provided with information on their rights of review and appeal as part of the notice of decision. This information is to include the procedures to be followed by applicants to exercise their rights, and should also include any statutory time limits for the exercise of those rights. When an agency's decision does not contain that

information, members of the public unfamiliar with the FOI Act may have no knowledge of their review rights and consequently are denied the opportunity to exercise those rights. Therefore it is imperative that an agency's notice of decision complies with s.30(h).

Further, regulation 8 of the *Freedom of Information Regulations 1993* (the FOI Regulations) specifies that a complaint to the Commissioner for external review must be accompanied by a copy of the agency's notice of decision. Notices of decision issued by agencies must highlight this requirement. A number of decisions received by the Commissioner during the year failed to do so.

An example of the wording to meet the requirements of s.30(h) is available at: http://www.foi.wa.gov.au/Materials/Non_Compliant_NOD.pdf

3.3 Consulting officers of an agency about disclosure of personal information

During the year the Commissioner became aware of some misunderstanding in some agencies about the requirement to consult third parties who are officers of an agency before disclosing personal information about them.

Under clause 3 of Schedule 1 to the FOI Act, personal information about an individual is exempt from disclosure, subject to a number of limitations. One of those limitations relates to certain work-related information about officers of agencies, such as an officer's name, title and things done in the course of the officer's duties. This limitation means that such work-related information will usually not be exempt under clause 3(1), even

though it is ‘personal information’ as defined in the FOI Act¹. However, as a result of s.32 of the Act, an agency is not to give access to that personal information unless the agency has taken such steps as are reasonably practicable to obtain the views of the officer as to whether the information is exempt under clause 3.

As noted in last year’s annual report, the Commissioner considers that there is significant merit in amending the Act to remove the legislative requirement for agencies to consult with officers where the agency only proposes to disclose non-exempt information about those persons. However, as the law currently stands, agencies must comply with s.32 before disclosing personal information about an officer of an agency. In the alternative, the Commissioner strongly recommends agencies engage in meaningful discussions with applicants to explain this issue and attempt to have such information excluded from the scope of the application with the agreement of the applicant.

Further information to assist agencies is available at:

http://www.foi.wa.gov.au/Materials/Consulting_Officers_of_Agencies.pdf

3.4 Supreme Court appeals

This year one decision of the Commissioner was the subject of an appeal to the Supreme Court. That appeal was lodged by Apache Northwest Pty Ltd arising from the Commissioner’s decision in *Re Apache Northwest Pty Ltd and Department of Mines and Petroleum and Anor* [2010] WAICmr 35. As at the end of the reporting period, the Court had not delivered its judgment.

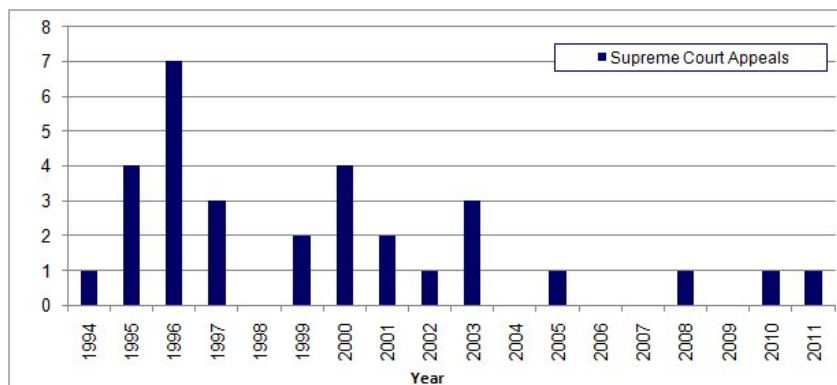
As reported in last year’s annual report, on 17 August 2010 the Supreme Court delivered its decision on the appeal of the Commissioner’s decision in *Re McKay and Water Corporation* [2009] WAICmr 35 (*Water Corporation v McKay* [2010] WASC 210).

In *Re Mackay*, the Commissioner found that valuation information relating to land owned by the complainants – which the Water Corporation was seeking to purchase – was not exempt under clause 6(1) of Schedule 1 to the FOI Act because its disclosure would not be contrary to the public interest. In dismissing the appeal and confirming the Commissioner’s decision, Martin J said that “[b]earing in mind the [Water Corporation’s] ultimate compulsory acquisition powers, its public interest contention that its commercial position may be undermined in negotiations, if it is required to [disclose the valuation information] cannot be accepted”. His Honour noted that “[i]n the context of a longer term potential use by the appellant of its compulsory land acquisition powers, the need for wholesale transparency in respect of the [Water Corporation’s] workings as a public agency is overwhelmingly the greater public interest, in the present case”.

Notably, Martin J also observed that the objects of the FOI Act as expressed in section 3 – that is, to enable the public to participate more effectively in governing the State and make the persons and bodies that are responsible for State and local government more accountable to the public – “form the essential bedrock of open, democratic government”. The full judgment of the Court can be found at <http://www.foi.wa.gov.au>.

¹Agencies should note that the information could be exempt for other reasons.

Figure 2: Supreme Court Appeals



3.5 Agency Statistics 2010/11

Section 111 of the Act requires that the Commissioner's annual report to the Parliament is to include certain specified information relating to the number and nature of applications dealt with by agencies under the Act during the year. To enable that to occur, agencies are also required by s.111 to provide the Commissioner with the specified information. That information for 2010/11 is set out in detail in the statistical tables at the end of this report. The following is an overview.

The primary responsibility for making decisions on FOI applications, and otherwise giving effect to the provisions of the 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 Commissioner, the number of access applications made to agencies under the Act has steadily increased, from 3,323 at the end of the first full financial year of operation of the Act (1994/95) to 15,716 in the year under review. That represents an increase of approximately 372% in 16 years from 1995 and 21% from last year (12,994).

3.5.1 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 (2,377 - an increase of 8% from last year), with the next highest number received by Royal Perth Hospital (1,873 - an increase of 12.9% from last year), followed by Sir Charles Gairdner Hospital (1,112 - an increase of 5.5% from last year). A further 5,504 applications were received by various other health service providers (hospitals, health services and the Department of Health), representing an increase of 35.6% over last year.

Of the 15,716 applications received by agencies in 2010/11, 604 (just over 3.8%) were received by local government agencies and 12,427 (96.2%) by State government agencies. Of the local government agencies, the City of Stirling received the highest number of applications (68), followed by the City of Joondalup (38), the City of Swan (35), the City of Bayswater (26), the Shire of Kalamunda (24) and the City of Cockburn (23). A number of local government agencies located in country areas reported having received either no applications or very few applications.

Of the applications made to State government agencies, 125 were made to Ministers, which was slightly less than the number made to Ministers last year (140). The Minister receiving the highest number of applications was the Hon E Constable MLA, Minister for Education with 17 applications, with the equal next highest (11) being shared by the Hon J Day MLA, Minister for Planning; Culture and the Arts; Science and Innovation and the Hon K Hames MLA, Deputy Premier; Minister for Health; Tourism.

3.5.2 Decisions

Of the decisions on access made by Ministers in the reporting period, 4 (3.8%) were to give full access; 78 (74.3%) were to give access to edited copies of documents; and 14 (13.3%) were to refuse access. The statistical tables also reveal that 13,505 decisions on access applications were made by State government agencies i.e. exclusive of local government agencies and Ministers, under the Act in 2010/11. Of those decisions, 58.5% resulted in the applicant being given access in full to the

documents sought; 30.6% resulted in the applicant being given access to edited copies of the documents sought; and 0.9% resulted in either access being given but deferred, or being given in accordance with s.28 of the Act (by way of an approved medical practitioner). In 7.1% of applications the agency could not find the requested documents. Only 2.8% of the decisions made were to refuse access. The above figures indicate that approximately 89.1% of the 13,505 decisions made by State Government 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.

3.5.3 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 below) was clause 3, which exempts from disclosure personal information about individuals other than the applicant. That clause was claimed 4,337 times in the

FIGURE 3
Number of Applications Decided — All Agencies

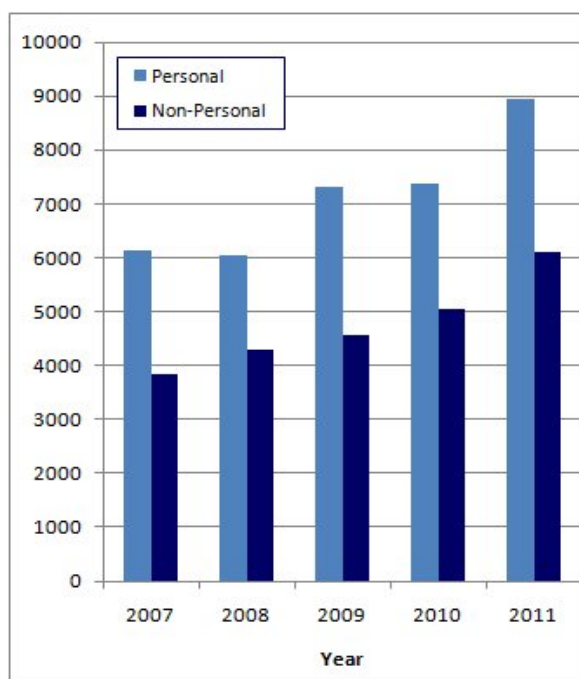


FIGURE 4
Outcome of Decisions — All agencies

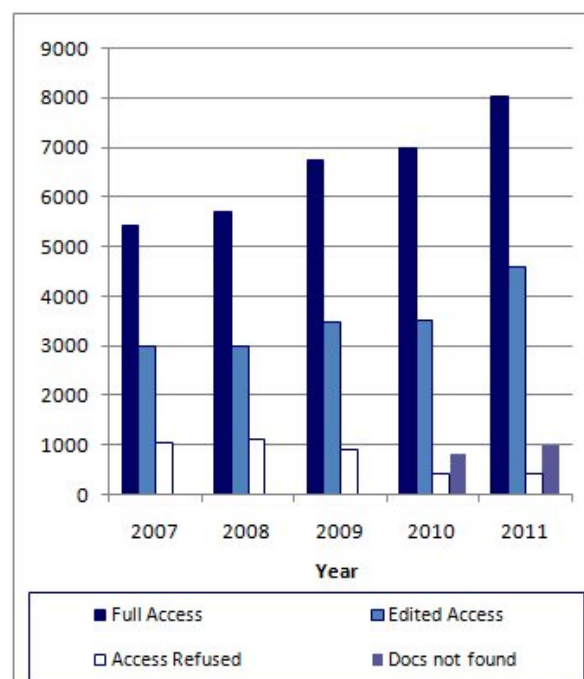
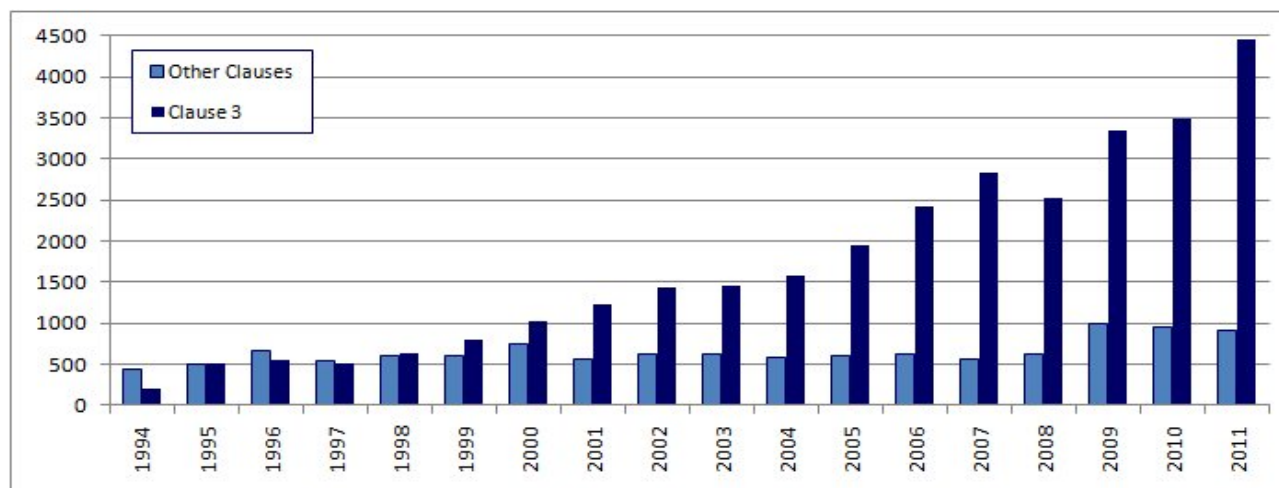


FIGURE 5: Use of Exemption Clauses – All Agencies



year under review. Figure 5 compares the use of this clause with all other clauses used since 1994/95, which indicates continued use of the exemption to protect personal privacy. The next most frequently claimed exemptions were: clause 4, which relates to certain commercial or business information of private individuals and organisations (170 times); clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of legal professional privilege (162 times); clause 6, which relates to the deliberative processes of government (161 times); clause 5, which relates to law enforcement, public safety and property security (106 times); and clause 8, which protects certain confidential communications (77 times). The exemption clauses claimed most by Ministers were clause 3 (personal information); clause 12 (contempt of Parliament or court); clause 8 (confidential communications); and clause 1 (Cabinet and Executive Council documents).

