



Office of the Information Commissioner

Freedom of information for Western Australia



ANNUAL REPORT 2018/2019



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This annual report and previous annual reports are available on the OIC website and are available in other formats on request.

We acknowledge the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past, present and emerging.



Office of the
Information Commissioner
Freedom of information for Western Australia

SPEAKER OF THE LEGISLATIVE ASSEMBLY
PRESIDENT OF THE LEGISLATIVE COUNCIL

ANNUAL REPORT TO 30 JUNE 2019

In accordance with section 63 of the *Financial Management Act 2006* I hereby submit my report for the reporting period ended 30 June 2019.

The annual report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the reporting requirements of the *Freedom of Information Act 1992*.

A handwritten signature in black ink, reading "Catherine Fletcher".

Catherine Fletcher
INFORMATION COMMISSIONER

25 September 2019

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About this report

Welcome to the Office of the Information Commissioner's 2018/19 annual report.

The aim of this annual report is to give a comprehensive overview of our performance during the year and provide insight into the goals and operations of our office. The services we deliver are designed to provide an outcome that gives the people of Western Australia access to documents held by WA State and local government agencies, as required by the law, and to provide a mechanism to ensure their personal information is accurate and up-to-date. In addition, we educate agencies on their responsibilities under freedom of information (**FOI**) legislation and provide assistance to the public to help them understand their rights under FOI legislation.

Given that the key message of freedom of information legislation mirrors the purpose of agency annual reports – that is, greater accountability and transparency – we trust that this report on our activities and performance during the year provides valuable insight into our operations.

Strategic goals 2016-2019

**Provide a fair,
independent and
timely external
review service**

**Foster improvement
in agency practice**

**Enhance public
awareness of rights
to government
information**

**Build the capacity of
our people**

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Overview

What is Freedom of Information?

A legislative right to access government information remains a hallmark of an open, transparent and accountable democracy. The *Freedom of Information Act 1992* (WA) (**the FOI Act**) gives everyone a legally enforceable right to government information in Western Australia.

The stated objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public. The FOI Act achieves this primarily by creating a general right of access to State and local government documents and requiring that certain documents concerning State and local government operations be made available to the public. Dealing with requests under the FOI Act is not merely an administrative process but a means of dispensing justice to the people of Western Australia.

In the absence of State privacy legislation in Western Australia, the FOI Act provides a limited mechanism for the protection of personal information from disclosure under the FOI Act and also provides a means to ensure personal information held by State and local governments is accurate, complete, up-to-date and not misleading.

The FOI Act is supported by the *Freedom of Information Regulations 1993* (WA).

How does it work?

Anyone has the right to lodge an FOI application to WA State and local government agencies and Ministers (collectively referred to as 'agencies') requesting access to documents, or to apply to have their personal information amended if it is incomplete, inaccurate, out-of-date or misleading. Agencies are then obliged to make a decision on access or amendment in accordance with the FOI Act.

Role of the Information Commissioner

The position of Information Commissioner (**the Commissioner**) is created by the FOI Act and is appointed by the Governor. The 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 FOI Act, but has no express role under the legislation.

The main function of the Commissioner is to provide independent external review of decisions made by agencies under the FOI Act in respect of applications for documents and amendment of personal information. Additional functions include ensuring that agencies and the public are aware of their responsibilities and rights under the FOI Act.

When relevant, the Commissioner also recommends legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.

Executive Summary

The year in review



This is my second report to Parliament and the community on the operation of the FOI Act. It is my first since being appointed substantively in July 2019 for a five-year term. I am honoured to serve Parliament and the public by administering the FOI Act, which promotes open, accountable and responsible government.

During my appointment my principal goals will be to serve the whole community by encouraging best practice in providing access to government information and to provide stability, energetic vision and transparent, strong leadership to my office.

In the coming year our strategic goals and initiatives are due for review and I am committed to renewing and strengthening those goals. Part of this process will include a review to ensure our structure, operational processes, technology, staff workload and current resourcing remain relevant and are sustainable.

Over the last 12 months it has become very apparent that the Information Age is rapidly becoming the Digital Age. In this increasingly data-driven environment all government agencies are facing new and significant challenges to deliver on the fundamentals of good practice in records management and

access to information. My office will continue to assist agencies to meet these challenges.

As mentioned in my Executive Summary in last year's annual report, last year was a particularly challenging time with uncertainty about the ongoing structure of my office. That uncertainty has now been resolved and we will continue to provide robust and independent oversight of the administration of the FOI Act in Western Australia.

In the past, this office has been involved in consultations, on a number of occasions over many years, about the introduction of draft privacy laws, in large part due to the obvious connection between accessing personal information under the FOI Act and protecting personal information under potential privacy legislation. This year my office has provided some assistance to the Department of the Premier and Cabinet on its responsible information sharing project. Further detail is outlined under the Submissions and Consultations section of this report.

After a number of years of relative stability in the number of access applications made to agencies there has been a considerable increase, from 17,258 in the previous reporting period to 19,258 in the current reporting period (an increase of almost 12%). It is pleasing to note that, while the increase in applications has been accompanied by an increase in the average number of days which agencies take to deal with access applications (almost 35 days, up from 27 days last year), this is still well within the 45 day permitted period specified within the FOI Act.

Demand for the OIC's advice and awareness services has continued to be strong over the last 12 months. Nearly 1000

participants have attended OIC training, briefings and presentations and almost 1,300 enquiries were answered in the reporting period. Newsletters and new guidance materials were also published. In addition, work is well underway organising our second FOI in WA Conference, to be held in November 2019.

All these activities are currently undertaken by only one full time staff member, with assistance from myself and other staff in the delivery of some of these functions. Our advice and awareness service is well regarded by the public and within agencies, which is evidenced by the consistently high satisfaction rate. However, the ability of the OIC to increase or even maintain the current reach and effectiveness of our support and education platforms within current resources is increasingly difficult, and an issue that will receive attention in the coming year.

The number of external reviews received during the year has increased by over 6% from last year. The number of external reviews finalised has also increased, due to the effective efforts of my staff. Our improved productivity is reflected in internal data that shows an improved rate of external review finalisation within 12 months (currently at almost 95%, an increase from almost 89% in the previous reporting period). Measuring, monitoring and reporting on timeliness is an area of continuing focus.

Nevertheless, the number of external reviews on hand is now at 100, which is an increase of just over 31% from the end of the previous reporting period. This growth in demand for external review continues to be a challenge with our limited resources.

The rate at which we close files through conciliation grew to 82% at the end of the period, an increase of 4% from last year. The more external review matters that are conciliated, the less often I will be required to issue a formal decision. Accordingly there were only 12 published decisions issued in the last 12 months. A number of conciliation case studies and decision summaries are included in this report.

Our participation in various projects organised by the Association of Access and Information Commissioners included the Community Attitude Survey to gauge the public's awareness of their right to access government information; and the Open Government National Dashboard of Metrics on the utilisation of information access. The results for our State in both of those studies suggest that West Australians are making good use of their rights to access information.

On a personal note, my staff and I acknowledge that the former Acting Information Commissioner, the late Su Lloyd, was deservedly recognised posthumously in the Queen's Birthday 2019 Honours List awards with an OAM for her services to law, music and education. Full details of that award can be found at <https://honours.pmc.gov.au/honours/awards/2004765>.

Finally, I take the opportunity here to acknowledge my dedicated and highly professional team and thank them for their efforts and support to me in my role.

