



**Office of the
Information Commissioner**

Freedom of information for Western Australia

ANNUAL REPORT

2017/2018



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	165	143
Complaints - informal / invalid	40	40
Section 66(6) - applications - no internal review	8	8
Section 66(4) - applications - out of time	3	3
Section 13(5) - applications for extension of time	2	2
TOTAL	218	196

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

APPLICANT GROUP	No.	AGENCY GROUP	No.
Individual Citizen	93	Department (ex. Police & Health)	60
Member of Parliament	35	Local Government	41
Company	10	Minister	21
Media	9	Police	14
Not for Profit	9	Board, Committee, Commission, Authority, Corporation	12
Prisoner	7	Health-related	12
Government Agency	2	University	5
TOTAL	165	TOTAL	165

Table 3: Complaints received by the Information Commissioner

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies:							
Biodiversity, Conservation and Attractions, Department of	1	0	1	North Metropolitan TAFE	0	1	1
Bunbury Water Board (Aqwest)	1	0	1	Department of Planning, Lands and Heritage	4	0	4
C&AHS - Princess Margaret Hospital for Children	3	1	4	Police, Western Australia	14	6	20
Chemistry Centre Western Australia	1	0	1	Premier and Cabinet, Department of the	11	0	11
Communities, Department of	3	2	5	Primary Industries and Regional Development, Department of	2	0	2
Curtin University of Technology	2	0	2	Public Advocate, Office of the	2	0	2
Edith Cowan University	2	1	3	Public Transport Authority	3	0	3
Education, Department of	4	1	5	SMHS - Fremantle Hospital and Health Service	0	1	1
EMHS - Armadale Kalamunda Group	1	1	2	SMHS - Rockingham Peel Group	0	1	1
EMHS - Royal Perth Hospital	0	1	1	Transport, Department of	8	0	8
Forest Products Commission	1	0	1	Treasury, Department of	2	1	3
Health, Department of	3	0	3	University of Western Australia, The	1	0	1
Jobs, Tourism, Science and Innovation, Department of	2	0	2	WACHS - Central Office	1	0	1
Justice, Department of	7	2	9	WACHS - Midwest	2	0	2
Legal Practice Board of WA, The	2	0	2	WACHS - South West	0	1	1
Legal Profession Complaints Committee	1	0	1	Water and Environmental Regulation, Department of	5	0	5
Local Government, Sport and Cultural Industries, Department of	2	1	3	Water Corporation	1	0	1
Main Roads Western Australia	3	1	4	Western Power	0	1	1
Mines, Industry Regulation and Safety, Department of	5	0	5	<i>Sub-total: State Agencies</i>	102	24	126
NMHS - Mental Health	1	0	1	Local Agencies:			
NMHS - Sir Charles Gairdner Hospital	1	1	2	Armadale, City of	1	0	1

AGENCY	COMPLAINTS	INVALID	TOTAL
Augusta-Margaret River, Shire of	1	0	1
Bayswater, City of	0	1	1
Busselton, Shire of	1	0	1
Canning, City of	5	3	8
Cockburn, City of	1	0	1
Cottesloe, Town of	2	1	3
Cue, Shire of	0	1	1
Dardanup, Shire of	1	1	2
Harvey, Shire of	1	0	1
Joondalup, City of	2	1	3
Kalamunda, City of	1	0	1
Melville, City of	9	3	12
Mosman Park, Town of	2	0	2
Perth, City of	4	0	4
Serpentine/Jarrahdale, Shire of	1	0	1
South Perth, City of	2	0	2
Stirling, City of	1	1	2
Toodyay, Shire of	1	1	2
Victoria Park, Town of	3	1	4

AGENCY	COMPLAINTS	INVALID	TOTAL
Wanneroo, City of	1	0	1
York, Shire of	1	0	1
<i>Sub-total: Local Agencies</i>	41	14	55
Ministers:			
Attorney General	1	0	1
Minister for Education and Training	2	0	2
Minister for Emergency Services	2	0	2
Minister for Energy	3	0	3
Minister for Health	1	0	1
Minister for Lands	1	0	1
Minister for Local Government	1	0	1
Minister for Regional Development	4	0	4
Minister for Sport and Recreation	1	0	1
Minister for Tourism	1	0	1
Minister for Transport	4	0	4
Treasurer	1	0	1
<i>Sub-total: Ministers</i>	22	0	0
Agency is Unknown:	0	2	2
<i>Sub-total: Agency is Unknown</i>	0	2	2
TOTAL	165	40	205

Table 4: Other applications received

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	EXTENSION OF TIME s.13(5)	TOTAL
Albany, City of	1	0	0	1
Forest Products Commission	1	0	0	1
Joondalup, City of	1	0	0	1
Kalamunda, City of	0	1	0	1
Melville, City of	0	1	1	2
Mines, Industry Regulation and Safety, Department of	0	1	0	1
Narrogin, Shire of	0	0	1	1
Perth, City of	0	1	0	1
Police, Western Australia	0	1	0	1
Premier and Cabinet, Department of the	0	1	0	1
Public Advocate, Office of the	0	1	0	1
Western Power Corporation	0	1	0	1
TOTAL	3	8	2	13