3.5.4 Internal Review

Agencies received 226 applications for internal review of decisions relating to access applications during 2010/11.

In the same period 222 applications for internal review were dealt with. The decision under review was confirmed on 169 occasions, varied on 42 occasions, reversed on 6 occasions and the application for internal review was withdrawn on 5 occasions.

3.5.5 Amendment of Personal Information

Fourteen applications for amendment of personal information were made to agencies during the year. Thirteen applications were dealt with, resulting in personal information being amended on 5 occasions, not amended on two occasions and amended, but not as requested, on 5 occasions. The two reported applications for internal review of decisions relating to the amendment of personal information resulted in the initial decision being confirmed.

3.5.6 Average Time

The average time taken by agencies to deal with access applications (24 days) decreased by approximately eight days from the previous year and remains 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 on page 41.

3.5.7 Charges

The average amount of charges imposed by agencies for dealing with access applications increased in comparison with the previous year – by \$2.99 per non-personal application over and above the 2009/10 average charge of \$15.42

FIGURE 6
Average Days – All Agencies

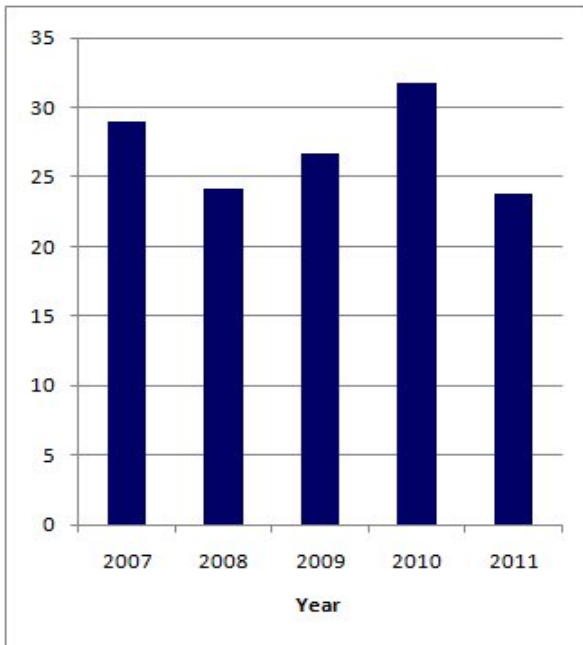
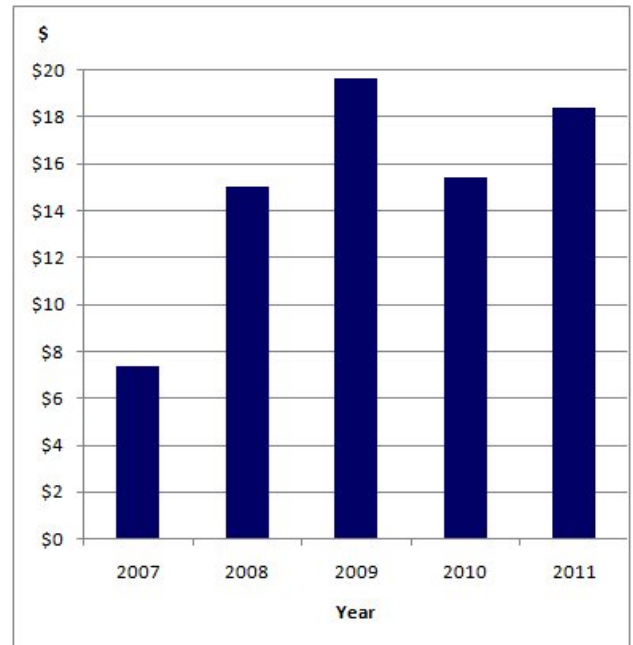


FIGURE 7
Average Charge for access – All Agencies



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DISCLOSURES AND LEGAL COMPLIANCE

4. DISCLOSURES AND LEGAL COMPLIANCE

4.1 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 on 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.

Electoral Act 1907 (s.175ZE): Table 14 lists expenditure incurred on certain advertising, market research polling, direct mail or media advertising activities during the year:

TABLE 14: Advertising Expenditure

EXPENDITURE CATEGORY	DETAILS	AMOUNT
Advertising agencies	-	Nil
Market research organisations	-	Nil
Polling organisations	-	Nil
Direct mail organisations	-	Nil
Media advertising organisations	-	Nil

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 OIC 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 OIC for the benefit of all staff. A documented 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*. This system has been formally introduced to staff and is made available through the OIC's Knowledge Management System.

The accountability agencies, collocated within St Martins Tower, meet 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 which is the formal mechanism by which consultation occurs with employees on occupational safety and health matters.

Two staff, the Information Commissioner and the Information Services Manager, have attended a course entitled "Monitor a Safe Workplace" pertaining to the implementation and monitoring of occupational health and safety and injury management policies, procedures and

programs in order to meet legislative requirements. Performance against injury management targets for 2010/11 is outlined in Table 15 below.

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 OIC has also introduced a Grievance Policy based on the PSC Employee Grievance Resolution Standard.

Government Policies

The OIC endeavours to comply with government policies insofar as they do not interfere with or compromise the independence of the operation of the OIC from executive government.

TABLE 15: INJURY MANAGEMENT TARGETS

Indicator	Target 2010/11	Actual 2010/11
Number of fatalities	Zero (0)	0
Lost time injury/disease (LTI/D) 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
Percentage of injured workers returned to work within 28 weeks	Actual percentage result	N/A
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	100%

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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 2011.



Sven Bluemmel
Information Commissioner

26 August 2011



Tony Pruyn
Senior Investigations
Officer

26 August 2011



PERFORMANCE INDICATORS 2010-2011

DESIRED OUTCOME

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

DESCRIPTION

Under the FOI Act, the main function of the Information Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The 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 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 a 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 and publish 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 OIC.

The Performance Indicators ('the PIs') of the OIC detailed below have been designed to reflect the satisfaction of parties who utilise the services of the OIC, 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

	2007	2008	2009	2010	2011
Target	80%	85%	90%	90%	85%
Outcome	75%	88%	91%	84%	77%

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. Four key questions are asked:

- ❖ Were you satisfied with the outcome of the external review?
- ❖ Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by the Office of the Information Commissioner?
- ❖ Do you consider that you were kept adequately informed regarding the progress of the external review?
- ❖ Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to each of 214 parties who participated in an external review process following finalisation of the review process. Of the 214 PRQs sent, 134 participants (63%) responded by returning a completed PRQ. 82 responses were received from agencies, 50 were received from complainants and 2 were received from third parties.

The outcome of answers to question 2 above is used to calculate this indicator. The answers to questions 1, 3 and 4 are also used by the OIC, but for internal performance management of complaints officers. Information in response to all four questions is taken

into account when reviewing external review procedures.

Of the 134 respondents, 103 (77%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the OIC.

1.2 Satisfaction of agencies with advice and guidance provided

	2007	2008	2009	2010	2011
Target	98%	98%	98%	98%	98%
Outcome	97%	97%	97%	98%	98%

The *Advice and Awareness* section of the OIC 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 OIC.

A survey is conducted on an annual basis in conjunction with the annual statistical returns of agencies. The survey was sent to each of 332 State and local government agencies and Ministers. Of the 332 surveys sent, 293 agencies (88%) responded by returning a completed survey. Of the 293 respondent agencies, 207 (71%) confirmed receiving advice and guidance from this office.

Of those 207 agencies that received advice, 203 agencies (98%) expressed satisfaction with the advice and guidance provided to them by this office.

1.3 The extent to which complaints were resolved by conciliation

The external review model adopted by the OIC 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 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 Commissioner.

	2007	2008	2009	2010	2011
Target	74%	75%	70%	65%	55%
Outcome	74%	62%	59%	56%	61%

In total, 346 matters of all types were finalised by the OIC in 2010/11. However, of those 346 matters, only 106 were complaints, as defined in s.65 of the FOI Act. Of the 106 complaints resolved in 2010/11, 65 (61%) were resolved by conciliation. That is, as a result of negotiations conducted by the OIC, the parties agreed that no issues remained in dispute which required a decision by the Commissioner.

2. EFFICIENCY PERFORMANCE INDICATORS

The OIC currently operates with 10 FTEs to deliver services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with complaints received under the FOI Act, approximately 70% of the OIC's resources are allocated to the complaint resolution (external review) function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 30% of the OIC'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 OIC in 2010/11 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 OIC, 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 OIC.

	2007	2008	2009	2010	2011
Budget	\$5,548	\$6,692	\$6,006	\$6,875	\$8,752
Actual	\$6,456	\$5,869	\$7,234	\$7,426	\$8,429

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 OIC in 2010/11 (143) into the "cost of services" for the Resolution of Complaints output.

Note: Variations in the actual and budget average cost are due to:

- (1) *Fluctuations in the number of matters received and resolved in particular financial years.*
- (2) *For budgeting purposes costs are apportioned 70% to Resolution of Complaints and 30% to Advice and Awareness. However, actual costs may vary slightly in any year. In 2010/11, actual costs allocated to the costs outputs resulted in 68% Resolution of Complaints and 32% Advice and Awareness.*

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 OIC in 2010/11 was used. The output units recorded by the OIC 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.

	2007	2008	2009	2010	2011
Budget	\$120	\$152	\$187	\$233	\$184
Actual	\$92	\$107	\$133	\$176	\$150

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 OIC in 2010/11 (3772) into “cost of services” for the *Advice and Awareness* output.

Note: Variations in the actual and budget average cost are due to:

- (1) *Fluctuations in the number of matters received and resolved in particular financial years.*
- (2) *For budgeting purposes costs are apportioned 70% to Resolution of Complaints and 30% to Advice and Awareness. However, actual costs may vary slightly in any year. In 2010/11, actual costs allocated to the costs outputs resulted in 68% Resolution of Complaints and 32% Advice and Awareness.*

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FINANCIAL STATEMENTS

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Office of the Information Commissioner - 30 June 2011

Disclosures and Legal Compliance

Financial Statements

Certification of Financial Statements


For the year ended 30 June 2011

The accompanying financial statements for the Office of the Information Commissioner have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the transactions for the financial year ended 30 June 2011 and the financial position as at 30 June 2011.

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



Michelle Fitzgerald
Chief Finance Officer
Date: 26/8/11



Sven Blumel
Information Commissioner
Date: 26/8/11





Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

OFFICE OF THE INFORMATION COMMISSIONER

Report on the Financial Statements

I have audited the accounts and financial statements of the Office of the Information Commissioner.

The financial statements comprise the Statement of Financial Position as at 30 June 2011, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, 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, and Notes comprising a summary of significant accounting policies and other explanatory information.

Information Commissioner's Responsibility for the Financial Statements

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 and the Treasurer's Instructions, and for such internal control as the Information Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Information Commissioner's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Information Commissioner, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Office of the Information Commissioner at 30 June 2011 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

Page 1 of 2

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

Office of the Information Commissioner**Report on Controls**

I have audited the controls exercised by the Office of the Information Commissioner. The Information Commissioner is responsible for ensuring that adequate control is maintained over the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Information Commissioner based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the controls exercised by the Office of the Information Commissioner are sufficiently adequate to 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.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Office of the Information Commissioner. The Information Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the key performance indicators of the Office of the Information Commissioner are relevant and appropriate to assist users to assess the Information Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2011.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and the Australian Auditing Standards, and other relevant ethical requirements.



COLIN MURPHY
AUDITOR GENERAL
31 August 2011

Statement of Comprehensive Income
For the year ended 30 June 2011

	Note	2011	2010
		\$	\$
COST OF SERVICES			
Expenses			
Employee benefits expense	6.	1,270,654	1,079,720
Supplies and services	7.	174,789	168,709
Depreciation expense	8.	7,850	7,850
Accommodation expenses	9.	234,002	189,370
Loss on disposal of non-current assets	12.	18	-
Other expenses	10.	85,162	116,032
Total cost of services		1,772,475	1,561,681
Income			
Revenue			
Other Revenue	11.	1,963	4,291
Total Revenue		1,963	4,291
Total income other than income from State Government		1,963	4,291
NET COST OF SERVICES		1,770,512	1,557,390
Income from State Government			
Service Appropriation	13.	1,582,000	1,704,000
Resources received free of charge	13.	6,295	5,411
Total income from State Government		1,588,295	1,709,411
SURPLUS/(DEFICIT) FOR THE PERIOD		(182,217)	152,021
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		(182,217)	152,021

See also the 'Schedule of Income and Expenses by Service'.