Catherine Fletcher
INFORMATION COMMISSIONER

2018/2019 highlights



107,266

OIC website visits



957

*Attendees at OIC
briefing, training or
education sessions*



931

*Enquiries answered
to members of the
public*



355

*Enquiries answered
to local and State
Government*



176

*External reviews
received*



152

*External reviews
finalised*



131

*Average age in days
of external reviews
on hand*



124

*External reviews
resolved by
conciliation*



100

*External reviews on
hand at the end of
the period*



12

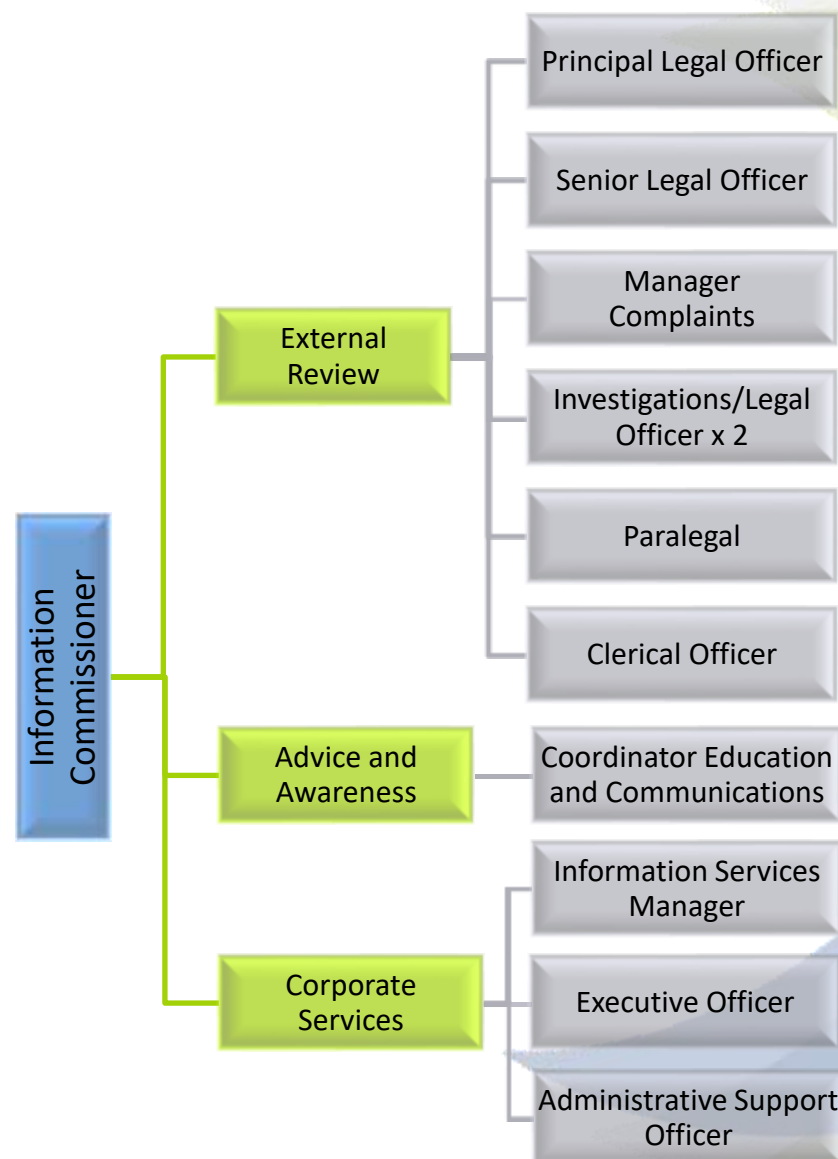
*Published decisions
of the
Commissioner*

About the Office of the Information Commissioner

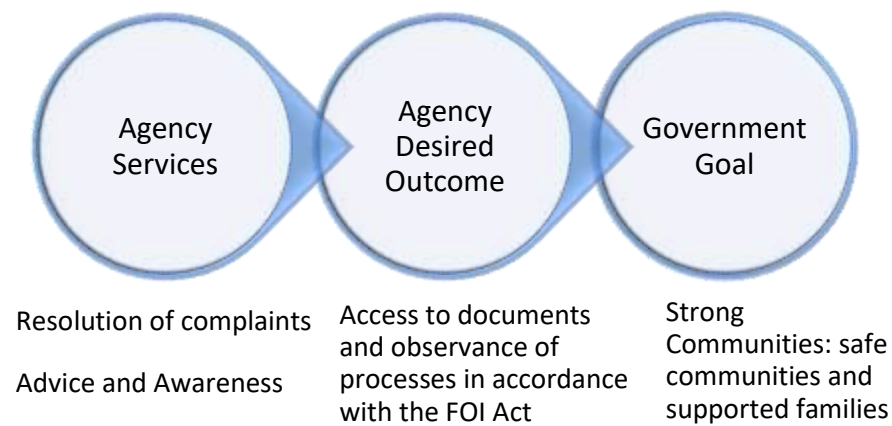
As at 30 June 2019, the Commissioner was supported by 11 staff in the Office of the Information Commissioner (**the OIC**). Two service teams operate to assist the Commissioner in meeting the objectives of the FOI Act:

- The *Resolution of Complaints (External Review)* team provides an independent review and resolution process that strives to resolve cases by conciliation and in a timely manner while balancing the competing needs and expectations of applicants, agencies and Parliament within the legislative requirements prescribed by the FOI Act.
- The *Advice and Awareness* team provides objective guidance and information to members of the public and agencies to assist in the proper lodgement and processing of applications under the FOI Act; proposes initiatives to enhance efficiency in agency administration when dealing with applications received; and conducts briefings and training sessions for agency staff.

Corporate service staff provide administrative, executive, information technology and governance support to the Commissioner and both functional teams.



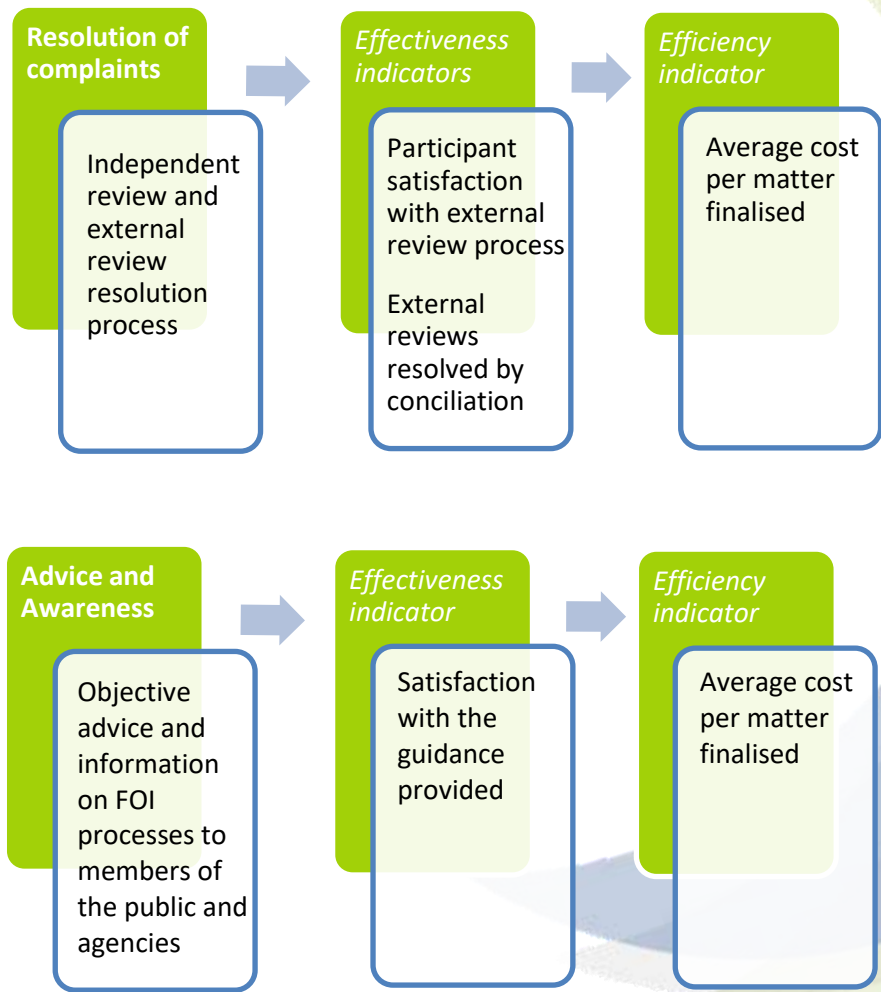
Performance management framework



The key objects of the FOI Act is to enable the public to participate more effectively in governing the State. This can promote transparency and accountability in government, a concept that contributes to the broader government goal of building strong communities.

Outcome-based management framework

Our services are measured by effectiveness and efficiency indicators, as follows.



The OIC is an independent statutory authority and does not share any responsibilities with other agencies.

The audited performance indicators are described in more detail in the [key performance indicators](#) section of this report.

The relevant legislative framework for freedom of legislation in Western Australia and other legislation that the OIC complies with can be found under the [Disclosures and Legal Compliance](#) section of this report.

Administered legislation

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

Other key legislation that impacts on our activities

- *Auditor General Act 2006*
- *Corruption Crime and Misconduct Act 2003*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Industrial Relations Act 1979*
- *Occupational Safety and Health Act 1984*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*

- *Salaries and Allowances Act 1975*
- *State Records Act 2000*
- *State Supply Commission Act 1991*

Operational Performance

Snapshot of financial and operational performance indicators

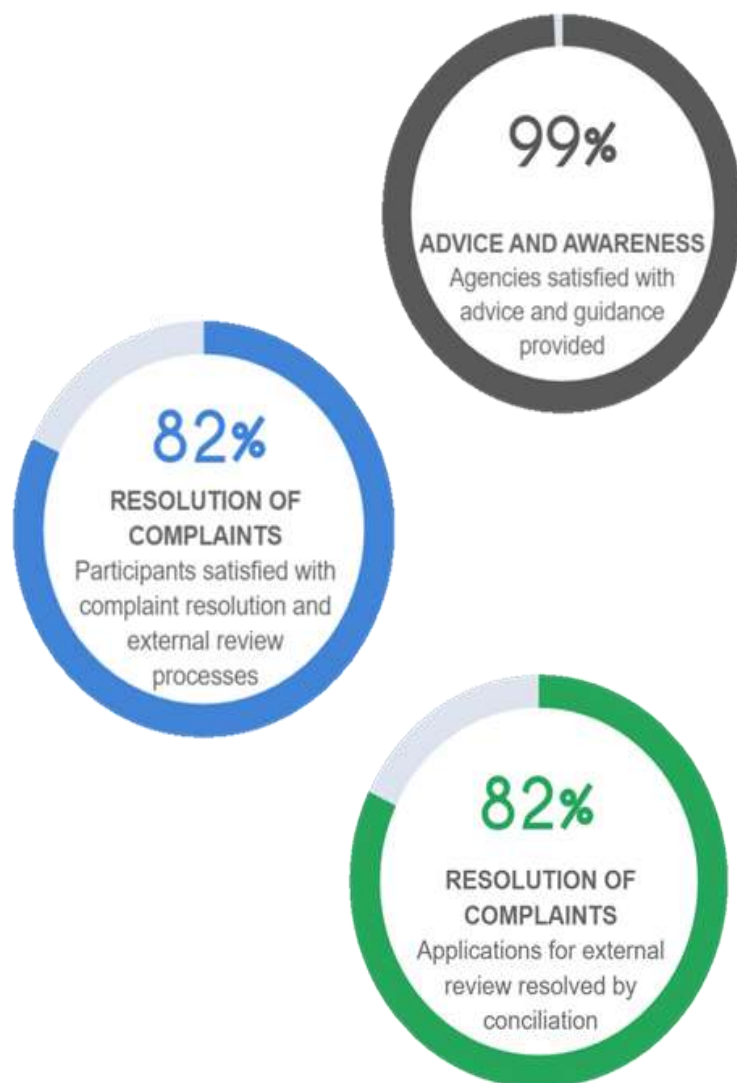
	Target \$000	Actual \$000	Variation \$000
Total cost of services	2,369	2,213	(156)
Net cost of services	2,365	2,213	(152)
Total equity	501	618	117
Net increase/(decrease) in cash held	(8)	171	179
Approved salary expense level	1,598	1,482	(116)