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:						
Agriculture and Food, Department of	2					2
Attorney General, Department of the					2	2
Biodiversity, Conservation and Attractions, Department of					1	1
Bunbury Water Board (Aqwest)	1					1
C&AHS - Princess Margaret Hospital for Children	2				1	3
Chemistry Centre Western Australia	1					1
Child Protection and Family Support, Department for	1					1
Communities, Department of	1	1			3	5
Culture and the Arts, Department of					1	1
Curtin University of Technology	1			1		2
Edith Cowan University	2				2	4
Education, Department of	4	1			1	6
EMHS - Armadale Kalamunda Group	1				1	2
EMHS - Bentley Health Service					1	1
EMHS - Royal Perth Hospital					1	1
Environment Regulation, Department of	1		2			3
Health, Department of	1	1				2
Housing Authority	1					1
Jobs, Tourism, Science and Innovation, Department of	1					1
Justice, Department of	4				2	6

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		
Legal Practice Board of WA, The		1				1
Legal Profession Complaints Committee		1				1
Local Government, Sport and Cultural Industries, Department of	1				1	2
Main Roads Western Australia	3				1	4
Mines and Petroleum, Department of	3					3
Mines, Industry Regulation and Safety, Department of	3					3
NMHS - Mental Health	1					1
NMHS - Sir Charles Gairdner Hospital					1	1
North Metropolitan TAFE					1	1
Planning, Lands and Heritage, Department of	1				1	2
Premier and Cabinet, Department of the	5				1	6
Primary Industries and Regional Development, Department of	1				1	2
Public Advocate, Office of the	1					1
Public Transport Authority	6	1		2		9
SMHS - Fremantle Hospital and Health Service					1	1
SMHS - Rockingham Peel Group					1	1
Southern Ports Authority	1					1
Sport and Recreation, Department of	1				1	2
State Administrative Tribunal	1					1
State Solicitor's Office	1				1	2
Transport, Department of	5				1	6
Treasury, Department of					1	1
University of Western Australia, The	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		
WACHS - Central Office	1					1
WACHS - Midwest	2					2
WACHS - South West					1	1
Water and Environmental Regulation, Department of	2				1	3
Water Corporation	2					2
Western Australia Police	12	1			6	19
Western Australian Land Authority (LandCorp)	2					2
Western Power					1	1
<i>Sub-Total: State Agencies</i>	80 (61.5%)	7 (5.4%)	2 (1.5%)	3 (2.3%)	38 (29.2%)	130 (71.0%)
Local Agencies:						
Augusta-Margaret River, Shire of	2					2
Bayswater, City of					1	1
Canning, City of	5				3	8
Cottesloe, Town of	1				1	2
Cue, Shire of					1	1
Dardanup, Shire of	1				1	2
Gosnells, City of	1					1
Harvey, Shire of	1					1
Joondalup, City of	2				1	3
Kalamunda, City of	1					1
Melville, City of	2				3	5

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		
Mosman Park, Town of	1				1	2
Perth, City of	2				1	3
Rockingham, City of	1					1
Serpentine/Jarrahdale, Shire of	1				1	2
South Perth, City of					1	1
Stirling, City of					2	2
Toodyay, Shire of	1				1	2
Victoria Park, Town of	1				1	2
<i>Sub-Total: Local Agencies</i>	23 (54.8%)	0 (0.0%)	0 (0.0%)	0 (00.0%)	19 (45.2%)	42 (22.9%)
Ministers:						
Attorney General	1					1
Minister for Emergency Services	2					2
Minister for Energy	1					1
Minister for Environment				1		1
Minister for Health	1					1
Minister for Regional Development	2					2
Treasurer	1					1
<i>Sub-Total: Ministers</i>	8 (88.9%)	0 (0.0%)	0 (0.0%)	1 (11.1%)	00 (00.0%)	9 (4.9%)
Agency is unknown	0	0	0	0	2	2
<i>Sub-Total: Agency is unknown</i>	0 (00.0%)	0 (0.0%)	0 (0.0%)	0 (00.0%)	2 (100.0%)	2 (1.1%)
TOTAL	111 (60.6%)	7 (3.8%)	2 (1.1%)	4 (2.2%)	59 (32.2%)	183 (100%)

