



**Office of the
Information Commissioner**

Freedom of information for Western Australia

ANNUAL REPORT

2016/2017



OIC STATISTICS

Section 111 of the FOI Act requires the Commissioner to provide a report to the Speaker of the Legislative Assembly and the President of the Legislative Council on the operation of the legislation during the financial year. As well as providing data on the operation of the FOI Act across the sector (see following section on 'Agency Statistics'), the Commissioner is required to provide data as follows:

- the number of complaints made to the Commissioner and the results of those complaints;
- the number of other applications made to the Commissioner and the results of those applications; and
- the number of appeals to the Supreme Court and results of those appeals.

The following is the statistical data reflecting complaints and applications made to the OIC during the year, and their outcomes. Details of Supreme Court appeals are outlined under Significant Issues and Trends.

For reference, a 'complaint' is a request for external review on a decision made by an agency under the FOI Act. An 'application' refers to other types of requests made to the Commissioner, including: a request to lodge an application for external review when no internal review has been completed or the time limit within which to lodge an external review has

expired; requests from agencies to waive the requirement to consult with third parties; and requests for an extension or reduction of time within which agencies are required to deal with an application.

Other statistical data in respect of the OIC's operations are also included in this section.

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Table 1: Applications received and dealt with by the Information Commissioner

APPLICATIONS FOR EXTERNAL REVIEW	No. RECEIVED	No. DEALT WITH
Complaints - valid	124	127
Complaints - informal / invalid	40	40
Section 66(6) - applications - no internal review	9	9
Section 66(4) - applications - out of time	6	6
Section 13(4) - applications for reduction of time	1	1
Section 35(1) - waiver of requirement to consult	1	1
TOTAL	181	184

Table 2: Breakdown of valid complaints made to the Information Commissioner

APPLICANT GROUP	No.	AGENCY GROUP	No.
Individual Citizen	77	Department (ex. Police & Health)	41
Company	13	Local Government	23
Media	8	Health Related	11
Member of Parliament	6	Minister	4
Prisoner	15	Board, Committee, Commission, Authority, Corporation	22
Not for Profit	5	Police	17
		University	6
TOTAL	124	TOTAL	124

Table 3: Complaints received by the Information Commissioner

AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies:			
Acacia Prison	1	0	1
Agriculture and Food, Department of	2	0	2
Attorney General, Department of the	3	1	4
C&AHS - Princess Margaret Hospital for Children	0	1	1
Child Protection and Family Support, Department for	4	0	4
Corrective Services, Department of	5	3	8
Culture and the Arts, Department of	1	0	1
Curtin University of Technology	2	1	3
Edith Cowan University	1	0	1
Education, Department of	0	2	2
EMHS - Bentley Health Service	1	0	1
EMHS - Royal Perth Hospital	1	1	2
Environment Regulation, Department of	5	0	5
Fisheries, Department of	1	0	1
Gold Corporation	1	0	1
Health, Department of	2	0	2
Housing Authority	5	0	5
Land Authority (LandCorp), Western Australian	2	0	2
Landgate	0	1	1
Legal Profession Complaints Committee	1	0	1
Local Government and Communities, Department of	0	1	1
Lotteries Commission	2	1	3

AGENCY	COMPLAINTS	INVALID	TOTAL
Main Roads Western Australia	1	0	1
Mental Health Commission	2	0	2
Mines and Petroleum, Department of	7	0	7
Murdoch University	1	1	2
NMHS - Mental Health	3	1	4
NMHS - Women and Newborn Health Service	0	2	2
Parks and Wildlife, Department of	1	0	1
Planning, Department of	2	1	3
Police, Western Australia	17	8	25
Public Sector Commission	1	0	1
Regional Development, Department of	1	0	1
Public Transport Authority	2	0	2
SMHS - Rockingham Hospital	1	0	1
Southern Ports Authority	1	0	1
Sport and Recreation, Department of	2	0	2
State Administrative Tribunal	1	0	1
State Solicitor's Office	2	0	2
Synergy	1	1	2
Transport, Department of	2	0	2
Treasury, Department of	2	0	2
University of Western Australia, The	2	0	2
WACHS - Midwest	0	1	1
WACHS - South West	1	0	1