See the [Key Performance Indicators](#) and [Financial Statements](#) sections of this report for the OIC's full audited performance and financial reports. The OIC's total cost of services falls below the required threshold requiring explanatory statements in respect of variances. The OIC is also a Tier 2 agency and as such the financial reporting requirements are reduced.

Outcome: Access to documents and observance of processes in accordance with the FOI Act

	Estimate	Actual	Variation
Resolution of Complaints			
<i>Key effectiveness indicators:</i>			
Participants satisfied with complaint resolution and external review processes	85%	82%	(3%)
Applications for external review resolved by conciliation	70%	82%	12%
<i>Key efficiency indicator</i>			
Average cost per external review finalised	\$10,966	\$7,414	(\$3,562)
Advice and Awareness			
<i>Key effectiveness indicator</i>			
Agencies satisfied with advice and guidance provided	98%	99%	1%
<i>Key efficiency indicator</i>			
Average cost of service per application lodged	\$215	\$316	\$101

Operational highlights



External Review

STRATEGIC GOAL: *Provide a fair, independent and timely external review service*

The main function of the Commissioner is to review decisions made by agencies under the FOI Act.

The performance of this service is measured in two ways: by the satisfaction of participants of an external review with the way in which the external review was conducted; and by the number of external review applications resolved by conciliation.

Detailed performance data on the number of external review applications received, completed, the number currently on hand and their age, is updated monthly and published on our [website](#).

Conciliation

The Commissioner has powers to deal with external review in a number of ways including by conciliation, negotiation and compulsory conferences. These are in addition to the power to resolve an external review by issuing a binding determination. It has always been the focus of the OIC to ensure that the conduct of external review proceedings are not unduly legalistic or formal, preferring instead to negotiate a conciliated outcome between the parties rather than issuing a formal determination.

When any new external review is assessed and assigned to an officer to deal with (who acts on behalf of the Commissioner under certain delegated powers), consideration is given to any procedural options then available to resolve

the matter. In particular, consideration is given as to whether proceeding to a compulsory conciliation conference is preferred over other conciliation methods, given the particular circumstances of the case at that time.

Conciliation is an important element of the external review process and can result either in resolution of the complaint or clarification or narrowing of the issues in dispute. This has the effect of making the external review process more efficient for those matters that require further review.

This year's conciliation rate of 82% is a historic high and is 5% higher than last year.

Conciliation Case Studies

Withdrawal of exemption claim by agency

The complainant applied to the agency for access to documents relating to a disciplinary investigation to which he was a party. The agency claimed the documents were exempt under clause 6(1) of Schedule 1 to the FOI Act on the grounds that the deliberations were ongoing.

The agency was advised that the Commissioner was unlikely to be persuaded that the documents were exempt under clause 6(1), but that some information was likely to be exempt under clause 3(1) (personal information). A meeting was held with the agency and its legal representatives to discuss the matter.

Following the meeting the agency reconsidered its claims and gave the complainant access to an edited copy of the documents. As a result of further discussion with the

agency, a revised edited copy of the documents was provided to the complainant. An explanation of why the clause 3 exemption was likely to apply was provided to the complainant together with links to previous decisions of the Information Commissioner.

As a result, the complainant was satisfied that the matter had been resolved and withdrew the application for external review.

Agreement reached by parties regarding reduced scope of access application

The complainant applied to the agency for a copy of certain documents relating to a workplace grievance to which he was a party. The agency refused to deal with the complainant's access application under section 20 of the FOI Act on the grounds that the work involved in dealing with it would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

The Commissioner required the parties to attend a conciliation conference. At the conference, the complainant agreed to reduce the scope of his access application to certain documents. The agency agreed to deal with the access application in those revised terms and to give the complainant its notice of decision on access to the documents by an agreed date.

As a result, the complainant withdrew the application for external review and the matter was resolved.

Completion of internal review process

The complainant applied to the agency for access to documents relating to an incident that he was involved in that was investigated by the agency. The agency refused access to the requested documents on the basis they were exempt under clauses 3 and 5 of Schedule 1 to the FOI Act because they contained personal information about third parties and, if disclosed, would 'reveal the investigation'. The complainant applied for internal review and also reduced the scope of his application by advising that personal information about third parties could be deleted from the documents. As the agency failed to deal with his application for internal review within the 15-day period allowed under the FOI Act, the agency was deemed to have confirmed the initial decision. The complainant sought external review by the Information Commissioner of that deemed decision.

Inquiries were made with the agency about why it failed to complete the internal review process and seeking further reasons for the exemptions claims made in the agency's initial decision.

The agency acknowledged the oversight and dealt with the matter as if it was the subject of internal review, albeit after being before the Commissioner on external review. The agency reconsidered its decision and withdrew its exemption claim under clause 5. As a result, the agency gave the complainant access to the disputed documents with personal information about third parties deleted, in accordance with the reduced scope.

The complainant was satisfied with the outcome and did not proceed with the external review.

Agency acceptance of Commissioner's preliminary view

The complainant applied to the agency for a copy of certain versions of a report prepared by a consultant. The agency refused access to the documents on the grounds they were exempt under clause 6(1) of Schedule 1 to the FOI Act (deliberative processes of an agency).

The Commissioner required the parties to attend a conciliation conference. The matter was not resolved at the conference. The complainant subsequently agreed to limit the request to two versions of the report and agreed that certain personal information could be edited from the documents. In addition, the complainant accepted the view of one of the Commissioner's officers that a small amount of information in the documents was exempt under other exemption clauses and agreed that it could be deleted on that basis.

After considering all of the material before her including submissions made by the parties, the Commissioner's preliminary view was that the documents were not exempt under clause 6 as the agency claimed. The agency accepted the Commissioner's preliminary view and gave the complainant access to edited copies of the disputed documents, deleting certain personal

information as agreed. The complainant was satisfied with the access provided and the matter was resolved.

Agreement to disclosure after receipt of adequate written authority

Lawyers who advised that they acted on behalf of a named person (**the complainant**), applied to a health related agency for access to the complainant's medical record. Under section 29 of the FOI Act, if an agency gives access to personal information about the applicant, the agency has to take reasonable steps to:

- (a) satisfy itself of the identity of the applicant; and
- (b) ensure that only the applicant or the applicant's agent, nominated in writing, receives the document.

In this case, the lawyers did not provide sufficient written authority to the agency that satisfied the agency's obligations under section 29 of the FOI Act.

The agency requested additional supporting documentation from the lawyers, but it was not provided. In the absence of that information, the agency decided that it did not have sufficient information to satisfy its obligations under section 29. As a result, the agency refused access to the requested documents on the basis that they contained personal information about a third party and were exempt from disclosure under clause 3 of Schedule 1 to the FOI Act.

When applying for external review of the agency's decision, the lawyers advised that they had now obtained the necessary written authority from the complainant. Before taking any further action, one of the Commissioner's officers asked the lawyer to give the new written authority to the agency and to ask the agency to reconsider its position on access. On receipt of the new written authority, the agency amended its decision on access and gave the lawyer access to the complainant's medical record. The lawyer was satisfied with the access provided and the matter was resolved.

Acceptance by access applicant that requested information was exempt

An access applicant sought access to documents that contained information about a third party (**the complainant**). The agency decided to disclose the information about the complainant and consulted the complainant pursuant to section 33 of the FOI Act. The complainant submitted that a very small amount of the information (**the disputed information**) was exempt under clauses 4(3) (business information) and 5(1)(e) (public safety) of Schedule 1 to the FOI Act. The agency maintained its decision to give access to the disputed information. The complainant applied to the Information Commissioner for external review.

During the external review the agency reconsidered its decision on the basis that it had not properly considered whether the disputed information was exempt under clause 4(3). The agency varied its decision and accepted

that disclosure of the disputed information could reasonably be expected to have an adverse effect on the business, professional, commercial or financial affairs of the complainant. The complainant's earlier claim under clause 5(1)(e) was no longer in dispute.

The access applicant was advised that the agency had varied its decision to give access to the disputed information and was invited to be joined to the matter. The access applicant was given an explanation about why the Commissioner was likely to consider that the disputed information is exempt under clause 4(3) and a copy of relevant published decisions of the Commissioner.