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

Statement of Financial Position
As at 30 June 2011

	Note	2011 \$	2010 \$
ASSETS			
Current Assets			
Cash and cash equivalents	22.	88,206	271,479
Receivables	15.	14,188	18,726
Other current assets	17.	7,032	7,046
Total Current Assets		<u>109,426</u>	<u>297,251</u>
Non-Current Assets			
Restricted cash and cash equivalents	14.22.	22,254	15,910
Amounts receivable for services	16.	30,000	30,000
Plant and equipment	18.	11,558	19,408
Total Non-Current Assets		<u>63,812</u>	<u>65,318</u>
TOTAL ASSETS		<u>173,238</u>	<u>362,569</u>
LIABILITIES			
Current Liabilities			
Payables	19.	56,501	53,587
Provisions	20.	168,961	184,488
Total Current Liabilities		<u>225,462</u>	<u>238,075</u>
Non-Current Liabilities			
Provisions	20.	56,937	51,438
Total Non-Current Liabilities		<u>56,937</u>	<u>51,438</u>
TOTAL LIABILITIES		<u>282,399</u>	<u>289,513</u>
NET ASSETS		<u>(109,161)</u>	<u>73,056</u>
EQUITY			
Contributed Equity	21.	37,000	37,000
Accumulated surplus/(deficiency)	21.	(146,161)	36,056
TOTAL EQUITY		<u>(109,161)</u>	<u>73,056</u>

See also the 'Schedule of Assets and Liabilities by Service'

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity
For the year ended 30 June 2011

	Note	Contributed Equity \$	Reserves \$	Accumulated surplus/(deficit) \$	Total Equity \$
Balance at 1 July 2009	21.	32,000	-	(116,626)	(84,626)
Changes in accounting policy or correction of prior period errors		-	-	661	661
Restated balance at 1 July 2009		32,000	-	(115,965)	(83,965)
Total Comprehensive Income for the year		-	-	152,021	152,021
Transactions with owners in their capacity as owners:					
Capital appropriations		5,000	-	-	5,000
Total		5,000	-	-	5,000
Balance at 30 June 2010		37,000	-	36,056	73,056
Balance at 1 July 2010		37,000	-	36,056	73,056
Total comprehensive income for the year		-	-	(182,217)	(182,217)
Transactions with owners in their capacity as owners:					
Capital appropriations		-	-	-	-
Total		-	-	-	-
Balance at 30 June 2011		37,000	-	(146,161)	(109,161)

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

Statement of Cash Flows
For the year ended 30 June 2011

	Note	2011	2010
		\$	\$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		1,582,000	1,704,000
Capital contributions		-	5,000
Net cash provided by State Government		1,582,000	1,709,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(1,265,282)	(1,026,349)
Supplies and services		(501,501)	(522,820)
GST payments on purchases		(60,368)	(46,208)
Receipts			
Receipts from service		4,816	35,078
GST receipts on sales		147	2,650
GST receipts from taxation authority		63,259	40,815
Net cash provided by/(used in) operating activities	22.	(1,758,929)	(1,516,834)
Net increase/(decrease) in cash and cash equivalents		(176,929)	192,166
Cash and cash equivalents at the beginning of period		287,389	95,223
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	22.	110,460	287,389

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

Schedule of Income and Expenses By Service
For the year ended 30 June 2011

	Resolution of complaints		Advice and Awareness		Total	
	2011	2010	2011	2010	2011	2010
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	864,045	734,210	406,609	345,510	1,270,654	1,079,720
Supplies and services	118,857	114,722	55,932	53,987	174,789	168,709
Depreciation and amortisation expense	5,338	5,338	2,512	2,512	7,850	7,850
Accommodation expenses	159,121	128,772	74,881	60,598	234,002	189,370
Loss on disposal of non-current assets	12	0	6	0	18	0
Other expenses	57,910	78,902	27,252	37,130	85,162	116,032
Total cost of services	1,205,283	1,061,944	567,192	499,737	1,772,475	1,561,681
<u>Income</u>						
Other revenue	1,963	4,291	0	0	1,963	4,291
Total income other than income from State Government	1,963	4,291	0	0	1,963	4,291
NET COST OF SERVICES	1,203,320	1,057,653	567,192	499,737	1,770,512	1,557,390
<u>Income from Statement Government</u>						
Service appropriation	1,075,760	1,158,720	506,240	545,280	1,582,000	1,704,000
Resources received free of charge	4,281	3,679	2,014	1,732	6,295	5,411
Total income from State Government	1,080,041	1,162,399	508,254	547,012	1,588,295	1,709,411
SURPLUS/DEFICIT FOR THE PERIOD	-123,279	104,746	-58,938	47,275	-182,217	152,021

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

Schedule of Assets and Liabilities by Service
For the year ended 30 June 2011

	Resolution of complaints		Advice and Awareness		Total	
	2011	2010	2011	2010	2011	2010
	\$	\$	\$	\$	\$	\$
<u>Assets</u>						
Current assets	74,410	202,131	35,016	95,120	109,426	297,251
Non-current assets	43,392	44,416	20,420	20,902	63,812	65,318
Total assets	117,802	246,547	55,436	116,022	173,238	362,569
<u>Liabilities</u>						
Current liabilities	153,314	161,891	72,148	76,184	225,462	238,075
Non-current liabilities	38,717	34,978	18,220	16,460	56,937	51,438
Total liabilities	192,031	196,869	90,368	92,644	282,399	289,513
NET ASSETS	-74,229	49,678	-34,932	23,378	-109,161	73,056

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

**Summary of Consolidated Account Appropriations and Income Estimates
For the year ended 30 June 2011**

	2011	2011		2011	2010	
	Estimate	Actual	Variance	Actual	Actual	Variance
	\$	\$	\$	\$	\$	\$
<u>Delivery of Services</u>						
Item 90 Net amount appropriated to deliver services	1,362,000	1,362,000	-	1,362,000	1,518,000	(156,000)
Amount Authorised by Other Statutes						
-Freedom of Information Act 1992	217,000	220,000	3,000	220,000	186,000	34,000
Total appropriations provided to deliver services	1,579,000	1,582,000	3,000	1,582,000	1,704,000	(122,000)
<u>Capital</u>						
Capital appropriations	-	-	-	-	5,000	(5,000)
GRAND TOTAL	1,579,000	1,582,000	3,000	1,582,000	1,709,000	(127,000)
<u>Details of Expenses by Service</u>						
Resolution of Complaints	1,103,000	1,205,283	102,283	1,205,283	1,061,944	143,339
Advice and Awareness	472,000	567,192	95,192	567,192	499,737	67,455
Total Cost of Services	1,575,000	1,772,475	197,475	1,772,475	1,561,681	210,794
Less Total Income	(4,000)	(1,963)	2,037	(1,963)	(4,291)	2,328
Net Cost of Services	1,571,000	1,770,512	199,512	1,770,512	1,557,390	213,122
Adjustment	8,000	(188,512)	(196,512)	(188,512)	146,610	(335,122)
Total appropriations provided to deliver services	1,579,000	1,582,000	3,000	1,582,000	1,704,000	(122,000)
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	-	-	-	-	-	-
Adjustments for other funding sources	-	-	-	-	5,000	(5,000)
Capital appropriations	-	-	-	-	5,000	(5,000)

Adjustments comprise of movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 27 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2011 and between the actual results for 2010 and 2011.

Notes to the Financial Statements For the year ended 30 June 2011

Note 1. Australian Accounting Standards

General

The Office of the Information Commissioner (the "Commission" for the purpose of these notes), financial statements for the year ended 30 June 2011 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The Commission has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. No Australian Accounting Standards that have been issued or amended [but not operative] have been early adopted by the Commission for the annual reporting period ended 30 June 2011.

Note 2. Summary of significant accounting policies

(a) General statement

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary 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 Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had 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.

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.

Note 3 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Commission's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

(c) Reporting entity

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

Mission

The Commission's mission is to promote public understanding and confidence in the decision making process of government agencies through access to relevant information. The Commission is predominantly 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.

Services

The Commission provides the following services:

Service 1: Resolution of complaints

Provides an independent review and complaint resolution process.

Service 2: Advice and Awareness

Provides objective advice, information and training to members of the public and agencies to assist in the proper lodgement and processing of applications under the *Freedom of Information Act 1992*.

(d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, 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 appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

The 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.

(e) Income

Revenue recognition

Revenue is recognised and 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 transfer to the purchaser and can be measured reliably.

Provision of services

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

Service appropriations

Service Appropriations are recognised as revenues at fair value in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

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 2010-2011 Budget Statements, the Commission retained \$1,963 in 2011 (\$4,291 in 2010) from the following:

- other receipts.

Grants, donations, gifts and other non-reciprocal contributions

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

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

Gains

Realised or unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets.

(f) Plant and equipment

Capitalisation/expensing of assets

Items of 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 plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income *[other than where they form part of a group of similar items which are significant in total]*.

Initial recognition and measurement

Plant and equipment are initially recognised at cost.

For items of plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

Subsequent to initial recognition as an asset, the historical cost model is used for plant and equipment. All items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Derecognition

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

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 reviewed annually. Estimated useful lives for each class of depreciable asset are:

Office equipment	5 years
Computer	2 years

(g) Impairment of assets

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

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

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

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-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 the end of each reporting period.

(h) Leases

The Commission has not entered into any finance leases.

The Commission holds operating leases for buildings and motor vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(i) Financial instruments

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

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

Financial instruments have been disaggregated into the following classes:

- Financial Assets
 - Cash and cash equivalents
 - Restricted cash and cash equivalents
 - Receivables
 - Amounts receivable for services
- 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 Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise 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

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are generally settled within a fortnight of the financial year end. For the current financial year a component of accrued salaries relates to settlement of liability in relation to the Public Service General Agreement 2011 (PSGA) pay award. Settlement of this component of accrued salaries is within a month of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value.

The accrued salaries suspense account 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.

(l) Amounts receivable for services (holding accounts)

The Commission receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(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.

(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 the equivalent to fair value, as settlement is generally within 30 days.

(o) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal 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 the end of each reporting period.

Provisions - employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

Annual leave

The liability for annual leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave is classified as a current liability as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

Long service leave

The liability for long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Long service leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market

yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period. Conditional long service leave provisions are classified as non-current liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

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 ten 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. The liability is measured on the same basis as annual leave.

Superannuation

The Government Employees Superannuation Board (GESB) administers public sector superannuation arrangements in Western Australia in accordance with legislative requirements.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

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

The Commission has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Commission to the GESB.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS became non-contributory members of the West State Superannuation (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.

The GESB makes all benefit payments in respect of the Pension and GSS, and is recouped from the Treasurer for the employer's share.

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'.

(p) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

(q) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value. Where the resource received represents a service that the Commission would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services are received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(r) Comparative figures

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

Note 3. Judgements made by management in applying accounting policies

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Commission evaluates these judgements regularly.

Note 4. Key sources of estimation uncertainty

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Long Service Leave

Several estimations and assumptions used in calculating the Commission's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Note 5. Disclosure of changes in accounting policy and estimates**Initial application of an Australian Accounting Standard**

The Commission has applied the following Australia Accounting Standards effective for annual reporting beginning on or after 1 July 2010 that impacted on the Commission.

2009-5 *Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project.* [AASB 5, 8, 101, 107, 118, 136, & 139]

Under amendments to AASB 107, only expenditures that result in a recognised asset are eligible for classification as investing activities in the Statement of Cash Flows. All investing cashflows reported in the Commission's Statement of Cash Flows relate to increases in recognised assets

Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Commission has not applied early any following Australian Accounting Standards that have been issued that may impact the Commission. Where applicable, the Commission plans to apply these Australian Standards from their application date:

		Operative for reporting periods beginning on/after
AASB 2009-11	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].</i></p> <p>The amendment to AASB 7 <i>Financial Instruments: Disclosures</i> requires modification to the disclosure of categories of financial assets. The Commission does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.</p>	1 Jan 2013
AASB 2009-12	<p><i>Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2, 4, 16, 1039 & 1052]</i></p> <p>This Standards introduces a number of terminology changes. There is no financial impact resulting from the application of this revised Standard.</p>	1 Jan 2011
AASB 1053	<p><i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standards establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.</p> <p>The Standard does not have any financial impact on the Commission. However it may affect disclosures in the financial statements of the Commission if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.</p>	1 July 2013
AASB 2010-2	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements</i></p> <p>This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.</p> <p>This Standard is not expected to have any financial impact on the Commission. However this Standard may reduce some note disclosures in the financial statements of the Commission. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.</p>	1 July 2013

AASB 2011-2	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & AASB 1054]</i>	1 July 2013
	This Amending Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.	
AASB 2010-5	<i>Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042] (October 2010)</i>	1 Jan 2011
	This Standard introduces a number of terminology changes as well as minor presentation changes to the Notes to the Financial Statements. There is no financial impact resulting from the application of this revised Standard.	
AASB 2010-6	<i>Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]</i>	1 July 2011
	This Standard makes amendments to Australian Accounting Standards, introducing additional presentation and disclosure requirements for Financial Assets.	
	The Standard is not expected to have any financial impact on the Commission. DTF has not yet determined the application of the potential impact of the amendments to these Standards for agencies.	
AASB 9	<i>Financial Instruments</i>	1 Jan 2013
	This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i> , introducing a number of changes to accounting treatments.	
	The Standard was reissued on 6 Dec 2010 and the Department is currently determining the impact of the Standard. DTF has not yet determined the application or the potential impact of the Standard for agencies.	
AASB 2010-7	<i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]</i>	1 Jan 2013
	This Amending Standard makes consequential adjustments to other Standards as a result of issuing AASB 9 <i>Financial Instruments</i> in December 2010. DTF has not yet determined the application or the potential impact of the Standard for agencies.	
AASB 1054	<i>Australian Additional Disclosures</i>	1 July 2011
	This Standard, in conjunction with AASB 2011-1 <i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project</i> , removes disclosure requirements for other Standards and	

incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.

AASB 2011-1

Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Interpretations 2, 112 & 113]

1 July 2011

This Amending Standard, in conjunction with *AASB 1054 Australian Additional Disclosures*, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.