AGENCY	COMPLAINTS	INVALID	TOTAL
Water Corporation	3	0	3
Western Power	1	1	2
<i>Sub-total: State Agencies</i>	97	28	125
Local Agencies:			
Augusta-Margaret River, Shire of	1	1	2
Bruce Rock, Shire of	0	1	1
Busselton, City of	1	0	1
Cambridge, Town of	0	1	1
Canning, City of	2	1	3
Chittering, Shire of	1	0	1
Cottesloe, Town of	1	0	1
Gosnells, City of	2	0	2
Irwin, Shire of	1	0	1
Joondalup, City of	1	0	1
Kalgoorlie-Boulder, City of	1	0	1
Mandurah, City of	0	1	1

AGENCY	COMPLAINTS	INVALID	TOTAL
Melville, City of	4	1	5
Mundaring, Shire of	0	1	1
Nedlands, City of	2	0	2
Quairading, Shire of	1	0	1
Serpentine-Jarrahdale, Shire of	2	1	3
South Perth, City of	2	1	3
Stirling, City of	0	1	1
Wanneroo, City of	1	0	1
<i>Sub-total: Local Agencies</i>	23	10	33
Ministers:			
Attorney General	2	0	2
Minister for Mental Health	1	0	1
Minister for Sport and Recreation	1	0	1
<i>Sub-total: Local Ministers</i>	4	0	4
Agency is Unknown:	0	2	2
<i>Sub-total: Agency is Unknown</i>	0	2	2
TOTAL	124	40	164

Table 4: Other applications received

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	REDUCTION OF TIME s.13(4)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL
Agency is unknown	1				1
Attorney General, Department of the		2			2
Cottesloe, Town of	1				1
Education, Department of		1			1
Environment Regulation, Department of		1			1
Gosnells, City of		1			1
Housing Authority		1			1
Nedlands, City of			1		1
Police, Western Australia	3	2			5
Transport, Department of	1				1
University of Western Australia, The				1	1
Western Power		1			1
TOTAL	6	9	1	1	17

Table 5: Outcome of complaints finalised (by agency and category)

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
State Agencies:						
Acacia Prison	1					1
Agriculture and Food, Department of	1					1
Attorney General, Department of the	2				1	3
EMHS - Bentley Health Service		1				1
C&AHS - Princess Margaret Hospital for Children					1	1
Child Protection and Family Support, Department for	3	1				4
Corrective Services, Department of	7				4	11
Culture and the Arts, Department of		1				1
Curtin University of Technology	3		1		1	5
Education, Department of	1				2	3
Education Services, Department of	2					2
EMHS - Royal Perth Hospital	1				1	2
Environment Regulation, Department of	3					3
Fisheries, Department of	2				1	3
Health, Department of	3					3
Housing Authority	4					4
Land Authority (LandCorp), Western Australian	1					1
Landgate					1	1
Legal Profession Complaints Committee		1				1
Local Government and Communities, Department of					1	1

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Lotteries Commission	1				2	3
Main Roads Western Australia	1			1		2
Mental Health Commission	2					2
Mines and Petroleum, Department of	5					5
Murdoch University	1				1	2
NMHS - Mental Health	2				2	4
NMHS - Women and Newborn Health Service					2	2
North Metropolitan TAFE	1					1
Parks and Wildlife, Department of	1					1
Planning, Department of	2				1	3
Police, Western Australia	7	2			10	19
Public Sector Commission		2				2
Public Transport Authority	1			1		2
Public Trust Office	1					1
Racing and Wagering Western Australia			1			1
Regional Development, Department of	1					1
RSPCA - General Inspector	1					1
SMHS - Rockingham Hospital		1				1
State Development, Department of				1		1
State Heritage Office, Department of the	1					1
Synergy	1				1	2
Transport, Department of	3	2				5
Treasury, Department of	1	1				2

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
University of Western Australia, The	1					1
WACHS - Midwest					1	1
WACHS - South West					1	1
Water Corporation	1					1
Western Power	1				2	3
<i>Sub-Total: State Agencies</i>	70 (56.9%)	12 (9.7%)	2 (1.6%)	3 (2.4%)	36 (29.3%)	123 (73.6%)
Local Agencies:						
Augusta-Margaret River, Shire of					1	1
Belmont, City of	1					1
Bruce Rock, Shire of					1	1
Bunbury, City of	1					1
Busselton, City of		1				1
Cambridge, Town of					1	1
Canning, City of					1	1
Chittering, Shire of		1				1
Cottesloe, Town of	1					1
Gosnells, City of	1					1
Irwin, Shire of	1					1
Joondalup, City of		1				1
Kalgoorlie-Boulder, City of	1					1
Mandurah, City of					1	1