The access applicant did not seek to be joined and accepted the agency's amended decision that the disputed information was exempt. As the applicant confirmed that it did not wish to pursue access to the disputed information, the matter was resolved.

Acceptance by complainant that agency did not hold the requested documents

The complainants applied to the agency for documents in relation to their deceased son. The agency refused access to the requested documents pursuant to section 23(2) of the FOI Act, without identifying those documents, on the basis that it was apparent from the nature of the documents described by the complainants that they were exempt under clause 12(b) of Schedule 1 to the FOI Act.

During the course of the external review, the agency advised the Commissioner that it did not hold the requested documents. The agency agreed to inform the complainants that it did not hold the requested documents and why it did not hold the documents.

The complainants accepted the agency's explanation and did not wish to pursue access to the requested documents. As a result, the matter was resolved.

Concessions made by both parties

The complainant applied to the agency for copies of certain documents. The agency refused access to the documents and edited copies of documents (**the disputed information**) on the grounds that part of the disputed information was exempt under clause 10(1) of Schedule 1 to the FOI Act and the other part of the disputed information was exempt under clause 12(c).

After considering all the matters before her, including submissions by the parties, the Commissioner advised the parties that it was her preliminary view that most of the disputed information was not exempt under clause 10(1). The Commissioner also considered that the claim under clause 12(c) had been made out by the agency.

The agency agreed to give access to most of the disputed information claimed to be exempt under clause 10(1), but maintained that a small part of that information was exempt under clause 10(1).

The complainant agreed that the external review could be resolved on the basis that access was not sought to the small amount of information that the agency maintained was exempt under clause 10(1). As a result, the complainant was satisfied with the access provided and the matter was resolved.

Revised deposit and estimate of charges

The complainant applied to a local government agency for a copy of recordings made at a council meeting. The agency gave the complainant an estimate of charges for dealing with the access application and required the complainant to pay a deposit under section 18(1) of the FOI Act. The complainant considered that the amount of the deposit was unreasonable.

Following inquiries made with the agency, the agency was informed that charges must be in accordance with the FOI Regulations and must be calculated in accordance with the principles set out in section 16 of the FOI Act. Accordingly, the agency was invited to reconsider its calculations and to consider a more reasonable deposit based on a revised estimate of charges.

The agency subsequently agreed to reduce the required deposit to a lower amount which the complainant accepted.

As a result, the complainant withdrew their application for external review and the matter was resolved.

Satisfaction rate

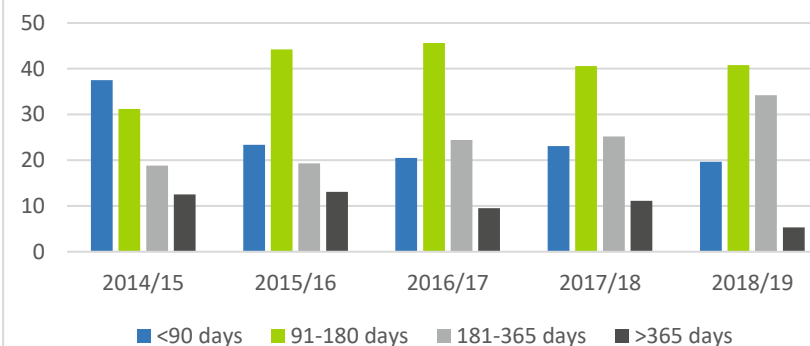
To measure the satisfaction of the external review service, a post review questionnaire (**PRQ**) is sent to all the involved parties at the completion of every external review matter. The PRQ is designed to seek their views on whether they regard the external review process as independent, objective and fair with an emphasis on user-friendly processes that met their needs.

Although this years' result of 82% is 3% under our target of 85%, participant satisfaction with the external review service increased by 2% from last year.

Timeliness

As reported in previous years, reducing the time taken to finalise external review requests is an ongoing focus. The FOI Act sets out the manner in which proceedings must be conducted by the Commissioner which includes affording procedural fairness to the parties.

Percentage of External Reviews finalised in specific time periods - 5 years 2015 to 2019



A new performance indicator is under consideration that will set targets for the percentage of external reviews finalised within certain time periods.

In addition, an early intervention pilot program is scheduled for trial in the new financial year. The purpose of the pilot program is to identify options for early resolution before allocation to an officer.

Decisions made by the Commissioner

Sometimes applications for external review cannot be resolved through conciliation. In such cases the Commissioner may need to finalise an external review by issuing a binding final determination. However, before issuing a final determination the Commissioner will usually issue a written preliminary view to the parties involved in the external review.

The purpose of the preliminary view is to give the parties involved an opportunity to review the Commissioner's understanding of the matters in dispute; identify any factual errors; and provide new and relevant information or submissions before the matter is finalised. While there is no legislative requirement to provide a preliminary view, the FOI Act does provide that the parties to an external review are to be given a reasonable opportunity to make submissions.

The preliminary view will generally include the following information:

- the background to the request for external review (when relevant);

- a summary of the key steps taken during the external review process;
- a description of any preliminary issues and their outcomes;
- a description of the matter that remains in dispute;
- a summary of the relevant submissions made to date; and
- the Commissioner's consideration and preliminary view based on all the information provided.

The preliminary view letter is addressed in full to the party to whom the Commissioner's preliminary view is largely adverse, with a copy provided to the other parties (abridged if necessary to avoid disclosure of potentially exempt matter). Based on the preliminary view of the Commissioner, each party is provided the opportunity to reconsider their position and either choose to withdraw from the matter or provide further submissions in support of their claim. Acceptance of the preliminary view can result in a conciliated outcome, if the parties agree with the Commissioner's view.

However, if any matters remain in dispute the Commissioner will, after considering any further information and submissions following the preliminary view, formally determine the issues in dispute between the parties. The parties are informed in writing of the final decision and the reasons for it. The Commissioner is required to publish decisions in full or in an abbreviated, summary or note form which are published on the OIC's website, unless the decision is to stop dealing with a matter under section 67(1). It is the usual practice to identify all of the parties to the external review in the published decision, except in certain circumstances.

During the reporting period 12 applications for external review were finalised by formal published decision of the Commissioner, and a summary of some of those follow.

Draft budget speech and budget papers

Re Nahan and Department of Treasury [2018] [WAICmr 8](#)

The agency refused the complainant access to draft versions of the 2017-18 Treasurer's Parliamentary Budget Speech and draft versions of the Treasurer's Budget papers. The A/Commissioner found that the disputed documents were exempt under clause 12(c) of Schedule 1 to the FOI Act on the basis that their public disclosure would infringe the privileges of Parliament.

The agency's decision was confirmed.

Local government visitor logs

Re McNally and Town of Victoria Park [2018] [WAICmr 9](#)

Visitor logs for the agency for a specified period were found to be exempt under clause 3(1) of Schedule 1 to the FOI Act. The A/Commissioner was satisfied that the requested document would, if disclosed, reveal personal information, as defined in the FOI Act, about individuals other than the complainant. In this particular instance, the A/Commissioner considered that the public interest in favour of disclosure of the personal information in the requested document was not sufficient to outweigh the public interest in protecting the privacy of the individuals. The A/Commissioner considered that it was not

practicable for the agency to edit the requested document to delete the exempt information, pursuant to section 24 of the FOI Act.

The agency's decision was confirmed.

Briefing note prepared for a Minister

Re King and Minister for Transport; Planning; Lands [2018] [WAICmr 10](#)

The complainant requested various documents relating to the town of Yarloop, Alcoa Wagerup and buffer areas around Alcoa Wagerup. The document in dispute was a briefing note attached to an email between the Minister's office and the Department of Planning, Lands and Heritage. The A/Commissioner was satisfied that the disputed document was prepared to brief a Minister in relation to a matter prepared for possible submission to Cabinet. On that basis the A/Commissioner found that the disputed document was exempt under clause 1(1)(d)(i) of Schedule 1 to the FOI Act.

The Minister's decision was confirmed.

Documents relating to complaints to a local government agency about building applications

Re Adam and City of Wanneroo [2018] [WAICmr 12](#)

The complainant applied to the agency for access to documents relating to complaints he had made about

building applications lodged with the agency by a third party. The agency gave the complainant access in full to certain documents, access to edited copies of documents and refused access in full to one document. On external review, the complainant disputed the agency's decision to refuse access to documents under section 26 of the FOI Act on the basis that those documents cannot be found or do not exist; the agency's claim for exemption under clause 3(1) of Schedule 1 to the FOI Act (personal information); and the agency's decision to provide access by way of inspection to a document on the basis that providing a copy would breach copyright in that document.

The A/Commissioner was satisfied that the agency had taken all reasonable steps to find the documents the subject of the complainant's access application but that additional documents did not exist or cannot be found. On that basis, the A/Commissioner found that the agency's decision to, in effect, refuse access to documents under section 26 was justified. The A/Commissioner also found that the disputed information was exempt under clause 3(1) and that access to one document should be by inspection only because the document was subject to copyright (section 27(2)(c)).

The agency's decision was confirmed.

Refusal of access when apparent from the description of the documents that they are exempt

Re Palermo and Legal Profession Complaints Committee [2018] [WAICmr 13](#)

The complainant applied for access to documents submitted to the agency by named private individuals. The agency refused access to the requested documents under section 23(2) of the FOI Act on the ground that it is apparent from the nature of the documents as described in the complainant's access application that they would all be exempt under clause 3(1) (personal information). The A/Commissioner found that it is apparent from the nature of the documents as described in the complainant's access application that, if any such documents exist, they would be exempt under clause 3(1) and that there is no obligation on the agency under section 24 of the FOI Act to give access to an edited copy of any of those documents.