Note 6. Employee benefits expense

	2011 \$	2010 \$
Wages and salaries ^(a)	1,149,839	985,279
Superannuation - defined contribution plans ^(b)	120,815	94,441
	1,270,654	1,079,720

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component, leave entitlements including superannuation contribution component.

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

Employment on-costs such as workers' compensation insurance are included at note 10 'Other Expenses'. The employment on-costs liability is included in note 20 'Provisions'.

Note 7. Supplies and Services

	2011 \$	2010 \$
Goods and supplies	34,489	32,256
Services and contracts ^(a)	140,300	136,453
	174,789	168,709

(a) Comparative figures for Audit fees have been reclassified from the 'Services and contracts' category to the category 'Other expenses' to be comparable with the figures presented in the current financial year.

Note 8. Depreciation and amortisation expense

	2011 \$	2010 \$
<u>Depreciation</u>		
Equipment	7,850	7,850
	7,850	7,850

Note 9. Accommodation expenses

	2011 \$	2010 \$
Building rental operating lease expense	234,002	189,370
	234,002	189,370

Note 10. Other expenses

	2011	2010
	\$	\$
Communication expenses	12,724	12,904
Printing and binding	714	744
Equipment and vehicles operating lease expense	5,193	6,462
Electricity	4,098	2,442
Insurance	5,978	5,383
Repairs and Maintenance	1,818	2,393
Other expenses ^{(a),(b)}	54,637	85,704
	85,162	116,032

(a) Includes workers compensation insurance; other employment on-costs; Auditor fees; and other costs.

(b) Comparative figures for Audit fees have been reclassified from the 'Services and contracts' category to the category 'Other expenses' to be comparable with the figures presented in the current financial year.

Note 11. Other revenue

	2011	2010
	\$	\$
Other revenue	1,963	4,291
	1,963	4,291

Note 12. Net gain/(loss) on disposal of non-current assets

	2011	2010
	\$	\$
<u>Costs of disposal of non-current assets</u>		
Plant and equipment	(18)	-
Net gain/(loss)	(18)	-

Note 13. Income from State Government

	2011	2010
	\$	\$
Appropriation received during the year:		
Service appropriations ^(a)	1,582,000	1,704,000
	1,582,000	1,704,000

Resources received free of charge ^(b)

Determined on the basis of the following estimates provided by agency:

DTF- Building Management Works	6,295	5,411
	6,295	5,411
	1,588,295	1,709,411

(a) Service appropriations fund the net 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) Assets or services received free of charge or for nominal cost are recognised revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contribution of assets or services in the nature of contributions by owners are recognised direct to equity.

Note 14. Restricted cash and cash equivalents

	2011	2010
	\$	\$
<u>Non-current</u>		
Accrued salaries suspense account ^(a)	22,254	15,910
	22,254	15,910

(a) Funds held in the suspense account used only for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

Note 15. Receivables

	2011	2010
	\$	\$
<u>Current</u>		
Receivables	-	2,853
GST receivable	14,188	15,873
Total current	14,188	18,726
Total receivables	14,188	18,726

Note 16. Amounts receivable for services (Holding Account)

	2011	2010
	\$	\$
Non-Current	30,000	30,000
	30,000	30,000

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

Note 17. Other Assets

	2011	2010
	\$	\$
<u>Current</u>		
Prepayments	7,032	7,046
Total current	7,032	7,046

Note 18. Plant and Equipment

	2011	2010
	\$	\$
<u>Office equipment and computers</u>		
At cost	74,048	120,444
Accumulated depreciation	(62,490)	(101,036)
	11,558	19,408

Reconciliation

Reconciliations of the carrying amounts of, plant and equipment at the beginning and end of the reporting period are set out below:

Carrying amount at start of year	19,408	27,258
Depreciation	(7,850)	(7,850)
Carrying amount at end of year	11,558	19,408

Note 19. Payables

	2011	2010
	\$	\$
<u>Current</u>		
Trade payables	25,220	37,706
Accrued Salaries	31,281	15,881
Total current	56,501	53,587

Note 20. Provisions

	2011	2010
	\$	\$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave ^(a)	45,668	35,023
Long service leave ^(b)	122,510	148,615
	168,178	183,638
 <i>Other provisions:</i>		
Employment on-costs ^(c)	783	850
	168,961	184,488

Non-current

Employee benefits provision

Long service leave ^(b)	56,680	51,200
	<u>56,680</u>	<u>51,200</u>

Other provisions

Employee on-costs ^(c)	257	238
	<u>257</u>	<u>238</u>
	<u>56,937</u>	<u>51,438</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 end of the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2011	2010
	\$	\$
Within 12 months of the end of the reporting period	45,241	33,055
More than 12 months after the reporting period	427	1,968
	<u>45,668</u>	<u>35,023</u>

(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 end of the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2011	2010
	\$	\$
Within 12 months of the end of the reporting period	47,333	78,908
More than 12 months after the reporting period	131,857	120,907
	<u>179,190</u>	<u>199,815</u>

(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 disclosed in Note 10 'Other expenses'.

Movements in other provisions

Movements in each class of provisions during the financial year, other than employee benefits, are set out below.

	2011	2010
	\$	\$
<u>Employment on-cost provision</u>		
Carrying amount at start of year	1,088	869
Additional provisions recognised	(48)	219
Carrying amount at end of year	<u>1,040</u>	<u>1,088</u>

Note 21. Equity

The Government holds the equity interest in the Commission on behalf of the community. Equity represents the residual interest in the net assets of the Commission. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets.

Contributed equity

	2011	2010
	\$	\$
Balance at the start of period	37,000	32,000
<u>Contribution by owners</u>		
Capital contributions	-	5,000
Total contributions by owners	-	5,000
Balance at end Of Period	37,000	37,000

Accumulated surplus/(deficit)

	2011	2010
	\$	\$
Balance at the start of the year	36,056	(115,965)
Result for the period	(182,217)	152,021
Balance at end of the period	(146,161)	36,056
Total Equity at end of period	(109,161)	73,056

Note 22. Notes to the Cash Flow Statement
Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

	2011	2010
	\$	\$
Cash and cash equivalents	88,206	271,479
Restricted cash and cash equivalents (refer to Note 14 'Restricted cash and cash equivalents')	22,254	15,910
	110,460	287,389

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

	2011	2010
	\$	\$
Net cost of services	(1,770,512)	(1,557,390)

Non-cash items:

Depreciation and amortisation expense (Note 8 'Depreciation and amortisation expense')	7,850	7,850
Resources received free of charge (Note 13 'Income from State Government')	6,295	5,411

(Increase)/decrease in assets:

Current receivables ^(a)	2,853	30,788
Other current assets	14	(1,086)

Increase/(decrease) in liabilities:

Current payables	2,914	(46,487)
Current provisions	(15,527)	48,607
Non-current provisions	5,499	(1,803)

Net GST receipts/(payments) ^(b)	3,038	(2,743)
Change in GST in receivables/payables ^(c)	(1,353)	19

Net cash provided by/(used in) operating activities	(1,758,929)	(1,516,834)
--	--------------------	--------------------

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This is the net GST paid/received, i.e. cash transaction.

(c) This reverses out the GST in receivables and payables.

Note 23. Resources provided free of charge

The Commission did not provide any resources to other agencies free of charge.

Note 24. Commitments

The commitments below are inclusive of GST where relevant

Non cancellable operating lease commitments

	2011	2010
	\$	\$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	221,426	212,264
Later than 1 year and not later than 5 years	13,666	213,254
	235,092	425,518

The non cancellable operating leases represent the Commission's property lease and leases on its motor vehicles. The property lease is a non-cancellable lease with a term expiring July 2012. Rent, outgoings and car parking rental are payable monthly. Contingent rent provisions within the lease agreement allow for the minimum lease payments to be reviewed and increased in line with movements in market rents.

The motor vehicle lease is a non-cancellable lease with a three year term, with lease payments monthly. New vehicle leases are negotiated at the end of this period, the number of vehicle leases being subject to the Commission's operational needs.

Note 25. Contingent liabilities and contingent assets

There are no contingent liabilities and contingent Assets for the financial year 2010-2011.

Note 26. Event occurring after the balance sheet date.

There were no events occurring after the reporting date that impact on the financial statements.

Note 27. Explanatory Statement

Significant variations between estimates and actual results for income and expenses as presented in the financial statement 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below: Significant variations are considered to be those greater than 10% or \$150,000.

Total appropriation to deliver services for the yearSignificant variances between actuals results for 2010 and 2011

	2011	2010	Variance
	\$	\$	\$
Total Income	1,963	4,291	(2,328)

Revenue can be solely attributed to expenditure recoups. Variance is due to a substantial travel expenses recoup received in 2010.

Service ExpenditureSignificant variances between estimate and actual for 2011

	2011	2011	Variance
	Estimate	Actual	
	\$	\$	\$
Advice & Awareness	472,000	567,192	95,192

One-off additional funding was received and drawn down in 2009-10 by the Commission for an independent review of the administration of the freedom of information process in State and local government agencies. A portion of the expenditure for this review was incurred during the 2010-11 financial year.

Significant variances between actual results for 2010 and 2011

	2011	2010	Variance
	\$	\$	\$
Complaint Resolution	1,205,283	1,061,944	143,339
Advice & Awareness	567,192	499,737	67,455

One-off additional funding was received and drawn down in 2009-10 by the Commission for an independent review of the administration of the freedom of information process in State and local government agencies. A portion of the expenditure for this review was incurred during the 2010-11 financial year.

Note 28. 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, and receivables and payables. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

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 the credit risk at the end of the reporting period 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 28(c) '*Financial instruments disclosures*' and Note 15 '*Receivables*'.

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 a ongoing basis with the result that the Commission's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

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

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Commission's income or value of its holdings of financial instruments. The Commission does not trade in foreign currency and is not materially exposed to other price risks.

The Commission is not exposed to interest rate risk because all other cash and cash equivalents and restricted cash are non-interest bearing, and the Commission has no borrowings.

(b) Categories of Financial Instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2011	2010
	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	88,206	271,479
Restricted cash and cash equivalents	22,254	15,910
Receivables ^(a)	-	2,853
Amount receivable for services	30,000	30,000
<u>Financial Liabilities</u>		
Financial Liabilities measured at amortised cost	56,501	53,587

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

(C) Financial Instrument disclosuresCredit Risk and interest Rate Risk Exposures

The following table discloses the Commission's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Commission's maximum exposure to credit risk at the end of the reporting period is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in financial assets. The table is based on information provided to senior management of the Commission.

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 ^(a)

	Weighted Average Effective Interest Rate %	<u>Interest rate exposure</u>			<u>Past due but not impaired</u>						
		Carrying Amount \$	Fixed interest rate \$	Variable interest rate \$	Non- interest Bearing \$	Up to 3 months \$	3 - 12 months \$	1-2 years \$	2-5 years \$	More than 5 Years \$	Impaired financial assets \$
<u>Financial assets</u>											
2011											
Cash and cash equivalents		88,206		-	88,206	-	-	-	-	-	
Restricted cash and cash equivalent		22,254		-	22,254	-	-	-	-	-	
Receivables ^(a)		-		-	-	-	-	-	-	-	
Amount receivable for services		30,000			30,000	-	-	-	-	-	
		140,460		-	140,460	-	-	-	-	-	
2010											
Cash and cash equivalents		271,479		-	271,479	-	-	-	-	-	
Restricted cash and cash equivalent		15,910		-	15,910	-	-	-	-	-	
Receivables ^(a)		2,853		-	2,853	2,853	-	-	-	-	
Amount receivable for services		30,000			30,000	-	-	-	-	-	
		320,242		-	320,242	2,853	-	-	-	-	

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

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The table includes interest and principal cash flows. An adjustment has been made where material.

Interest rate exposure and maturity analysis of financial liabilities ^(a)

	Weighted average effective interest rate %	<u>Interest rate exposure</u>				<u>Maturity Dates</u>					
		Carrying Amount \$	Variable interest rate \$	Non- Interest Bearing \$	Adjustment for discounting \$	Total Nominal Amount \$	Up to 3 months \$	3 - 12 months \$	1 - 2 years \$	2 - 5 years \$	More than 5 years \$
<u>Financial Liabilities</u>											
2011											
Payables		56,501	-	56,501	-	-	56,501	-	-	-	-
		56,501	-	56,501	-	-	56,501	-	-	-	-
2010											
Payables		53,587	-	53,587	-	-	53,587	-	-	-	-
		53,587	-	53,587	-	-	53,587	-	-	-	-

Note 29. Remuneration of senior officers

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:

	2011	2010
\$	\$	\$
200,001 - 210,000		1
230,001 - 240,000	1	
The total remuneration of senior officers is:	<u>239,914</u>	<u>206,098</u>

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

Note 30. Remuneration of Auditor

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

	2011	2010
	\$	\$
Auditing the accounts, financial statements and performance indicators	<u>20,500</u>	<u>20,900</u>
	<u>20,500</u>	<u>20,900</u>

The expense is included at Note 10 'Other expenses'.