AGENCY	CONCILIATED	PUBLISHED DECISION BY INFORMATION COMMISSIONER			DECLINED UNDER s.67(1)(a) or s.67(1)(b)	TOTAL MATTERS FINALISED
		AGENCY DECISION CONFIRMED	AGENCY DECISION VARIED	AGENCY DECISION SET ASIDE AND SUBSTITUTED		
Manjimup, Shire of	1					1
Melville, City of	3				3	6
Mundaring, Shire of	1				1	2
Nedlands, City of				3	1	4
Perth, City of				1		1
Quairading, Shire of	1					1
Serpentine-Jarrahdale, Shire of	1				1	2
South Perth, City of	1				2	3
Stirling, City of					1	1
Victoria Park, Town of			1			1
Wanneroo, City of	1					1
<i>Sub-Total: Local Agencies</i>	15 (40.5%)	3 (8.1%)	1 (2.7%)	4 (10.8%)	14 (37.8%)	37 (22.1%)
Ministers:						
Attorney General					2	2
Minister for Mental Health	1					1
Minister for Sport and Recreation	1					1
Minister for Transport	1					1
<i>Sub-Total: Ministers</i>	3 (60.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (40.0%)	5 (3.0%)
Agency is unknown					2	2
<i>Sub-Total: Agency is unknown</i>	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (100.0%)	2 (1.2%)
TOTAL	88 (52.7%)	15 (9.0%)	3 (1.8%)	7 (4.2%)	54 (32.3%)	167 (100%)

Note: The Information Commissioner may not deal with – or stop dealing with – a complaint if it is outside his jurisdiction or if it is frivolous, vexatious, misconceived or lacking in substance. Table 5 includes informal/invalid complaints. Fourteen of the complaints declined related to formal complaints and the remaining 40 declined related to informal/invalid complaints.

Table 6: Published decisions

Decision No.	Complainant	Agency	Decision Date
D0112016	'P'	SMHS - Bentley Health Service	21/07/2016
D0122016	Seven Network (Operations) Limited	City of Perth	12/08/2016
D0132016	Shuttleworth	Town of Victoria Park	04/10/2016
D0142016	Park	City of Nedlands	28/10/2016
D0152016	Jones	Department of Transport	28/10/2016
D0162016	Banovic and Edwards	Racing and Wagering Western Australia	31/10/2016
D0172016	John Holland Pty Ltd	Department of Treasury	02/12/2016
D0182016	Jennings	City of Nedlands and Palmaya Pty Ltd	21/12/2016
D0012017	Johnston	Department of State Development	24/01/2017
D0022017	MacTiernan	Main Roads Western Australia	25/01/2017
D0032017	Appleton	Public Sector Commission	27/01/2017
D0042017	Hollins	Western Australia Police	10/03/2017
D0052017	Seymour	Department of Transport	10/03/2017
D0062017	Macdonald	City of Joondalup	21/03/2017
D0072017	'Q'	Western Australia Police	04/04/2017
D0082017	'R'	SMHS - Rockingham Hospital	06/04/2017
D0092017	Wong	Department of Culture and the Arts	12/04/2017
D0102017	'S'	Department for Child Protection and Family Support	23/05/2017
D0112017	Gascoine	Shire of Chittering	23/05/2017
D0122017	Seven Network (Operations) Limited	Public Transport Authority	26/05/2017
D0132017	Harvey	Public Sector Commission	20/06/2017
D0142017	Wells	Legal Profession Complaints Committee	21/06/2017
D0152017	Jewish Community Council of Western Australia Incorporated and 'T'	Curtin University of Technology	29/06/2017
D0162017	Event Health Management	City of Busselton	29/06/2017
D0172017	Park	City of Nedlands	30/06/2017