The agency's decision was confirmed.

Documents held by the Perth Mint

Re Bennett & Philp Pty Ltd and Gold Corporation [2019] [WAICmr 1](#)

The complainant applied for access to a variety of documents that broadly related to either the Perth Mint's position on the applicability or otherwise of GST on certain acquisitions by the Perth Mint, or to documents

relating to complaints – including to the Government of India – regarding the importation of gold mined in Australia into India. The agency refused the complainant access to all of the requested documents.

The A/Commissioner found that:

- certain documents were outside the scope of the complainant's access application;
- certain documents were exempt under clause 15(1)(b) of Schedule 1 to the FOI Act because their disclosure would reveal information about a transaction relating to gold or other precious metal received or held by the agency;
- certain documents were exempt under clause 10(4) as their disclosure would reveal information concerning the commercial affairs of the agency; disclosure could reasonably be expected to have an adverse effect on those affairs; and disclosure would not, on balance, be in the public interest;
- certain documents were exempt under clause 5(1)(c) because their disclosure could reasonably be expected to enable the identity of a confidential source of information in relation to the enforcement or administration of the law to be discovered;
- the agency's decision to neither confirm nor deny the existence of certain documents was justified on the basis that those documents, if they existed, would be exempt under clause 2(1)(a) because their disclosure could reasonably be expected to damage relations

between the Government and another government (namely, the Government of India) and their disclosure would not, on balance, be in the public interest; and

- it was not practicable for the agency to give the complainant access to edited copies of the disputed documents with exempt information deleted in accordance with section 24 of the FOI Act.

The agency's decision was varied.

This is the first published decision on the exemption in clause 15 of Schedule 1 to the FOI Act.

Community Development Plan and annual reports submitted by a mining company

Re Gaffney and Department of Jobs, Tourism, Science and Innovation [2019] [WAICmr 3](#)

The complainant applied to the agency for access to the Community Development Plan and annual reports submitted by a mining company, as referred to in a particular State Agreement (**the Agreement**). The agency refused access to the documents on the ground that the documents were exempt under clause 4(3) of the FOI Act as disclosure would reveal information about the business, professional, commercial or financial affairs of a person, and disclosure could reasonably be expected to have an adverse effect on those affairs or prejudice the

future supply of information of that kind to the Government or an agency.

After consulting with a substantial number of third parties named in the documents, the A/Commissioner found that disclosure would reveal information about the business, professional, commercial or financial affairs of third parties, but was not persuaded that disclosure would have an adverse effect on those affairs. Further, the A/Commissioner did not consider that disclosure would prejudice the future supply of information of that kind to the Government or an agency, as the mining company was required to provide information of 'that kind' to the agency, under the Agreement.

The A/Commissioner set aside the agency's decision to refuse access to the documents and found that they were not exempt under clause 4(3) of Schedule 1 to the FOI Act.

Documents that cannot be found or do not exist

Re Humphreys and Forest Products Commission [2019]
[WAICmr 5](#)

The complainant claimed that the agency had not identified all documents within the scope of his application. The A/Commissioner recognised that applicants seeking to exercise their rights of access under the FOI Act must, to some extent, rely on the integrity of the searches conducted by the relevant agency. She also recognised that, in some

circumstances, an applicant may be skeptical about the adequacy of an agency's efforts to meet its obligations under the FOI Act. However, she considered that there were insufficient grounds to expect that additional documents existed within the scope of the complainant's access application and that, in any event, the agency had taken all reasonable steps to find additional documents and that they either cannot be found or do not exist.

Accordingly, the A/Commissioner did not require the agency to make any further inquiries or conduct any further searches and found that the agency's decision to refuse access to documents pursuant to section 26 of the FOI Act was justified.

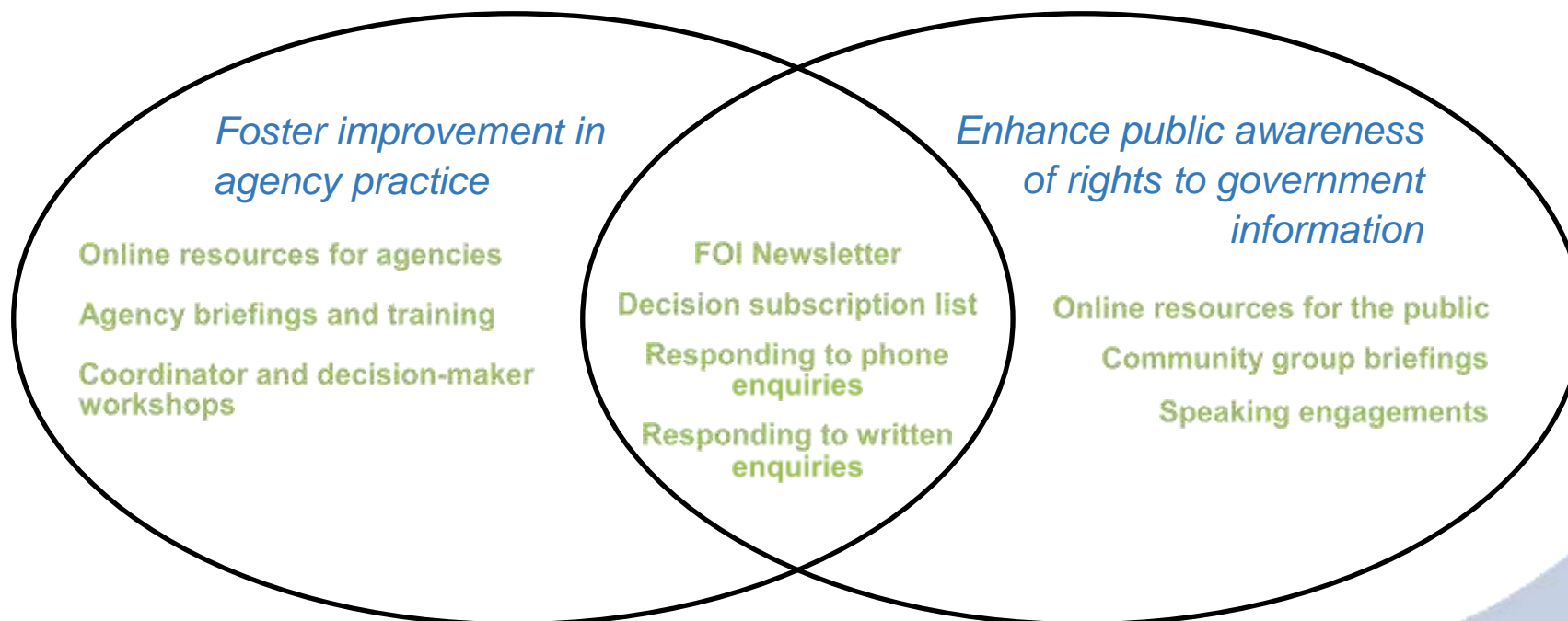
The agency's decision was confirmed.

Advice and Awareness

STRATEGIC GOALS:

- *Foster improvement in agency practice*
- *Enhance public awareness of rights to government information*

The OIC seeks to further its strategic goals by delivering training and presentations and providing written resources. Key aspects of our advice and awareness activities are described below. Tables [8](#) and [9](#) in the OIC Statistics lists all the training and presentations undertaken during the year. Table [11](#) outlines the current list of publications.



Training and briefings for individual agencies

Effective implementation of the objects of the FOI Act rely on capable agency decision-makers and an environment in which FOI is a valued part of an agency's operations. An understanding of agency obligations under the FOI Act should form part of any public sector employee's competency. The OIC visits agencies to provide briefings for agency staff to assist with this.

In some cases, decision-making training is provided offsite to agencies when the need arises depending on the resources of the OIC. Where possible agency decision-makers are encouraged to attend the training at OIC premises.

"Always very helpful when contacted by the phone and willing to listen and provide guidance. An information session conducted by the Acting Information Commissioner was also very well received by all staff who attended and helped to gain a clearer understanding of their own FOI obligations."

Survey response

FOI Coordinators and Decision Writing Workshops

The FOI Coordinators Workshop is the key training provided by the OIC and several workshops are held each year. Participants in this workshop include officers who have responsibility for information access processes and decisions within their agencies. Some participants are new to freedom of information and some use the workshop as a refresher to

"The provision of real world examples of types of FOI cases relating back to the elements of the FOI Act to illustrate best the intent of the FOI Act and how FOI coordinators can work best with the applicant to achieve practicable outcomes."

Workshop participant survey response to question about the benefits of the FOI Coordinators Workshop

ensure that their agency's processes and policies continue to accord with best practice.

The Decision Writing Workshop aims to build on the material addressed in the FOI Coordinators Workshop (which can also be obtained by pre-reading the FOI Coordinators Workshop manual) to assist attendees understand what is needed to write a notice of decision that complies with the requirements of the FOI Act. A good notice of decision also demonstrates an appropriate decision process. Several Decision Writing workshops are held each year.