STATISTICAL TABLES

TABLE 16: REQUESTS RECEIVED BY AGENCIES

AGENCY NAME	No.
Group: Boards, Committees, Commissions, Authorities, Corporations	
Acacia Prison	257
Albany Port Authority	0
Animal Resources Authority	0
Armadale Redevelopment Authority	1
Botanic Gardens and Parks Authority	0
Broome Port Authority	1
Building and Construction Industry Training Fund	0
Bunbury Port Authority	1
Bunbury Water Board (Aqwest)	0
Burswood Park Board	0
Busselton Water	2
Chemistry Centre Western Australia	1
College of Teaching, Western Australian	2
Commissioner for Children and Young People, Office of the	0
Conservation Commission of Western Australia	0
Country High School Hostels Authority, Office of the	0
Court Security and Custodial Services	0
Curriculum Council	2
Dampier Port Authority	1
Disability Services Commission	11
East Perth Redevelopment Authority	0
Economic Regulation Authority	1
Electoral Commission, Western Australian	0
Energy, Office of	4
Equal Opportunity Commission	1
Esperance Port Authority	1
Fire and Emergency Services Authority of Western Australia	91
Forest Products Commission	3
Fremantle Port Authority	4
Gascoyne Development Commission	0
Geraldton Port Authority	2
Gold Corporation	0
Goldfields Esperance Development Commission	2
Government Employees Superannuation Board	2
Great Southern Development Commission	2
Greyhound Racing Association, Western Australian	0
Heritage Council of Western Australia	3
Horizon Power	3
Independent Market Operator	0
Industrial Relations Commission, Office of the Registrar	0
Insurance Commission of Western Australia	164
Kimberley Development Commission	0

AGENCY NAME	No.
Land Authority (LandCorp), Western Australian	8
Landgate	11
Law Reform Commission	0
Legal Aid Western Australia	7
Legal Practice Board of WA, The	0
Legal Profession Complaints Committee	3
Lotteries Commission	1
Meat Industry Authority, Western Australian	0
Metropolitan Cemeteries Board	1
Mid West Development Commission	1
Midland Redevelopment Authority	0
Minerals and Energy Research Institute of Western Australia	0
National Trust of Australia (WA)	0
Optometrists' Registration Board of Western Australia	0
Peel Development Commission	0
Pilbara Development Commission	0
Podiatrists' Registration Board	0
Port Hedland Port Authority	0
Potato Marketing Corporation of Western Australia	0
Professional Combat Sports Commission	1
Psychologists Registration Board of WA	1
Public Advocate, Office of the	2
Public Sector Commission	10
Public Transport Authority	29
Racing and Wagering Western Australia	1
Real Estate and Business Agents Supervisory Board	1
Rottneet Island Authority	2
Salaries and Allowances Tribunal	1
Settlement Agents Supervisory Board	2
Small Business Development Corporation	0
South West Development Commission	1
Sports Centre Trust (VenuesWest)	0
State Administrative Tribunal	8
Subiaco Redevelopment Authority	0
Synergy	7
Tourism Commission, Western Australian	10
Treasury Corporation, Western Australian	0
Verve Energy	4
Water Corporation	20
Western Power	27
Wheatbelt Development Commission	0
Workcover Western Australia Authority (Workcover WA)	3
Zoological Parks Authority	1
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	725

STATISTICAL TABLES continued

TABLE 16: REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Group: Departments (except Police and Health agencies)	
Agriculture and Food, Department of	27
Attorney General, Department of the	102
C Y O'Connor College of TAFE	1
Central Institute of Technology	4
Challenger Institute of Technology	4
Child Protection, Department for	115
Commerce, Department of	248
Communities, Department for	6
Corrective Services, Department of	1,008
Culture and the Arts, Department of	2
Durack Institute of Technology	0
Education, Department of	61
Education Services, Department of	8
Environment and Conservation, Department of	323
Environmental Protection Authority, Office of the	30
Fisheries, Department of	6
Great Southern Institute of Technology	0
Housing, Department of	122
Indigenous Affairs, Department of	7
Kimberley College of TAFE	0
Local Government, Department of	13
Main Roads Western Australia	38
Mines and Petroleum, Department of	593
Pilbara College of TAFE	0
Planning, Department of	158
Polytechnic West	0
Premier and Cabinet, Department of the	66
Public Trust Office	0
Racing, Gaming and Liquor, Department of	12
Regional Development and Lands, Department of	26
South West Regional College of TAFE	1
Sport and Recreation, Department of	4
State Development, Department of	30
Training and Workforce Development, Department of	8
Transport, Department of	114
Treasury and Finance, Department of	40
Water, Department of	188
West Coast Institute of Training	2
<hr/>	
<i>Sub-total: Departments</i>	3,367
Group: Health related agencies	
C&AHS - Princess Margaret Hospital for Children	282
Dental Health Services	0
Drug and Alcohol Office	0
Health, Department of	59

AGENCY NAME	No.
Health and Disability Services Complaints Office	0
Health Promotion Foundation WA	0
Joondalup Health Campus	379
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	230
NMAHS - King Edward Memorial Hospital	82
NMAHS - Osborne Park Hospital	91
NMAHS - Sir Charles Gairdner Hospital	1,112
NMAHS - Swan Kalamunda Health Service	217
PathWest Laboratory Medicine WA	8
Peel Health Campus	280
SMAH - Armadale-Kelmscott Memorial Hospital	268
SMAH - Bentley Hospital	137
SMAH - Fremantle Hospital	771
SMAH - Rockingham-Kwinana District Hospital	218
SMAH - Royal Perth Hospital	1,873
WACHS - Goldfields	606
WACHS - Great Southern	113
WACHS - Kimberley	567
WACHS - Midwest	101
WACHS - Pilbara	335
WACHS - South West	420
WACHS - Wheatbelt	340
<i>Sub-total: Health related agencies</i>	
	8,489
Group: Local government agencies	
Albany, City of	6
Armadale, City of	9
Augusta-Margaret River, Shire of	2
Bassendean, Town of	3
Bayswater, City of	26
Belmont, City of	18
Beverley, Shire of	1
Boddington, Shire of	1
Boyup Brook, Shire of	0
Bridgetown-Greenbushes, Shire of	1
Brookton, Shire of	0
Broome, Shire of	14
Broomehill-Tambellup, Shire of	0
Bruce Rock, Shire of	0
Bunbury, City of	16
Busselton, Shire of	16
Cambridge, Town of	8
Canning, City of	15
Capel, Shire of	3
Carnamah, Shire of	0

TABLE 16: REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Carnarvon, Shire of	0
Chapman Valley, Shire of	0
Chittering, Shire of	14
Claremont, Town of	1
Cockburn, City of	23
Collie, Shire of	0
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrigin, Shire of	0
Cottesloe, Town of	5
Cranbrook, Shire of	0
Cue, Shire of	0
Dalwallinu, Shire of	2
Dandaragan, Shire of	0
Dardanup, Shire of	3
Denmark, Shire of	3
Derby-West Kimberley, Shire of	1
Donnybrook-Balingup, Shire of	7
Dowerin, Shire of	0
Dumbleyung, Shire of	0
East Fremantle, Town of	5
East Pilbara, Shire of	4
Esperance, Shire of	0
Exmouth, Shire of	0
Fremantle, City of	11
Geraldton-Greenough, City of	11
Gingin, Shire of	7
Gnowangerup, Shire of	0
Goomalling, Shire of	0
Gosnells, City of	18
Halls Creek, Shire of	0
Harvey, Shire of	5
Irwin, Shire of	0
Jerramungup, Shire of	0
Joondalup, City of	38
Kalamunda, Shire of	24
Kalgoorlie-Boulder, City of	2
Katanning, Shire of	1
Kellerberrin, Shire of	0
Kent, Shire of	0
Kojonup, Shire of	0
Kondinin, Shire of	0
Koorda, Shire of	0
Kulin, Shire of	0

AGENCY NAME	No.
Kwinana, Town of	6
Lake Grace, Shire of	0
Laverton, Shire of	0
Leonora, Shire of	0
Mandurah, City of	11
Manjimup, Shire of	2
Meekatharra, Shire of	0
Melville, City of	9
Merredin, Shire of	0
Mingenew, Shire of	0
Moora, Shire of	0
Morawa, Shire of	0
Mosman Park, Town of	7
Mount Magnet, Shire of	0
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mullewa, Shire of	0
Mundaring, Shire of	5
Murray, Shire of	16
Nannup, Shire of	0
Narembeen, Shire of	0
Narrogin, Shire of	0
Narrogin, Town of	0
Nedlands, City of	18
Ngaanyatjarraku, Shire of	0
Northampton, Shire of	1
Nungarin, Shire of	0
Peppermint Grove, Shire of	0
Perenjori, Shire of	0
Perth, City of	11
Pingelly, Shire of	0
Plantagenet, Shire of	1
Port Hedland, Town of	4
Quairading, Shire of	0
Ravensthorpe, Shire of	0
Rockingham, City of	8
Roebourne, Shire of	8
Sandstone, Shire of	0
Serpentine/Jarrahdale Shire	19
Shark Bay, Shire of	1
South Perth, City of	12
Stirling, City of	68
Subiaco, City of	7
Swan, City of	35

TABLE 16: REQUESTS RECEIVED BY AGENCIES (cont...)

AGENCY NAME	No.
Tammin, Shire of	0
Three Springs, Shire of	0
Trayning, Shire of	0
Upper Gascoyne, Shire of	0
Victoria Park, Town of	2
Victoria Plains, Shire of	2
Vincent, Town of	2
Wagin, Shire of	0
Wandering, Shire of	0
Wanneroo, City of	19
West Arthur, Shire of	0
Wickepin, Shire of	0
Williams, Shire of	0
Wiluna, Shire of	0
Wongan-Ballidu, Shire of	0
Woodanilling, Shire of	0
Wyalkatchem, Shire of	0
Wyndham-East Kimberley, Shire of	0
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	0
<i>Sub-total: Local government</i>	
	604
Group: Ministers	
Buswell MLA, Hon T	8
Castrilli MLA, Hon J	7
Collier MLC, Hon P	8
Constable MLA, Hon E	17
Day MLA, Hon J	11
Faragher MLC, Hon D	1
Grylls MLA, Hon B	9
Hames MLA, Hon K	11
Jacobs MLA, Hon G	3
Johnson MLA, Hon R	4
Marmion MLA, Hon B	8
McSweeney MLC, Hon R	3
Moore MLC, Hon N	5
Morton MLC, Hon Helen	1
O'Brien MLC, Hon S	10
Porter MLA, Hon C	5
Redman MLA, Hon T	10
Waldron MLA, Hon T	4
<i>Sub-total: Ministers</i>	
	125

AGENCY NAME	No.
Group: Police	
Police, Western Australia	2,377
<i>Sub-total: Police</i>	2,377
Group: Universities	
Curtin University of Technology	8
Edith Cowan University	9
Murdoch University	3
University of Western Australia, The	9
<i>Sub-total: Universities</i>	29
Total	15,716

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 PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Group: Boards, Committees, Commissions, Authorities, Corporations						
Acacia Prison	61(31.8)	98(51.0)	20(10.4)	0(0)	13(6.8)	0(0)
Armadale Redevelopment Authority	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Bunbury Port Authority	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Busselton Water	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
Chemistry Centre Western Australia	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Curriculum Council	1(100.0)	0(0)	0(0)	1(100.0)	0(0)	0(0)
Dampier Port Authority	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Disability Services Commission	1(11.1)	5(55.6)	0(0)	0(0)	1(11.1)	2(22.2)
Economic Regulation Authority	0(0)	0(0)	0(0)	0(0)	0(0)	1(100.0)
Energy, Office of	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Equal Opportunity Commission	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Esperance Port Authority	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Fire and Emergency Services Authority of Western Australia	0(0)	74(89.2)	5(6.0)	0(0)	2(2.4)	2(2.4)
Forest Products Commission	0(0)	1(50.0)	0(0)	0(0)	0(0)	1(50.0)
Fremantle Port Authority	0(0)	1(33.3)	0(0)	0(0)	0(0)	2(66.7)
Geraldton Port Authority	1(50.0)	0(0)	0(0)	0(0)	0(0)	1(50.0)
Government Employees Superannuation Board	1(50.0)	0(0)	0(0)	0(0)	1(50.0)	0(0)
Great Southern Development Commission	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Heritage Council of Western Australia	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
Horizon Power	1(50.0)	0(0)	0(0)	0(0)	0(0)	1(50.0)
Insurance Commission of Western Australia	3(1.9)	151(95.0)	0(0)	0(0)	2(1.3)	3(1.9)
Land Authority (LandCorp), Western Australian	0(0)	5(83.3)	1(16.7)	0(0)	0(0)	0(0)
Landgate	6(75.0)	2(25.0)	0(0)	0(0)	0(0)	0(0)
Legal Aid Western Australia	5(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Legal Profession Complaints Committee	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
Lotteries Commission	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)

TABLE 17: DECISIONS MADE—OUTCOME (cont...)