Table 7: Outcome of other applications finalised

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	REDUCTION OF TIME s.13(4)	WAIVER OF REQUIREMENT TO CONSULT s.35(1)	TOTAL MATTERS FINALISED
	Refused	Refused	Refused	Conciliated	
State Agencies:					
Attorney General, Department of the		2			2
Education, Department of		1			1
Housing Authority		1			1
Environment Regulation, Department of		1			1
Police, Western Australia	3	2			5
Transport, Department of	1				1
University of Western Australia, The				1	1
Western Power		1			1
<i>Sub-total: State Agencies</i>	4	8	0	1	13
Local Agencies:					
Cottesloe, Town of	1				1
Gosnells, City of		1			1
Nedlands, City of			1		1
<i>Sub-total: Local Agencies</i>	1	1	1	0	3
Agency is unknown	1				1
TOTAL	6	9	1	1	17

Table 8: Formal training and presentations

DATE	PRESENTATION STYLE	AUDIENCE
13/07/2016	FOI Decision Writing Workshop	State and local government officers
14/07/2016	FOI Briefing	Public Sector Induction attendees
27/07/2016	FOI Briefing	Officers of Metropolitan Redevelopment Authority
28/07/2016	FOI Briefing	Officers of Department of Environment Regulation
09/08/2016	FOI Briefing	City of Perth Elected Members
10/08/2016	FOI Coordinators Workshop	State and local government officers
17/08/2016	FOI Decision Makers Training	Officers of Metropolitan Redevelopment Authority
25/08/2016	Community FOI Briefing	Members of the Anglo-Australasian Lawyers Society (Western Australia)
31/08/2016	FOI Briefing	Public Sector Induction attendees
12/09/2016	FOI Briefing	Officers of the Shire of Serpentine-Jarrahdale
14/09/2016	FOI Coordinators Workshop	State and local government officers
20/09/2016	FOI Briefing	Officers of the Office of the Environmental Protection Authority
22/09/2016	FOI Briefing	Officers of the Office of the Auditor General
12/10/2016	FOI Decision Writing Workshop	State and local government officers
18/10/2016	FOI Lecture	University of Western Australia Juris Doctor students
20/10/2016	FOI Decision Writing Workshop	State and local government officers
31/10/2016	Community FOI Briefing	Community Group
09/11/2016	FOI Coordinators Workshop	State and local government officers
16/11/2016	FOI Briefing	Public Sector Induction attendees
28/11/2016	FOI Briefing	Officers of Department of Fisheries, Broome
28/11/2016	FOI Briefing	Public sector regional officers from Broome and Halls Creek
28/11/2016	FOI Briefing	Officers of Shire of Broome
28/11/2016	FOI Coordinators Training	Officers of the Shires of Broome and Halls Creek

DATE	PRESENTATION STYLE	AUDIENCE
29/11/2016	FOI Briefing	Broome Hospital staff
29/11/2016	FOI Briefing	Officers of the Shire of Wyndham-East Kimberley
29/11/2016	FOI Coordinators Training	Broome Hospital staff
30/11/2016	FOI Briefing	Kununurra Hospital staff
30/11/2016	FOI Briefing	Public sector regional officers in Kununurra
30/11/2016	FOI Briefing	Officers of the Shire of Wyndham-East Kimberley
30/11/2016	FOI Coordinators Training	Officers of Kununurra Hospital
06/12/2016	FOI Coordinators Workshop	State and local government officers
07/12/2016	FOI Briefing	Officers of the Department of Mines and Petroleum
07/12/2016	FOI Decision Makers Training	Officers of the Department of Mines and Petroleum
18/01/2017	FOI Coordinators Workshop	State and local government officers
08/02/2017	FOI Coordinators Workshop	State and local government officers
13/02/2017	FOI Briefing	Officers of the City of Stirling
27/02/2017	FOI Briefing	City of South Perth elected members
27/02/2017	FOI Briefing	Officers of the City of South Perth
08/03/2017	FOI Decision Writing Workshop	State and local government officers
15/03/2017	FOI Briefing	Public Sector Induction attendees
22/03/2017	FOI Briefing	State and local government officers attending the FOI Coordinators Network Meeting
24/03/2017	FOI Lecture	Edith Cowan University Administrative Law students
27/03/2017	FOI Briefing	Transport Portfolio Governance Council
06/04/2017	FOI Coordinators Workshop	State and local government officers
19/04/2017	FOI Briefing	Officers of the City of Kwinana
21/04/2017	FOI Briefing	Officers of the Melaleuca Remand and Reintegration Facility
26/04/2017	FOI Briefing	Officers of the Mental Health Commission