In 2017, it was decided to reduce the number of workshops offered in 2018, due to resourcing concerns. However, during 2018, it became evident that the reduced number of workshops was not keeping up with demand and additional workshops were scheduled. In 2019, the OIC has returned to its previous practice of delivering at least one workshop each month, except in January and December. The number of participants attending each workshop has ranged between 13 and 25 agency officers. The feedback received about our

workshops is consistently positive. It is recognised that participants have a variety of experience and needs and the OIC seeks to address this by providing a clear idea of what will be provided in the training and by having supplementary materials available outside of training.

Briefings for community groups

This year OIC participated in two briefings for Aboriginal service providers and Elders providing information about a number of independent agencies. These briefings were organised by the Ombudsman Western Australia. The sessions included representatives from the Ombudsman WA, Commonwealth Ombudsman, Telecommunications Industry Ombudsman, Australian Financial Complaints Authority, the Energy and Water Ombudsman and the Health and Disability Services Complaints Office. There was an opportunity to talk with the participants about how to engage with our agencies and the OIC in order to access documents. It was particularly valuable to hear from Aboriginal leaders about issues that Aboriginal people experience in dealing with government agencies.



Invitations were also accepted to speak about freedom of information to legal practitioners about the role and practice of freedom of information. Legal practitioners have clients from both the community and agencies that seek advice about freedom of information matters.

Briefings for community members and legal practitioners can equip advocates with the skills to make effective access applications. While briefings include information about rights and processes to access documents under the FOI Act, they also stress the desirability of working with agencies to achieve a mutually acceptable outcome. These briefings can help to ensure that applicants and their representatives are realistic in their expectations of what an agency can provide.

Speaking engagements

The Commissioner and other OIC staff have been guest lecturers at a number of WA Universities introducing students to important legal issues associated with freedom of information legislation.

FOI Newsletter

The newsletter provides an opportunity to address current or recurring FOI issues. While the information contained in the newsletter is primarily targeted to agency staff, it includes information that may be of interest to members of the public.

Five newsletters were published this financial year, and is now published quarterly. Subscribers to the newsletter also receive alerts when decisions of the Commissioner are published on our website. Subscriptions can be registered from our [website](#).

Online resources

Wherever possible the OIC's resources are published on our website, including guides for members of the public and agencies; decisions; annual reports; the FOI Coordinator's Manual; the OIC's newsletter; the customer service charter; the Disability Access and Inclusion Plan; the gift register; and corporate credit card statements.

The OIC maintains a suite of online guides for agencies to assist them in meeting their obligations under the FOI Act and for members of the public to provide guidance about making FOI applications and understanding the FOI process.

Short guides on common issues or questions regarding FOI are available from our home page with drop-down menus for members of the public and for agencies. More detailed publications are available from our publications page, which is accessible from our home page under 'Other Resources'.

The FOI Coordinator's Manual, which is used for the FOI Coordinator's workshop, is also available online. It is a comprehensive reference tool for FOI Coordinators and is intended to be an evolving resource.

Online decision search tool

Decisions of the Commissioner are published on the OIC's website as soon as practicable after being handed down and provided to the parties. A comprehensive search facility is available for full decisions whereby users can search for specific exemption clauses, sections of the FOI Act or words and phrases found in the decisions. For these criteria, the facility will search the catchwords found at the beginning of each full decision:

FREEDOM OF INFORMATION – refusal of access – lease of premises commonly known as 'Indiana Tea House' – section 30(f) – the requirements of a notice of decision if the decision is to refuse access – section 102 – burden of proof – section 33 – safeguards for affected third parties – clause 4(3) – adverse effect on business affairs – clause 4(7) – public interest – clause 8(1) – breach of confidence – clause 8(2) – information of a confidential nature obtained in confidence.

The Commissioner often issues decision notes, which are not as comprehensive as full decisions but are still captured by the search facility when searching by agency or complainant name, selecting decisions between dates, or a particular outcome.

A Google search is also available that will search the full text of all decisions.

The decision search facility is a very helpful tool for FOI practitioners to search for precedents relevant to matters they are dealing with. The Commissioner's decisions are also available and searchable on the Australasian Legal Information Institute (**AustLII**) [website](#) under Western Australia case law. AustLII provides a free online database of Australasian legal materials.

People can subscribe to receive notification of a new decision of the Commissioner at our [website](#).

Responding to enquiries

This year the OIC dealt with 1,286 written, phone and in-person requests for advice and misdirected requests for documents.

The OIC provides general assistance to members of the public and agency staff. The information provided is intended to ensure that members of the public are equipped with the knowledge to be able to access documents outside the FOI

Act, where appropriate, and in accordance with the FOI Act when necessary. Agency officers are assisted to understand their obligations under the FOI Act.

The OIC does not provide legal advice and does not provide specific rulings on particular issues or sets of facts when the matter is not before the Commissioner on external review. Providing guidance to both applicants and agencies without crossing this line can be a balancing act. The OIC provides a number of readily available tools to support agencies and the community, and to promote the objects of the FOI Act.

Agency FOI Reference Group



The purpose of the Agency FOI Reference Group (**AFRG**) is to promote and advocate for good FOI practice in agencies. The meetings of the group continue to provide an opportunity for the OIC to hear directly about current issues facing agencies with respect to freedom of

information. The AFRG met three times during the period and is made up of key staff of the OIC and FOI practitioners from ten agencies that are representative of the different agency types in the sector. These discussions are an important contributing factor to the advice and awareness activities of the OIC. Members of the AFRG are encouraged to share information from meetings of the group with their staff and similar agencies and to feed information back from those agencies to the group.

Our workplace

STRATEGIC GOAL: *Build the capacity of our people*

Flexible working arrangements

The OIC has been working on improving our policies supporting flexible working arrangements. We recognise that the availability of flexible working arrangements is important for creating diverse workplaces and supporting staff with caring responsibilities. The ability to work remotely away from the office is one aspect of flexible work practices.

Providing remote access for OIC staff is, however, challenging for the following reasons:

- the content of each external review file is highly confidential;
- we do not yet have the facility to securely receive agency documents electronically;
- we prohibit our hard copy files being removed from the office; and
- we do not yet have remote electronic access to our complaints management or document management systems.

As part of the GovNext initiative, the OIC has recently switched to a cloud-based server and this move, once bedded down, is expected to provide alternative solutions to accessing our systems remotely. We are also looking at updating staff computers to portable alternatives and engaging with secure document transfer software.

To provide remote access to documents electronically in future, consideration also needs to be given to broader issues such as available resources (staff and scanning capabilities) and our current records management policies. The OIC's Recordkeeping Plan is due for review in December 2019 and these issues will be considered as part of that review. This may also coincide with the purchase of new document management software.

Despite these issues, a working from home policy has been finalised that sets out relevant considerations for staff wanting to work from home.

Leave

Our existing leave policy was updated to reflect public sector requirement that long service leave is taken within two years of accrual, and to include the availability of family domestic violence leave.

Social club

One of the benefits of a small office is the close-knit environment. The OIC maximises the benefits of this through the long standing establishment of a staff funded social club that organises events throughout the year to unwind and strengthen relationships. Volunteering in community events is encouraged and is an area staff have agreed to build on.

My Marathon – Heart Foundation

\$447.00 was raised by participating staff walking a total of 42.2kms each during the month October 2018. All participants accomplished their quota in lunchtime walking groups around the city, and individually in their personal time.

By spreading the distance over a full month, staff who would otherwise not be able to participate by walking the distance in a single marathon were able to join in.

Law Week Walk for Justice

On 14 May 2019, for the fourth year the OIC fielded a team of walkers to participate in the 4.4 km Law Week Walk for Justice along the Perth foreshore, with representatives from major law firms, barristers and judicial officers. The walk raises funds for the charity Law Access, which matches individuals and community organisations seeking legal assistance with pro bono lawyers.

OIC staff raised \$300 which contributed to the overall total of just over \$80,000.

Minds Count Foundation

The OIC is a signatory to the Workplace Wellbeing Guidelines for the Legal Profession developed by the Tristan Jepson Memorial Foundation (now called Minds Count). The Foundation is an independent, volunteer, charitable organisation whose objective is to decrease work-related psychological ill-health in the legal community and promote workplace psychological health and safety.

The Guidelines were originally written for the legal community, but are certainly adaptable to any workplace and are available on the Minds Count [website](#).

Significant Issues

Recommended legislative and administrative changes

The FOI Act requires the Commissioner to include in the annual report to Parliament any recommendations as to legislative or administrative changes that could be made to help the objects of the FOI Act be achieved. None of the amendments recommended by the Commissioner in the last annual report were made to the FOI Act in the reporting period. The following recommendations have been made in past annual reports.

Appointment of staff by the Information Commissioner

Under section 61(1) of the FOI Act, all OIC staff – other than those seconded from other State government agencies – are appointed by the Governor in Executive Council on the recommendation of the Commissioner. This can result in a delay of up to a month in making an offer of employment to a preferred candidate after the selection process has concluded. It also adds to the workload of Cabinet and Executive Council.

The Commissioner recommends an amendment to section 61(1) to allow the Commissioner to appoint staff directly.

Outdated reference to ‘intellectually handicapped persons’

Sections 23(5), 32(4) and 98 of the FOI Act refer to ‘intellectually handicapped persons’. For consistency with other legislation and in keeping with good practice, this should be replaced by a more appropriate and modern term (such as ‘persons with intellectual disability’).