Agency	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Mid West Development Commission	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Public Advocate, Office of the	1(50.0)	1(50.0)	0(0)	0(0)	0(0)	0(0)
Public Sector Commission	2(18.2)	7(63.6)	0(0)	0(0)	2(18.2)	0(0)
Public Transport Authority	8(30.8)	10(38.5)	0(0)	0(0)	6(23.1)	2(7.7)
Racing and Wagering Western Australia	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Real Estate and Business Agents Supervisory Board	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
Rottneest Island Authority	0(0)	1(50.0)	0(0)	0(0)	0(0)	1(50.0)
Settlement Agents Supervisory Board	0(0)	0(0)	0(0)	0(0)	0(0)	2(100.0)
South West Development Commission	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
State Administrative Tribunal	2(25.0)	0(0)	0(0)	0(0)	0(0)	6(75.0)
Synergy	1(25.0)	3(75.0)	0(0)	0(0)	0(0)	0(0)
Tourism Commission, Western Australian	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Verve Energy	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Water Corporation	12(63.2)	4(21.1)	1(5.3)	0(0)	2(10.5)	0(0)
Western Power	10(40.0)	13(52.0)	0(0)	0(0)	2(8.0)	0(0)
Workcover Western Australia Authority (Workcover WA)	0(0)	3(100.0)	0(0)	0(0)	0(0)	0(0)
Sub-Total:	121(19.84)	406(66.56)	27(4.43)	1(0.16)	31(5.08)	24(3.93)
Group: Departments (except Police and Health agencies)						
Agriculture and Food, Department of	3(13.6)	19(86.4)	0(0)	0(0)	0(0)	0(0)
Attorney General, Department of the	1(2.1)	11(23.4)	0(0)	0(0)	7(14.9)	28(59.6)
C Y O'Connor College of TAFE	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Central Institute of Technology	4(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Challenger Institute of Technology	1(33.3)	1(33.3)	0(0)	0(0)	0(0)	1(33.3)
Child Protection, Department for	2(1.8)	84(77.1)	0(0)	0(0)	13(11.9)	10(9.2)
Commerce, Department of	7(3.0)	222(94.5)	0(0)	0(0)	2(0.9)	4(1.7)
Communities, Department for	1(33.3)	2(66.7)	0(0)	0(0)	0(0)	0(0)
Corrective Services, Department of	371(46.2)	313(39.0)	2(0.2)	2(0.2)	72(9.0)	45(5.6)
Culture and the Arts, Department of	4(50.0)	4(50.0)	0(0)	0(0)	0(0)	0(0)
Durack Institute of Technology	0(0)	0(0)	0(0)	0(0)	(0)	0(0)
Education, Department of	8(40.0)	10(50.0)	0(0)	0(0)	2(10.0)	0(0)
Education Services, Department of	1(20.0)	1(20.0)	1(20.0)	0(0)	0(0)	2(40.0)
Environment and Conservation, Department of	24(8.4)	69(24.1)	0(0)	0(0)	188	5(1.7)
Environmental Protection Authority, Office of the	0(0)	17(63.0)	0(0)	0(0)	10(37.0)	0(0)
Fisheries, Department of	3(42.9)	4(57.1)	0(0)	0(0)	0(0)	0(0)
Great Southern Institute of Technology	0(0)	0(0)	0(0)	0(0)	(0)	0(0)
Housing, Department of	2(1.9)	95(88.0)	0(0)	0(0)	11(10.2)	0(0)
Indigenous Affairs, Department of	1(14.3)	6(85.7)	0(0)	0(0)	0(0)	0(0)
Kimberley College of TAFE	0(0)	0(0)	0(0)	0(0)	(0)	0(0)
Local Government, Department of	2(16.7)	5(41.7)	0(0)	0(0)	0(0)	5(41.7)

STATISTICAL TABLES continued

Agency	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Main Roads Western Australia	30(69.8)	12(27.9)	0(0)	0(0)	1(2.3)	0(0)
Mines and Petroleum, Department of	100(17.3)	96(16.6)	0(0)	0(0)	360(62.3)	22(3.8)
Pilbara College of TAFE	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Planning, Department of	45(33.1)	56(41.2)	0(0)	0(0)	34(25.0)	1(0.7)
Polytechnic West	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Premier and Cabinet, Department of the	2(3.6)	42(75.0)	0(0)	0(0)	8(14.3)	4(7.1)
Public Trust Office	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Racing, Gaming and Liquor, Department of	2(16.7)	8(66.7)	0(0)	0(0)	1(8.3)	1(8.3)
Regional Development and Lands, Department of	3(13.0)	14(60.9)	0(0)	0(0)	4(17.4)	2(8.7)
South West Regional College of TAFE	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Sport and Recreation, Department of	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
State Development, Department of	2(8.7)	17(73.9)	0(0)	0(0)	2(8.7)	2(8.7)
Training and Workforce Development, Department of	1(16.7)	3(50.0)	0(0)	0(0)	1(16.7)	1(16.7)
Transport, Department of	41(47.1)	29(33.3)	0(0)	0(0)	11(12.6)	6(6.9)
Treasury and Finance, Department of	1(3.0)	30(90.9)	0(0)	0(0)	2(6.1)	0(0)
Water, Department of	13(7.6)	13(7.6)	1(0.6)	0(0)	0(0)	143(84.1)
West Coast Institute of Training	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Sub-Total:	677(23.51)	1186(41.18)	4(0.14)	2(0.07)	729(25.31)	282(9.79)
Group: Health related agencies						
C&AHS - Princess Margaret Hospital for Children	195(87.1)	0(0)	0(0)	16(7.1)	12(5.4)	17(7.6)
Health, Department of	20(37.7)	21(39.6)	0(0)	0(0)	8(15.1)	4(7.5)
Joondalup Health Campus	288(85.7)	40(11.9)	0(0)	0(0)	8(2.4)	0(0)
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	170(85.4)	8(4.0)	0(0)	4(2.0)	10(5.0)	11(5.5)
NMAHS - King Edward Memorial Hospital	69(87.3)	1(1.3)	0(0)	11(13.9)	6(7.6)	3(3.8)
NMAHS - Osborne Park Hospital	67(79.8)	0(0)	5(6.0)	0(0)	7(8.3)	5(6.0)
NMAHS - Sir Charles Gairdner Hospital	1065(95.9)	40(3.6)	4(0.4)	2(0.2)	2(0.2)	0(0)
NMAHS - Swan Kalamunda Health Service	112(54.9)	88(43.1)	0(0)	0(0)	4(2.0)	0(0)
PathWest Laboratory Medicine WA	8(88.9)	1(11.1)	0(0)	0(0)	0(0)	0(0)
Peel Health Campus	280(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
SMAH - Armadale-Kelmscott Memorial Hospital	232(97.5)	4(1.7)	0(0)	1(0.4)	2(0.8)	0(0)
SMAH - Bentley Hospital	1(0.8)	116(97.5)	1(0.8)	0(0)	0(0)	1(0.8)
SMAH - Fremantle Hospital	694(97.6)	7(1.0)	0(0)	1(0.1)	10(1.4)	0(0)
SMAH - Rockingham-Kwinana District Hospital	195(90.3)	11(5.1)	0(0)	1(0.5)	10(4.6)	0(0)
SMAH - Royal Perth Hospital	1701(98.5)	16(0.9)	1(0.1)	1(0.1)	1(0.1)	8(0.5)
WACHS - Goldfields	575(97.5)	0(0)	13(2.2)	0(0)	0(0)	2(0.3)
WACHS - Great Southern	58(56.9)	34(33.3)	6(5.9)	0(0)	4(3.9)	0(0)
WACHS - Kimberley	552(98.9)	4(0.7)	0(0)	0(0)	2(0.4)	0(0)
WACHS - Midwest	0(0)	90(96.8)	0(0)	1(1.1)	1(1.1)	2(2.2)
WACHS - Pilbara	291(89.5)	30(9.2)	0(0)	0(0)	0(0)	4(1.2)
WACHS - South West	372(94.4)	0(0)	0(0)	0(0)	10(2.5)	12(3.0)
WACHS - Wheatbelt	61(19.4)	213(67.6)	18(5.7)	0(0)	23(7.3)	0(0)
Sub-Total:	7006(87.52)	724(9.04)	48(0.60)	38(0.47)	120(1.5)	69(0.86)

TABLE 17: DECISIONS MADE—OUTCOME (cont...)

Agency	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Group: Local government agencies						
Albany, City of	5(83.3)	1(16.7)	0(0)	0(0)	0(0)	0(0)
Armadale, City of	1(12.5)	6(75.0)	0(0)	0(0)	1(12.5)	0(0)
Bassendean, Town of	2(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Bayswater, City of	3(11.5)	20(76.9)	0(0)	0(0)	0(0)	3(11.5)
Belmont, City of	0(0)	16(100.0)	0(0)	0(0)	0(0)	0(0)
Beverley, Shire of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Boddington, Shire of	1(100.0)	0(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)
Broome, Shire of	4(28.6)	10(71.4)	0(0)	0(0)	0(0)	0(0)
Bunbury, City of	7(43.8)	9(56.3)	0(0)	0(0)	0(0)	0(0)
Busselton, Shire of	2(22.2)	7(77.8)	0(0)	0(0)	0(0)	0(0)
Cambridge, Town of	1(16.7)	3(50.0)	0(0)	0(0)	2(33.3)	0(0)
Canning, City of	6(60.0)	4(40.0)	0(0)	0(0)	0(0)	0(0)
Capel, Shire of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Chittering, Shire of	8(61.5)	5(38.5)	0(0)	0(0)	0(0)	0(0)
Claremont, Town of	0(0)	0(0)	0(0)	0(0)	0(0)	1(100.0)
Cockburn, City of	0(0)	18(100.0)	0(0)	0(0)	0(0)	0(0)
Cottesloe, Town of	5(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Dalwallinu, Shire of	2(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Dardanup, Shire of	3(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Denmark, Shire of	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Derby-West Kimberley, Shire of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Donnybrook-Balingup, Shire of	2(28.6)	2(28.6)	0(0)	0(0)	2(28.6)	1(14.3)
East Fremantle, Town of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
East Pilbara, Shire of	0(0)	3(100.0)	0(0)	0(0)	0(0)	0(0)
Fremantle, City of	2(16.7)	10(83.3)	0(0)	0(0)	0(0)	0(0)
Geraldton-Greenough, City of	5(50.0)	2(20.0)	0(0)	0(0)	0(0)	3(30.0)
Gingin, Shire of	1(16.7)	1(16.7)	0(0)	0(0)	3(50.0)	1(16.7)
Gosnells, City of	2(11.1)	15(83.3)	0(0)	0(0)	1(5.6)	0(0)
Harvey, Shire of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Joondalup, City of	3(7.9)	33(86.8)	1(2.6)	0(0)	1(2.6)	0(0)
Kalamunda, Shire of	3(13.6)	18(81.8)	0(0)	0(0)	0(0)	1(4.5)
Katanning, Shire of	1(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Kwinana, Town of	1(16.7)	5(83.3)	0(0)	0(0)	0(0)	0(0)
Mandurah, City of	0(0)	10(100.0)	0(0)	0(0)	0(0)	0(0)
Manjimup, Shire of	1(20.0)	2(40.0)	0(0)	0(0)	1(20.0)	1(20.0)
Melville, City of	0(0)	8(100.0)	0(0)	0(0)	0(0)	0(0)
Mosman Park, Town of	1(20.0)	4(80.0)	0(0)	0(0)	0(0)	0(0)
Mundaring, Shire of	0(0)	4(80.0)	0(0)	0(0)	1(20.0)	0(0)
Murray, Shire of	1(9.1)	10(90.9)	0(0)	0(0)	0(0)	0(0)
Nedlands, City of	3(18.8)	9(56.3)	0(0)	0(0)	1(6.3)	3(18.8)
Northampton, Shire of	0(0)	0(0)	0(0)	0(0)	0(0)	1(100.0)