DATE	PRESENTATION STYLE	AUDIENCE
09/05/2017	FOI Coordinators Training	Officers from the Shires of Cue, Meekatharra, Mt Magnet, Yalgoo and Murchison
16/05/2017	FOI Coordinators Workshop	State and local government officers
25/05/2017	FOI Decision Writing Workshop	State and local government officers
14/06/2017	FOI Coordinators Workshop	State and local government officers
29/06/2017	Community FOI Briefing	New members of Parliament

Table 9: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL
FOI Coordinators Workshops (13)	136	44	0	180
Decision Writing Workshops (7)	82	15	0	97
<i>Sub-total:</i>	218	59	0	277
BRIEFINGS (No.)				TOTAL
FOI Briefings and Training at agency offices (27)	474	262	0	736
Community FOI Briefings (2)	0	0	34	34
Other speeches by the Information Commissioner (4)	90	0	258	348
<i>Sub-total:</i>	564	262	292	1,118
GRAND TOTAL (ATTENDEES)	782	321	292	1,395

Table 10: Misdirected applications (received & dealt with)

Year	Department of Corrective Services	Western Australia Police	Other	Total
2008/2009	15	33	25	73
2009/2010	15	20	30	65
2010/2011	13	13	31	57
2011/2012	6	11	12	29
2012/2013	4	12	13	29
2013/2014	8	4	12	24
2014/2015	5	5	18	28
2015/2016	2	5	19	26
2016/2017	7	4	15	26

Table 11: OIC publications

Information Sheets for Members of the Public	Information Sheets for Agency officers
Amendment of personal information	Amendment of personal information
Can I get everything I want under FOI?	Calculating charges
Can others access information about me or my business?	Consulting third parties
Can the agency refuse to deal with my application?	Flowchart - Dealing with an FOI application
Children and people with intellectual difficulties	Key FOI principles for agencies
How long should it take to deal with an access application?	Key questions for decision-makers to consider
How much does it cost?	How long should it take to deal with an access application?
Is FOI my best option?	Information Statements and other required publications
Requirements for a valid access application	Large, complex or time-consuming applications
Review of agency decisions	Making submissions to the Information Commissioner
Role of the Information Commissioner	Releasing documents that may be technically exempt
Steps for access applicants	Repeated requests and unreasonable conduct
The public interest	The exemptions
What documents can I ask for?	Thinking outside the FOI box
What happens in an external review?	Training for agencies
What if the agency says it doesn't have the documents?	What if the documents cannot be found?
What is personal information?	What if there are many third parties to consult?
Who do I contact to ask for documents?	What is personal information?
	What happens in an external review?
	Writing a notice of decision

Information about the External Review Process	Information about the FOI Process	Guides to Exemptions under the FOI Act
Complaints procedure – guide for parties	Accessing Government documents in Western Australia	Clause 4(2) – Information that has a commercial value
Producing documents to the Information Commissioner – guide for agencies	Third parties and their rights - guide for the public	Clause 4(3) – Business, professional, commercial or financial affairs
Preparing for a conciliation conference - guide for parties	Calculating time and days guide	Clause 6 – Deliberative processes of Government
Understanding the conciliation process - guide for parties	Consulting officers of agencies as third parties - guide for agencies	Clause 7 – Legal professional privilege
Consulting with third parties during external review - guide for agencies	FOI Coordinators Manual	Clause 8 – Confidential communications
Decisions of the Information Commissioner – guide for access applicants	Dealing with requests for documents related to an ‘exempt agency’	
Decisions of the Information Commissioner – guide for agencies		

Table 12: Injury management targets

Measure	Actual		Results against target	
	2014/15	2016/17	Target	Comment on Result
Number of fatalities	0	0	Zero (0)	No lost time injuries were experienced in the reporting period.
Lost time injury and/or disease incidence rate (LTI/D)	0	0	Zero (0) or 10% reduction	
Lost time injury and/or disease severity	0	0	Zero (0) or 10% reduction	
Percentage of injured workers returned to work within: (i) 13 weeks: (ii) 26 weeks:	N/A N/A	N/A N/A	Greater than or equal to 80% Greater than or equal to 80%	
Percentage of managers trained in occupational safety, health and injury management responsibilities	100%	100%	Greater than or equal to 80%	