Note: The Information Commissioner may not deal with – or stop dealing with – a complaint if it is outside her jurisdiction or if it is frivolous, vexatious, misconceived or lacking in substance. Table 5 includes informal/invalid complaints. Nineteen 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
D0182017	Seven Network (Operations) Limited	Public Transport Authority	30/08/2017
D0192017	'U'	Western Australia Police	20/09/2017
D0202017	Appleton	Department of Education	30/11/2017
D0212017	Farina	Minister for Environment	30/11/2017
D0222017	Seven Network (Operations) Limited	Public Transport Authority	20/12/2017
D0232017	Donovan	Curtin University of Technology	29/12/2017
D0242017	Cockburn Cement Limited	Department of Water and Environmental Regulation	29/12/2017
D0012018	Seven Network (Operations) Limited	Public Transport Authority	02/02/2018
D0022018	'S'	Department for Child Protection and Family Support	19/06/2018
D0032018	Wells	Legal Profession Complaints Committee	22/06/2018
D0042018	Hobday	State Solicitor's Office	28/06/2018
D0052018	Wells	Legal Practice Board of Western Australia	29/06/2018
D0062018	Goiran	Department of Health	29/06/2018

Table 7: Outcome of other applications finalised

AGENCY	OUT OF TIME s.66(4)	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	EXTENSION OF TIME s.13(5)	EXTENSION OF TIME s.13(5)	TOTAL MATTERS FINALISED
	Allowed	Refused	Refused	Conciliated	Refused	
State Agencies:						
Forest Products Commission	1					1
Western Australia Police			1			1
Premier and Cabinet, Department of the			1			1
Mines, Industry Regulation and Safety, Department of			1			1
Public Advocate, Office of the			1			1
Western Power Corporation			1			1
<i>Sub-total: State Agencies</i>	1	0	5	0	0	6
Local Agencies:						
Albany, City of		1				1
Joondalup, City of		1				1
Kalamunda, City of		1				1
Melville, City of			1	1		2
Narrogin, Shire of					1	1
Perth, City of			1			1
<i>Sub-total: Local Agencies</i>	0	3	2	1	1	7
TOTAL	1	3	7	1	1	13

Table 8: Formal training and presentations

DATE	PRESENTATION STYLE	TYPE*
05/07/2017	Presentation to Connolly Senior Citizens Group with the Ombudsman WA and Public Sector Commissioner	CB
11/07/2017	Presentation to Records and Information Management Professionals Australia (RIMPA)	S
12/07/2017	FOI Decision Writing Workshop for State	D
17/07/2017	Briefing for the Health Consumer Council staff and volunteers	CB
10/08/2017	FOI in WA Conference	CONF
11/08/2017	FOI Coordinators Workshop	C
11/10/2017	FOI Coordinators Workshop	C
12/10/2017	UWA Guest Lecture	S
24/10/2017	Presentation to Nollamara Ladies Group with Public Sector Commission and the Ombudsman	CB
26/10/2017	Law Society presentation on Freedom of Information	S
30/10/2017	Briefing to Edith Cowan University	AB
01/11/2017	Presentation to Armadale Positive Ageing group	CB
8/11/2017	FOI Coordinators Workshop	C
16/11/2017	Presentation to Armadale Family Community Centre with Public Sector Commission and the Ombudsman	CB
29/11/2017	FOI Decision Writing Workshop	D
24/01/2018	Presentation at ANZACATT (Australia and New Zealand Association of Clerks at the Table) Conference	S
06/02/2018	Presentation to UWA - Government Accountability - Law and Practice Unit	S
08/02/2018	FOI Coordinators Workshop	C
01/03/2018	FOI Decision Writing Workshop	D
12/03/2018	Briefing for Department of Biodiversity, Conservation and Attractions	AB
15/03/2018	Briefing for Landgate Officers	AB
20/03/2018	Briefing for Department of Local Government, Sports and Cultural Industries	AB
23/03/2018	Briefing for Department of Education	AB

DATE	PRESENTATION STYLE	TYPE*
06/04/2018	Presentation to ECU Administrative Law Students	S
11/05/2018	Briefing for Department of Water and Environmental Regulation	AB
15/05/2018	Briefing - Local Government FOI Networking Group	AB
16/05/2018	FOI Coordinators Workshop	C
01/06/2018	Briefing for Department of Justice	AB

*AB = Briefing; CB =Community Briefing C = FOI Co-ordinators Training Course; CONF = CONFERENCE;
D = Decision-makers Training Course; S = Speaking Engagement

Table 9: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL
FOI Coordinators Workshops (5)	68	32	0	100
Decision Writing Workshops (3)	29	4	0	33
<i>Sub-total:</i>	97	36	0	133
BRIEFINGS (No.)				TOTAL
Agency Briefings (8)	100	16	0	116
Community Briefings (5)	0	0	90	90
OIC Conference (1)	196	73		269
Other Speaking Engagements (6)	15	0	355	370
<i>Sub-total:</i>	311	89	445	845
GRAND TOTAL (ATTENDEES)	408	125	445	978

Table 10: Misdirected applications (received & dealt with)

Year	Department of Justice *	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
2017/2018	8	20	36	64

* Formerly Department of Corrective Services, now also includes Acacia Prison

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	
	2015/16	2017/18	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%	