STATISTICAL TABLES continued

Agency	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Perth, City of	0(0)	9(90.0)	0(0)	0(0)	1(10.0)	0(0)
Plantagenet, Shire of	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Port Hedland, Town of	1(33.3)	1(33.3)	0(0)	0(0)	0(0)	1(33.3)
Rockingham, City of	4(50.0)	2(25.0)	0(0)	0(0)	0(0)	2(25.0)
Roebourne, Shire of	0(0)	2(66.7)	0(0)	0(0)	0(0)	1(33.3)
Serpentine/Jarrahdale Shire	4(22.2)	10(55.6)	0(0)	0(0)	4(22.2)	0(0)
Shark Bay, Shire of	0(0)	0(0)	0(0)	0(0)	0(0)	1(100.0)
South Perth, City of	1(11.1)	7(77.8)	0(0)	0(0)	0(0)	1(11.1)
Stirling, City of	8(13.3)	47(78.3)	0(0)	0(0)	2(3.3)	3(5.0)
Subiaco, City of	2(40.0)	0(0)	0(0)	0(0)	1(20.0)	2(40.0)
Swan, City of	0(0)	28(96.6)	0(0)	0(0)	1(3.4)	0(0)
Victoria Park, Town of	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
Victoria Plains, Shire of	2(100.0)	0(0)	0(0)	0(0)	0(0)	0(0)
Vincent, Town of	0(0)	5(71.4)	0(0)	0(0)	1(14.3)	1(14.3)
Wanneroo, City of	7(38.9)	9(50.0)	0(0)	0(0)	0(0)	2(11.1)
Sub-Total:	111(21.18)	360(68.70)	1(0.19)	0(0.00)	23(4.39)	29(5.53)
Group: Ministers						
Buswell MLA, Hon T	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Castrilli MLA, Hon J	0(0)	3(50.0)	0(0)	0(0)	1(16.7)	2(33.3)
Collier MLC, Hon P	1(14.3)	6(85.7)	0(0)	0(0)	0(0)	0(0)
Constable MLA, Hon E	0(0)	6(46.2)	0(0)	0(0)	0(0)	7(53.8)
Day MLA, Hon J	0(0)	6(66.7)	0(0)	0(0)	3(33.3)	0(0)
Grylls MLA, Hon B	0(0)	7(87.5)	1(12.5)	0(0)	0(0)	0(0)
Hames MLA, Hon K	0(0)	10(83.3)	0(0)	0(0)	0(0)	2(16.7)
Jacobs MLA, Hon G	0(0)	2(100.0)	0(0)	0(0)	0(0)	0(0)
Johnson MLA, Hon R	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Marmion MLA, Hon B	0(0)	5(62.5)	0(0)	0(0)	1(12.5)	2(25.0)
McSweeney MLC, Hon R	0(0)	1(50.0)	0(0)	0(0)	1(50.0)	0(0)
Moore MLC, Hon N	0(0)	4(100.0)	0(0)	0(0)	0(0)	0(0)
Morton MLC, Hon Helen	0(0)	1(100.0)	0(0)	0(0)	0(0)	0(0)
O'Brien MLC, Hon S	2(28.6)	5(71.4)	0(0)	0(0)	0(0)	0(0)
Porter MLA, Hon C	0(0)	5(100.0)	0(0)	0(0)	0(0)	0(0)
Redman MLA, Hon T	0(0)	7(77.8)	0(0)	0(0)	1(11.1)	1(11.1)
Waldron MLA, Hon T	1(25.0)	2(50.0)	0(0)	0(0)	1(25.0)	0(0)
Sub-Total:	4(3.81)	78(74.29)	1(0.95)	0(0.00)	8(7.62)	14(13.33)
Group: Police						
Police, Western Australia	93(4.7)	1808(91.0)	1(0.1)	0(0)	84(4.2)	0(0)
Sub-Total:	93(4.7)	1808(91.0)	1(0.1)	0(0)	84(4.2)	0(0)

TABLE 17: DECISIONS MADE—OUTCOME (cont...)

Agency	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	S.26 No. (%)	Refused No. (%)
Group: Universities						
Curtin University of Technology	5(62.5)	0(0)	0(0)	0(0)	0(0)	3(37.5)
Edith Cowan University	2(33.3)	4(66.7)	0(0)	0(0)	0(0)	0(0)
Murdoch University	1(33.3)	1(33.3)	0(0)	0(0)	1(33.3)	0(0)
University of Western Australia, The	3(42.9)	3(42.9)	0(0)	0(0)	1(14.3)	0(0)
Sub-Total:	11(45.83)	8(33.33)	0(0.00)	0(0.00)	2(8.33)	3(12.50)
Total	8023	4570	82	41	997	421
Percentage	56.8%	32.3%	0.6%	0.3%	7.1%	3.0%
Grand Total	14134					

Note: This table reflects decisions made by agencies. Those agencies which have not decided any applications in 2010-11 are not listed.

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
Group: Boards, Committees, Commissions, Authorities, Corporations																
Armadale Redevelopment Authority	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Busselton Water	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Curriculum Council	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Disability Services Commission	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Esperance Port Authority	0	0	0	1	0	0	0	0	1	0	0	1	0	0	1	0
Fire and Emergency Services Authority of Western Australia	2	0	74	0	0	0	3	0	0	0	0	2	0	0	0	0
Fremantle Port Authority	0	0	0	0	0	0	2	1	0	0	2	0	0	0	0	0
Geraldton Port Authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Great Southern Development Commission	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Heritage Council of Western Australia	0	0	1	0	0	0	2	1	0	0	0	0	0	0	0	0
Horizon Power	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Insurance Commission of Western Australia	0	0	152	10	0	1	61	43	0	0	2	0	0	0	0	0
Landgate	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Legal Aid Western Australia	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Legal Profession Complaints Committee	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0
Lotteries Commission	0	0	1	1	0	0	0	1	1	0	0	0	0	0	0	0
Professional Combat Sports Commission	0	0	0	0	0	1	1	0	1	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	3	0	8	0	0	0	3	0	3	0	0	1	2	0	0	0
Public Transport Authority	1	0	10	3	0	0	1	1	1	0	2	0	0	0	0	0

Note: Excludes applications that were withdrawn

STATISTICAL TABLES continued

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
Racing and Wagering Western Australia	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0
Real Estate and Business Agents Supervisory	0	0	2	1	0	2	1	1	0	0	0	0	0	0	0	0
Rottneest Island Authority	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Settlement Agents Supervisory Board	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
South West Development Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Tourism Commission, Western Australian	2	0	3	2	0	0	0	2	1	2	2	0	0	0	0	0
Verve Energy	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0
Western Power	0	0	6	2	0	1	1	0	0	0	0	1	0	0	0	0
Workcover Western Australia Authority (Workcover	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Total:	10	0	276	28	0	6	75	58	8	2	8	6	2	0	3	0
Groups: Departments (except Police and Health agencies)																
Agriculture and Food, Department of	1	0	13	2	0	2	2	1	2	0	0	0	0	0	0	0
Attorney General, Department of the	0	0	12	2	0	1	5	4	6	0	1	2	0	0	0	0
Challenger Institute of Technology	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Child Protection, Department for	0	0	85	0	0	21	0	2	0	0	0	0	0	0	2	0
Commerce, Department of	0	1	223	2	0	3	3	2	4	0	0	0	0	0	0	0
Communities, Department for	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Corrective Services, Department of	0	0	384	0	0	11	0	0	0	0	0	1	0	0	0	0
Culture and the Arts, Department of	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0
Education, Department of	4	0	19	0	0	0	0	0	1	0	0	1	1	0	0	0
Education Services, Department of	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Environment and Conservation, Department of	0	0	58	0	0	2	3	7	0	0	0	0	1	0	1	0
Environmental Protection Authority, Office of the	0	0	15	0	0	0	1	3	0	0	0	0	0	0	0	0
Fisheries, Department of	1	0	3	1	0	1	1	2	0	0	0	0	0	0	0	0
Housing, Department of	0	0	97	1	0	0	9	1	0	0	0	0	0	0	0	0
Indigenous Affairs, Department of	0	0	5	1	0	0	1	1	3	0	0	0	0	0	0	0
Local Government, Department of	0	0	5	0	0	0	4	1	0	0	0	0	0	0	1	0
Main Roads Western Australia	0	1	17	9	0	0	9	7	10	0	5	0	1	0	0	0
Mines and Petroleum, Department of	1	0	95	18	0	15	2	7	3	1	1	0	3	0	0	0
Planning, Department of	0	0	53	4	0	0	3	0	0	0	0	0	0	0	0	0
Premier and Cabinet, Department of the	13	1	36	11	0	0	4	3	2	0	0	0	7	0	0	0
Racing, Gaming and Liquor, Department of	0	0	8	5	0	1	1	1	0	0	0	1	0	0	0	0
Regional Development and Lands, Department of	6	0	14	4	0	0	8	3	0	0	0	0	0	0	0	0
State Development, Department of	4	0	14	9	0	0	4	9	3	0	3	0	10	0	0	0
Training and Workforce Development, Department	0	0	2	2	0	0	0	0	1	0	0	1	0	0	0	0
Transport, Department of	2	0	38	2	0	0	2	3	0	0	0	0	0	0	0	0
Treasury and Finance, Department of	8	1	22	4	0	1	7	5	1	1	1	0	4	0	0	0
Water, Department of	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0
West Coast Institute of Training	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Sub-Total:	41	4	1236	79	0	59	69	62	37	2	11	2	27	0	4	0

STATISTICAL TABLES continued
TABLE 18: 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
Group: Health related agencies																
C&AHS - Princess Margaret Hospital for Children	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Health, Department of	2	0	20	4	0	0	4	5	0	0	2	0	0	0	0	0
Joondalup Health Campus	0	0	8	0	0	0	0	0	6	0	0	0	0	0	0	0
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	0	0	9	0	0	0	0	1	2	0	0	3	0	0	0	0
NMAHS - King Edward Memorial Hospital	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
NMAHS - Sir Charles Gairdner Hospital	0	0	43	0	0	0	0	0	2	0	0	0	0	0	0	0
SMAH - Armadale-Kelmscott Memorial Hospital	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
SMAH - Bentley Hospital	0	0	137	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Goldfields	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Great Southern	0	0	24	1	0	0	1	0	1	0	0	0	0	0	0	0
WACHS - Wheatbelt	0	0	236	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Total:	2	0	489	5	0	0	5	6	11	0	2	3	0	0	0	0
Group: Local government agencies																
Albany, City of	0	0	1	1	0	0	0	0	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	17	2	0	8	0	2	1	0	0	0	0	0	0	0
Belmont, City of	0	0	14	13	0	0	0	0	0	0	0	0	0	0	0	0
Broome, Shire of	0	0	10	1	0	0	0	0	1	0	0	0	0	0	0	0
Busselton, Shire of	0	0	7	2	0	0	2	0	3	0	0	0	0	0	0	0
Cambridge, Town of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Canning, City of	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Denmark, Shire of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Derby-West Kimberley, Shire of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Donnybrook-Balingup, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Fremantle, City of	0	0	7	1	0	1	0	1	0	0	0	0	0	0	0	0
Geraldton-Greenough, City of	0	0	4	0	0	0	0	0	1	0	0	0	0	0	0	0
Gingin, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Gosnells, City of	0	0	13	2	0	2	0	2	1	0	0	0	0	0	0	0
Joondalup, City of	0	0	33	0	0	0	1	1	1	0	0	0	0	0	1	0
Kalamunda, Shire of	0	0	9	2	0	1	1	0	0	0	0	0	0	0	0	0
Kwinana, Town of	0	0	3	1	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
Mandurah, City of	0	0	9	3	0	0	0	0	0	0	0	0	0	0	0	0
Manjimup, Shire of	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0
Melville, City of	0	0	8	1	0	0	0	0	0	0	0	0	0	0	0	0
Mosman Park, Town of	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	6	2	0	0	0	1	0	0	0	1	0	0	0	0
Perth, City of	0	0	8	6	0	0	0	0	0	0	0	0	0	0	0	0
Plantagenet, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Port Hedland, Town of	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0
Rockingham, City of	0	2	2	0	0	1	1	0	1	0	0	0	0	0	0	0
Roebourne, Shire of	0	0	5	0	0	0	1	0	0	0	0	0	0	0	0	0
Serpentine/Jarrahdale Shire	0	0	10	3	0	0	0	1	0	0	0	0	0	0	0	0
Shark Bay, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Stirling, City of	0	0	47	3	0	2	0	2	0	0	2	0	0	0	0	0
Subiaco, City of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Swan, City of	0	0	31	2	0	1	2	4	0	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Vincent, Town of	0	0	6	1	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	8	2	0	2	2	1	0	0	0	0	0	0	0	0
Sub-Total:	0	2	284	51	0	20	10	19	9	0	2	1	0	0	1	0
Group: Police																
Police, Western Australia	1	1	1761	0	0	20	0	11	2	0	3	3	0	0	0	0
Sub-Total:	1	1	1761	0	0	20	0	11	2	0	3	3	0	0	0	0
Group: Ministers																
Buswell MLA, Hon T	1	0	4	1	0	0	0	0	0	0	0	0	1	0	0	0
Castrilli MLA, Hon J	0	0	3	0	0	0	0	0	0	0	0	0	1	0	0	0
Collier MLC, Hon P	1	0	7	0	0	0	0	1	0	0	0	0	1	0	0	0
Constable MLA, Hon E	1	0	5	0	0	0	0	0	0	0	0	0	2	0	0	0
Day MLA, Hon J	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Grylls MLA, Hon B	0	1	8	1	0	0	0	0	1	1	0	0	1	0	0	0
Hames MLA, Hon K	2	0	1	0	0	0	1	0	0	0	0	0	12	0	0	0
Jacobs MLA, Hon G	1	0	2	0	0	0	2	0	8	0	0	0	0	0	0	0
Johnson MLA, Hon R	2	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Marmion MLA, Hon B	0	0	5	0	0	0	0	1	0	0	0	0	1	0	0	0
McSweeney MLC, Hon R	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Moore MLC, Hon N	0	2	4	3	0	0	0	1	1	0	0	0	1	0	0	0
Morton MLC, Hon Helen	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Porter MLA, Hon C	1	0	65	3	0	0	0	4	0	0	0	0	0	0	0	0
Redman MLA, Hon T	1	0	7	1	0	0	1	1	1	0	0	0	0	0	0	0
Waldron MLA, Hon T	1	1	2	1	0	0	1	0	0	0	0	0	0	0	0	0
Sub-Total:	11	4	126	10	0	0	5	8	11	1	0	0	20	0	0	0

Note: Agencies which did not cite exemptions are omitted.

STATISTICAL TABLES continued

TABLE 18: 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
Group: Universities																
Curtin University of Technology	0	0	1	0	0	0	0	0	0	0	0	2	0	0	0	0
Edith Cowan University	0	0	4	0	0	0	0	1	1	0	0	1	0	0	0	0
Murdoch University	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
University of Western Australia, The	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Total:	0	0	10	0	0	0	0	1	1	0	0	3	0	0	0	0
Total	65	11	4182	173	0	105	164	165	79	5	26	41	49	0	8	0

Note: Agencies which did not cite exemptions are omitted.