Public health facilities operated by non-government operators

A number of privately operated health facilities provide public patient services pursuant to contracts between the operator and the Minister for Health, for example, the Midland Health Campus. Unlike the operators of privately run correctional facilities, these operators are not subject to the FOI Act even to the extent that they are providing publicly funded health services to the public. The FOI Act should be amended to close this gap. One mechanism to do so would be to amend the definitions of ‘contractor’ and ‘subcontractor’ in the FOI Act to include such operators.

Consultation with officers of government agencies

Section 32 of the FOI Act presently requires an agency not to give access to a document containing personal information about a third party unless the agency has taken such steps as

are reasonably practicable to obtain the views of that third party as to whether the document contains matter that is exempt personal information under clause 3 of Schedule 1.

Third parties may include officers of government agencies. Certain 'prescribed details' about those officers, such as their names, positions and things done in the course of their duties, are not exempt under clause 3. However, section 32 requires agencies to consult with officers of government agencies, even when the personal information about them amounts to prescribed details and is not exempt. This is often time consuming without adding anything towards achieving the objects of the FOI Act.

As recommended in previous annual reports to Parliament, the Commissioner recommends the amendment of section 32 to remove the requirement to consult an officer of an agency in respect of the disclosure of personal information about them that consists of prescribed details only. Such an amendment would not prevent an agency from seeking the views of officers where it would still be prudent to do so, for example where the agency considers that disclosure of information to an access applicant may endanger the safety of an officer of an agency.

Refusal to deal with amendment applications

The former A/Commissioner's decision in *Re Appleton and Department of Education* [2017] WAICmr 20 highlighted the potential merit in amending the FOI Act so that an agency is expressly permitted to refuse to deal with an application to amend personal information made under Part 3 of the FOI Act, if the work involved in dealing with the application would

divert a substantial and unreasonable portion of the agency's resources away from its other operations.

As noted in *Re Appleton* at [67], section 20 of the FOI Act permits an agency to refuse to deal with an access application but does not expressly extend to or apply to applications for amendment of personal information. The former A/Commissioner considered that Parliament did not envisage or intend that the amendment provisions in the FOI Act would require an agency to deal with an application for amendment of the size the complainant had made in that case.

As an example of this type of provision, section 60 of Queensland's *Information Privacy Act 2009* permits an agency to refuse to deal with an access or amendment application when the agency considers the work involved in dealing with the application would substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.

Refusal to deal with repeat applications

A legislative change that would give agencies a discretion to refuse to deal with repeat applications for the same document from the same access applicant continues to have merit. This issue has been raised by previous Commissioners in past annual reports and was among the proposed amendments in the *Freedom of Information Amendment Bill 2007*.

Not confirming the existence of documents exempt under clause 14(5) of Schedule 1

Section 31 of the FOI Act provides that nothing in the FOI Act requires an agency to give information as to the existence or non-existence of a document containing matter under clauses 1, 2 or 5 of Schedule 1. This provision protects from disclosure documents of the kind where it is apparent that disclosure of their very existence may itself cause the harm the exemption is designed to prevent. Clauses 1, 2 and 5 apply respectively to documents relating to Cabinet and Executive bodies; inter-governmental relations; and law enforcement, public safety and property security.

The exemption in clause 14(5) of Schedule 1 to the FOI Act provides that matter is exempt if its disclosure would reveal or tend to reveal the identity of certain persons whose identity needs to be protected in the public interest. It would be desirable for section 31 of the FOI Act to be amended to expressly provide that nothing in the Act requires an agency to give information as to the existence or non-existence of a document containing matter that would be exempt under clause 14(5).

Reference to ‘closest relative’

Sections 32, 45 and 98(b) currently use the term ‘closest relative’ which is inconsistent with the term ‘nearest relative’ in section 3 of the *Guardianship and Administration Act 1990*. This sometimes causes difficulties for agencies in identifying the closest relative for the purposes of the FOI Act and should be amended to ‘nearest relative’, as defined in the

Guardianship and Administration Act 1990, for consistency and to remove ambiguity.

Supreme Court appeals

An appeal can be made to the Supreme Court on any question of law arising out of a decision made on an external review by the Commissioner. An appeal on a question of law is not a further full merits review. There is no appeal to the Supreme Court in relation to decisions on a deferral of access, imposition of charges, or the payment of a deposit. The Commissioner is usually not a party to the appeal.

As noted in last year’s annual report, at the end of the previous reporting period, there was one outstanding appeal before the Supreme Court arising out of a decision of the Commissioner. The outcome of that appeal was reported in last year’s annual report (see page 29). In that matter, the former Commissioner closed his file without making a decision under sections 67 or 76 of the FOI Act on the basis that the matter had been resolved by conciliation. The complainant lodged an appeal. The Supreme Court delivered its judgement on 15 August 2018, upholding the appeal in part and remitting the matter to the Commissioner: see *Pearlman v The University of Western Australia* [2018] [WASC 245](#).

This year, two decisions of the Commissioner were the subject of an appeal to the Supreme Court.

One appeal arose from the then A/Commissioner’s decision in *Re Pearlman and University of Western Australia* [2019] [WAICmr 2](#) (filed by the complainant). That decision related to the matter remitted to the Commissioner by the Supreme

Court in *Pearlman v The University of Western Australia* [2018] WASC 245 referred to above. The Supreme Court delivered its judgement on 19 July 2019, allowing the appeal and remitting the matter to the Commissioner for reconsideration: see *Pearlman v WA A/Information Commissioner* [2019] [WASC 257](#).

The other appeal arose from the decision of another former A/Commissioner in *Re 'S' and Department for Child Protection and Family Support* [2018] [WAICmr 2](#) (filed by the complainant). The Supreme Court delivered its judgement on 22 July 2019, allowing the appeal and setting aside the decision of the Commissioner: see *S v Department of Communities* [2019] [WASC 260](#). On 29 August 2019 the Court made orders consequent upon that judgement: see *S v Department of Communities* [2019] [WASC 260](#).

Summaries of the above Supreme Court decisions are available in our [September 2018](#) and [August 2019](#) newsletters decisions (apart from the orders made on 29 August 2019).

Association of Information Access Commissioners (AIAC)

The AIAC was established in 2010 and consists of the statutory officers in each Australian and New Zealand jurisdiction responsible for freedom of information and information access.

The purpose of the AIAC is for members to exchange information and experience about the exercise of their

respective oversight responsibilities and promote best practice and consistency in information access policies and laws.

Cooperation between jurisdictions allows the sharing of information, which in turn assists each jurisdiction to more effectively utilise their own resources based on the learning and work of other jurisdictions.

In this reporting period the Commissioner attended two AIAC meetings. The first was held in Sydney in September 2018 and the second was held in Wellington, New Zealand in February 2019. Both meetings were very productive and some of the initiatives or projects to come out of those meetings are described below.

Open Government Partnership and National Action Plan

The multilateral Open Government Partnership (**OGP**) was created to secure commitments from governments to promote transparency, empower citizens, fight corruption, and harness technologies to strengthen governance. Each country demonstrates this by developing a National Action Plan. There are now 79 countries participating in the OGP, including Australia since 2015.

Australia's second National Action Plan for 2018-2020 was published on 24 September 2018 and continues to commit to transparency and accountability in business; open data and digital transformation; access to government information; integrity in the public sector; and public participation and engagement.

For the past four years, AIAC members have contributed to a national dashboard of metrics on the public's use of freedom of information access rights. This information is provided by the OIC from the statistical information we request from all agencies at the end of each financial year. As of 2017/18, the OIC has, for the first time, been able to include data on the percentage of applications completed by agencies within the statutory timeframe. An overview of jurisdictional comparisons is outlined below.

This data will enable the community to examine the performance of their local FOI laws and to advocate accordingly, as well as improving community understanding of how FOI laws work and how to access them.

Open Government – National Dashboard – Metrics for Utilisation of Information Access

WA comparative snapshot

Metric 1: count of formal applications for access made to all agencies in each jurisdiction

- For all four years recorded, WA is third highest only behind Victoria and the Commonwealth.

Metric 2: formal applications received per capita

- For all four years recorded, WA has the highest number of applications per capita of all jurisdictions.

Metric 3: percentage of all access decisions by agencies where access was given either in full or in part

- For all four years, WA has been the highest of all jurisdictions, between 96% and 98%.

Metric 4: percentage of all access decisions by agencies where access was refused

- For all four years, WA has been the lowest of all jurisdictions, between 2% and 4%.

...The dashboard reflects the currently available data that is reasonably comparable across jurisdictions and the priority in Australia's first Open Government National Action Plan to promote the importance of better measuring and improving our understanding of the public's use of rights under freedom of information laws...

Joint AIAC media statement

Metric 5: timeliness - percentage of applications dealt with by agencies within permitted time

- In 2017/18 WA had the second highest compliance rate by agencies with 91%.

Note: this is difficult to compare because of variations across jurisdictions as to actual periods in legislation and ability to negotiate an extended period in some cases. 2017/18 was the first year WA was able to provide this data.

Metric 6: Percentage of applications received by agencies which are subject of external review

- For all four years, WA has had the lowest rate, between 0.7% and 1%.

The 2018/19 data will be compiled in the coming months.

The full dashboards including the data for all jurisdictions for the four years 2014/15 to 2017/18 can be found on the NSW Information Privacy Commissioner's [website](#).]