TABLE 19: OUTCOME OF REQUESTS FOR INTERNAL REVIEW

Agency	Requests Received	Decision Confirmed	OUTCOME		
			Decision Varied	Decision Reversed	Withdrawn
Group: Boards, Committees, Commissions, Authorities, Corporations					
Curriculum Council	1	1	0	0	0
Fire and Emergency Services Authority of Western Australia	2	1	1	0	0
Fremantle Port Authority	3	2	1	0	0
Geraldton Port Authority	1	1	0	0	0
Government Employees Superannuation Board	1	0	1	0	0
Insurance Commission of Western Australia	2	2	0	0	0
Landgate	1	1	0	0	0
Legal Aid Western Australia	1	2	0	0	0
Lotteries Commission	1	1	0	0	0
Public Sector Commission	1	1	0	0	0
Public Transport Authority	2	1	1	0	0
Racing and Wagering Western Australia	1	1	0	0	0
Real Estate and Business Agents Supervisory Board	1	1	0	0	0
Rottnest Island Authority	1	0	1	0	0
Settlement Agents Supervisory Board	1	1	0	0	0
Western Power	1	1	0	0	0
Workcover Western Australia Authority (Workcover WA)	1	1	0	0	0
Zoological Parks Authority	0	0	0	0	1
Sub-Total:	22	18	5	0	1
Groups: Departments (except Police and Health agencies)					
Agriculture and Food, Department of	6	6	0	0	0
Attorney General, Department of the	3	3	0	0	0
Challenger Institute of Technology	2	2	0	0	0
Child Protection, Department for	5	5	1	0	0
Commerce, Department of	4	4	0	0	0

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Corrective Services, Department of	8	6	1	1	0
Education Services, Department of	4	4	0	0	0
Environment and Conservation, Department of	18	14	3	1	0
Environmental Protection Authority, Office of the	4	0	3	0	0
Fisheries, Department of	2	2	0	0	0
Housing, Department of	1	1	0	0	0
Indigenous Affairs, Department of	2	1	1	0	0
Local Government, Department of	4	3	1	0	0
Main Roads Western Australia	4	3	1	0	0
Mines and Petroleum, Department of	7	5	2	0	0
Planning, Department of	4	0	3	0	0
Premier and Cabinet, Department of the	5	2	1	0	1
Racing, Gaming and Liquor, Department of	2	1	1	0	0
Regional Development and Lands, Department of	9	8	1	0	0
State Development, Department of	5	2	3	0	0
Training and Workforce Development, Department of	3	3	0	0	0
Transport, Department of	5	4	1	0	0
Treasury and Finance, Department of	1	0	1	0	0
Water, Department of	6	3	2	0	0
West Coast Institute of Training	1	1	0	0	0
Sub-Total:	115	83	26	2	1
Group: Health related agencies					
C&AHS - Princess Margaret Hospital for Children	2	2	0	0	0
Health, Department of	4	3	1	0	0
Joondalup Health Campus	1	1	0	0	0
NMAHS - King Edward Memorial Hospital	1	0	0	0	1
NMAHS - Osborne Park Hospital	3	3	0	0	0
NMAHS - Sir Charles Gairdner Hospital	1	1	0	0	0
SMAH - Royal Perth Hospital	3	1	2	0	0
WACHS - Goldfields	1	1	0	0	0
WACHS - Great Southern	1	0	0	1	0
WACHS - South West	2	1	0	0	0
Sub-Total:	19	13	3	1	1

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

Agency	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Local government agencies					
Bayswater, City of	1	0	0	0	0
Broome, Shire of	1	1	0	0	0
Bunbury, City of	2	2	0	0	0
Busselton, Shire of	3	1	1	1	0
Cambridge, Town of	1	1	0	0	0
Cockburn, City of	1	1	0	0	0
Denmark, Shire of	3	3	0	0	0
Donnybrook-Balingup, Shire of	1	1	0	0	0
Joondalup, City of	3	2	0	0	0
Kalamunda, Shire of	4	2	2	0	0
Mandurah, City of	2	2	0	0	0
Manjimup, Shire of	2	1	0	1	0
Murray, Shire of	2	2	0	0	0
Nedlands, City of	7	7	0	0	0
Port Hedland, Town of	1	1	0	0	0
Rockingham, City of	1	1	0	0	0
Roebourne, Shire of	1	0	0	1	0
Stirling, City of	5	2	3	0	0
Subiaco, City of	1	1	0	0	0
Swan, City of	1	1	0	0	0
Victoria Plains, Shire of	2	0	0	0	2
Vincent, Town of	1	1	0	0	0
Wanneroo, City of	1	1	0	0	0
Sub-Total:	47	34	6	3	2
Group: Police					
Police, Western Australia	22	21	1	0	0
Sub-Total:	22	21	1	0	0
Group: Universities					
Edith Cowan University	1	0	1	0	0
Sub-Total:	1	0	1	0	0
Total	226	169	42	6	5

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	0	0	0	1
Education, Department of	2	0	1	1	0
Education Services, Department of	1	0	0	1	0
Joondalup Health Campus	1	1	0	0	0
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	2	1	0	1	0
NMAHS - Osborne Park Hospital	1	0	0	0	0
Port Hedland, Town of	1	1	0	0	0
SMAH - Rockingham-Kwinana District Hospital	2	1	0	1	0
WACHS - Goldfields	1	0	0	1	0
WACHS - South West	2	1	1	0	0
Total	14	5	2	5	1

TABLE 21: INTERNAL REVIEW RE: AMENDMENT OF PERSONAL INFORMATION

Agency	Applications	Confirmed	Varied	Reversed	Withdrawn
Joondalup Health Campus	1	2	0	0	0
Total	1	2	0	0	0

Note: Agencies may carry-over applications from previous years.

TABLE 22 — FEES AND CHARGES CALCULATED BY AGENCIES

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Group: Boards, Committees, Commissions, Authorities, Corporations			
Armadale Redevelopment Authority	30		
Broome Port Authority			1
Bunbury Port Authority	30		
Busselton Water	60	84	
Chemistry Centre Western Australia	30	30	
College of Teaching, Western Australian	1	30	
Dampier Port Authority			30
Disability Services Commission	150		
Economic Regulation Authority	30		
Energy, Office of	60	60	
Esperance Port Authority	30		

TABLE 22 — FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Fire and Emergency Services Authority of Western Australia	2610	525	460
Forest Products Commission	90	13	
Fremantle Port Authority		90	
Goldfields Esperance Development Commission	60		
Government Employees Superannuation Board			60
Great Southern Development Commission	60		
Heritage Council of Western Australia	90		899
Horizon Power	90	90	
Insurance Commission of Western Australia	4770		30
Land Authority (LandCorp), Western Australian	150	645	
Landgate	300		120
Legal Aid Western Australia	30		
Legal Profession Complaints Committee	60		
Lotteries Commission	30		
Mid West Development Commission	30	30	
Professional Combat Sports Commission	30	30	
Psychologists Registration Board of WA	30		
Public Sector Commission	180		
Public Transport Authority	510		
Racing and Wagering Western Australia	30		
Real Estate and Business Agents Supervisory Board	30		
Rottneest Island Authority	30		
Salaries and Allowances Tribunal	30		30
Settlement Agents Supervisory Board	60		
South West Development Commission	30		
State Administrative Tribunal	90		
Synergy	150		
Tourism Commission, Western Australian	300		
Verve Energy	120		
Water Corporation	480	34	
Western Power	750		
Workcover Western Australia Authority (Workcover WA)	60		
Sub-Total:	11701	1660	1630
Group: Departments (except Police and Health agencies)			
Agriculture and Food, Department of	390	390	
Attorney General, Department of the	360		
C Y O'Connor College of TAFE	30		
Central Institute of Technology			4

STATISTICAL TABLES continued

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Challenger Institute of Technology	90		
Child Protection, Department for	1470		
Commerce, Department of	7170	4643	
Communities, Department for	180		
Corrective Services, Department of	630	376	
Culture and the Arts, Department of	30		30
Education, Department of	1470	1470	
Education Services, Department of	210		
Environment and Conservation, Department of	9300	1176	
Environmental Protection Authority, Office of the	630		
Fisheries, Department of	120		
Housing, Department of	870	441	
Indigenous Affairs, Department of	210	453	213
Local Government, Department of	300		
Main Roads Western Australia	1140		
Mines and Petroleum, Department of	16020	5296	1020
Planning, Department of	4740		
Premier and Cabinet, Department of the	1950		
Racing, Gaming and Liquor, Department of	270	270	
Regional Development and Lands, Department of	720	377	1496
Sport and Recreation, Department of	120		
State Development, Department of	780	1722	68
Training and Workforce Development, Department of	240		
Transport, Department of	2820		
Treasury and Finance, Department of	900		
Water, Department of	5160	3146	
Sub-Total:	58320	19760	2831
Group: Health related agencies			
Health, Department of	1560	544	
Joondalup Health Campus	6900	6880	60
NMAHS - Graylands Selby-Lemnos and Special Care Health Services	210		
NMAHS - Osborne Park Hospital		1130	55
NMAHS - Sir Charles Gairdner Hospital	3330	1209	270
NMAHS - Swan Kalamunda Health Service	30		
PathWest Laboratory Medicine WA	30		30
SMAH - Armadale-Kelmscott Memorial Hospital	480		
SMAH - Bentley Hospital	180		
SMAH - Fremantle Hospital	270	523	37
SMAH - Royal Perth Hospital	13	6781	30

TABLE 22: FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
WACHS - Great Southern	90	90	2
WACHS - Midwest			440
WACHS - South West	480		
WACHS - Wheatbelt			60
Sub-Total:	13573	17158	984
Group: Local government agencies			
Albany, City of	180		
Armadale, City of	270	177	89
Augusta-Margaret River, Shire of	60		
Bassendean, Town of	90	45	150
Bayswater, City of	720		
Belmont, City of	540	2425	60
Beverley, Shire of	30		
Bridgetown-Greenbushes, Shire of	1		1
Broome, Shire of	300	493	
Bunbury, City of	480	515	322
Busselton, Shire of	480	769	120
Cambridge, Town of	240	25	
Canning, City of	450	245	
Capel, Shire of	30		
Chittering, Shire of	430	204	
Claremont, Town of	30		
Cockburn, City of	660		
Cottesloe, Town of	150	285	
Dalwallinu, Shire of	60		
Dardanup, Shire of	90		
Denmark, Shire of	90		
Derby-West Kimberley, Shire of	30		
Donnybrook-Balingup, Shire of	150		
East Fremantle, Town of	150		
East Pilbara, Shire of	90	1148	
Fremantle, City of	330		
Geraldton-Greenough, City of	336		
Gingin, Shire of	210	126	
Gosnells, City of	16	841	8
Harvey, Shire of	150	270	
Joondalup, City of	1005	88	
Kalamunda, Shire of	570	510	
Kalgoorlie-Boulder, City of	30	30	30

STATISTICAL TABLES continued

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Katanning, Shire of	30	84	
Kwinana, Town of	180	1282	220
Mandurah, City of	330	237	
Manjimup, Shire of	150	45	
Melville, City of	240		29
Mosman Park, Town of	210	52	50
Mundaring, Shire of	120		
Murray, Shire of	420	848	
Nedlands, City of	510		
Perth, City of	300	778	33
Plantagenet, Shire of	30	62	
Port Hedland, Town of	120	1100	787
Rockingham, City of	240		
Roebourne, Shire of	240	670	
Serpentine/Jarrahdale Shire	540	260	
Shark Bay, Shire of	30		
South Perth, City of	330		
Stirling, City of	2040	1000	
Subiaco, City of	150		
Swan, City of	990	1717	24
Victoria Park, Town of	60		
Victoria Plains, Shire of	30		
Vincent, Town of	240	467	
Wanneroo, City of	570	285	1
Sub-Total:	16548	17083	1923
Group: Ministers			
Buswell MLA, Hon T	120		
Castrilli MLA, Hon J	210		
Collier MLC, Hon P	240		
Constable MLA, Hon E	300		
Day MLA, Hon J	330		
Faragher MLC, Hon D	30		
Grylls MLA, Hon B	270		
Hames MLA, Hon K	300		
Jacobs MLA, Hon G	30		
Johnson MLA, Hon R	4		4

TABLE 22: FEES AND CHARGES CALCULATED BY AGENCIES (cont...)

Agency	Application Fees Collected	AMOUNT OF CHARGES	
		Collected	Reduced or Waived
Marmion MLA, Hon B	180		
McSweeney MLC, Hon R	30	30	30
Moore MLC, Hon N	120		
Morton MLC, Hon Helen	30		
O'Brien MLC, Hon S	90	180	
Porter MLA, Hon C	120		30
Redman MLA, Hon T	270		
Waldron MLA, Hon T	90		
Sub-Total:	2764	210	64
Group: Police			
Police, Western Australia	59370	44535	
Sub-Total:	59370	44535	0
Group: Universities			
Curtin University of Technology	120	88	
Edith Cowan University	30	30	
Murdoch University	90		
University of Western Australia, The	180		
	420	118	0
TOTAL	\$162,696	\$100,525	\$7,433

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	18	11.18%
Pensioner	15	9.32%
Other	128	79.50%
Total	161	100.00%

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