Community attitudes survey

In conjunction with other select members of the AIAC, the OIC participated in a study that surveyed residents in each jurisdiction to measure public awareness on the right to access government information, and the experiences and outcomes in exercising that right. The study was coordinated by the Information and Privacy Commissioner of New South Wales and conducted by Woolcott Research and Engagement.

350 WA residents were surveyed in a mixed mode survey using online panel and computer assisted telephone interviewing.

Some of the highlights of the research from the WA survey are:

- 48% of respondents felt that the right to access information held by government agencies was very important and a further 39% felt it was quite important.
- If they wanted to seek information from a WA State or local government agency, 44% would attempt to access the information through a specific agency's website, while 24% would call or visit the agency.
- One in six respondents were unsure about how they would access information held by a WA State or local government agency.



A summary of the survey across the various jurisdictions have been used to compile an Information Access Study that will be published in the coming months and will be available on the OIC website by early October 2019.

Submissions and consultations

The Commissioner has made the following submissions in respect of legislative proposals or administrative practices affecting the FOI Act, information disclosure generally or the OIC.

Proposed introduction of State privacy and information sharing legislation

The FOI Act provides some privacy protection, particularly the exemption in clause 3 of Schedule 1 to the Act which protects personal information from disclosure, subject to exceptions.

Successive Information Commissioners have consistently, in the absence of specific State privacy legislation, said in published decisions that the purpose of the exemption in clause 3 is to protect privacy.

Part 3 of the FOI Act also deals with applications for amendment of personal information. These provisions provide a means of ensuring that personal information held by State and local government is accurate, complete, up-to-date and not misleading.

As observed in the Second Reading Speech of the *Freedom of Information Bill 1992 (FOI Bill)* (see Hansard, Legislative Assembly, 1 September 1992, 4156), the provisions in Part 3 were originally intended for inclusion in privacy legislation proposed at the time but were included in the FOI Bill when privacy laws were not enacted. Similar provisions are found in most privacy legislation in other states and territories and the Commonwealth.

The FOI Act does not, however, provide privacy regulation or create rights or remedies when privacy is breached.

As this office administers the FOI Act and the Commissioner makes binding determinations about whether personal information is exempt from disclosure and in relation to an agency's decision not to amend personal information, this office's view is often sought by agencies and members of the public in privacy related matters, despite it not having a specific privacy remit.

An *Information Privacy Bill 2007* was introduced into the WA Parliament in March 2007 which proposed that privacy oversight would sit with the Information Commissioner. However that Bill was never passed into law.

As reported in last year's annual report (at page 32), in January 2018, the Department of the Premier and Cabinet (**DPC**) invited this office to join a small inter-agency Data Sharing Advisory Group, to review and comment on data sharing policy, drafting instructions and draft legislation, for consideration by Government. After attending the first

The FOI Act does not provide privacy regulation or create rights or remedies when privacy is breached.

meeting of the Advisory Group in February 2018, this office decided that, as an independent statutory office, it was not appropriate to be involved in the development or endorsement of a particular government policy. As a result, this office did not attend further meetings of the Advisory Group but indicated a willingness to provide future assistance to the project on specific issues within the constraints of our role when requested.

In early 2019, the Commissioner decided to prepare an issues paper to highlight some key issues for the Government to consider in the area of privacy and data sharing law reform. A copy was provided to the Attorney General and DPC.

The key points arising from the paper were:

- While matters of policy are entirely a matter for Government and Parliament, this office considers that the Government should enact privacy legislation as separate stand-alone legislation to data sharing legislation.
- It is generally accepted that the protection of privacy under the common law is inadequate and that privacy legislation in Western Australia is long overdue.
- Community trust is critical to the success of data sharing legislation.
- Privacy laws should be viewed as an enabler instead of a barrier to information sharing.
- Data sharing models in other Australian jurisdictions may provide useful insight when designing data sharing legislation.

- Issues raised by other Australian Information Commissioners in response to the proposed Commonwealth Data Sharing and Release Legislation should be closely examined.
- Oversight of privacy laws in most Australian jurisdictions sits with the Office of the Information Commissioner.

DPC subsequently consulted with the OIC and we provided some assistance on its responsible information sharing project, within the constraints of our role and legislative remit.

On 5 August 2019 the Government [announced](#) that it is committed to introducing *Privacy and Responsible Information Sharing* legislation and released a [discussion paper](#) for public comment. Among other things, the Government proposes to appoint a WA Privacy Commissioner to ensure accountability and transparency (see page 30 of the discussion paper).

There are ten questions under consideration which are summarised on page 47 of the discussion paper. These questions include:

- What issues should be considered when developing privacy and information sharing legislation for Western Australia?
- What should the role of a Privacy Commissioner be, and how can this role best protect privacy and ensure public trust?
- How should breaches of privacy be managed, and what action should be taken in response to a breach?

- When should government agencies be allowed to share personal information?
- Under what circumstances would it be considered acceptable to share confidential information within the public sector?

The discussion paper notes (at page 30) that '[o]ften privacy oversight is performed through an agency that also has oversight of a freedom of information regime. A similar structure could be adopted in WA'.

Closing date for submissions to DPC is 1 November 2019.

Response to Parliamentary petition

In October 2018 a petition was tabled in Parliament on behalf of a member of the public requesting an inquiry into the performance of the OIC, the Public Sector Commission and the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) in relation to the handling of complaints and applications regarding local government.

At the invitation of the Legislative Council's Standing Committee on Environment and Public Affairs the Commissioner provided her response to the petition.

A copy of the petition and the Commissioner's response is available on Parliament's [website](#).

Feedback on the draft Information Classification policy – Office of Digital Government

In January 2019 the Commissioner provided feedback regarding the draft Western Australian Government

Information Classification Policy ('the Policy'). While the OIC is not required to comply with the Policy (being a non-SES organisation), we can elect to do so and respect the use of the policy by other agencies. The Commissioner has made recommendations to ensure the Policy works in concert with the objects and intentions of the FOI Act. She also observed that any particular sensitivity classification will not determine whether a document is exempt from disclosure under the FOI Act.

Review of the **Criminal Investigation (Covert Powers) Act 2012**

In February 2019 the Hon. Peter Martino, who had been appointed by the Minister for Police to conduct a review of the operation and effectiveness of Parts 2 and 3 of the *Criminal Investigations (Covert Powers) Act 2012 (the CP Act)*, invited the Commissioner to make a submission to that review.

In her submission the Commissioner noted that sections 9 and 45 of the CP Act exclude the application of the FOI Act in respect of 'investigations, operations, activities or records' under Part 2 dealing with 'Controlled operations' and in respect of the 'activities or records' under Part 3 dealing with 'Assumed identities'. In a detailed submission made to a Parliamentary committee inquiry into the *Criminal Investigations (Covert Powers) Bill 2011* the former Information Commissioner did not support the proposal in the Bill to exclude the FOI Act from applying to these types of documents.

In the Commissioner's submission to the 2019 review she agreed with the former Commissioner's views and noted that the recordkeeping and consequential reporting requirements imposed under the CP Act provide some measure of public accountability regarding the exercise of such powers during controlled operations.

Public disclosure and accountability in the delivery of major projects

In May 2019, at the invitation of the Deputy Under Treasurer, the Commissioner and key OIC staff met with the newly formed Disclosure Working Group to discuss the Group's promotion of public sector transparency and accountability around the delivery of major projects. We provided reference material from the National Action Plan developed as part of the Open Government Partnership, a copy of this office's 2017 submission made to the Special Inquiry into Government Programs and Projects (the 'Langoulant Inquiry') and guides from other Australian jurisdictions regarding proactive disclosure and administrative release of documents.

Use of the term 'complaint' in the FOI Act

The FOI Act describes the main function of the Information Commissioner as dealing with 'complaints' made under Part 4 of the Act about decisions made by agencies in respect of access applications and applications for amendment of personal information (section 63).

Under section 65 of the FOI Act, a complaint can be made to the Information Commissioner by an access applicant or a third party against an agency's decision of the kinds described in section 65(1)(a)-(g) and section 65(3)(a)-(b). Those complaints are, in effect, applications for external review of an agency's decision. Although Part 4 of the FOI Act is titled 'Part 4 – External review of decisions; appeals', the term 'external review' is not otherwise used in the FOI Act and the term 'complaint' is used throughout.

Unlike some other jurisdictions in Australia (for example, Victoria and the Commonwealth), the Commissioner does not have jurisdiction to deal with or investigate complaints about the actions taken by an agency under the FOI Act or how an agency handles or deals with an FOI request or access application. The Commissioner also does not have an oversight, audit or enforcement function under the FOI Act.

In recent years, this office has observed that the use of the term 'complaint' in the FOI Act, and by this office, can create confusion and misconceived expectations by members of the public about the role and powers of this office and the possible outcomes of making a 'complaint' to this office.

As a result, this office has commenced a review of its materials and the appropriateness of the use of the term 'external review' rather than 'complaint' to better reflect the nature of the external review mechanism. This has included a review of the language used in other Australian jurisdictions and legislation and consideration of whether it is appropriate for the Commissioner to recommend to Parliament in next

year's annual report any resulting legislative changes to the FOI Act (under section 111(4)). This review is ongoing.

Advising applicants of their rights of review when an agency does not make a decision within the time allowed under the FOI Act

In some cases when an applicant makes an application to an agency under the FOI Act the agency does not issue a written notice of decision within the specified timeframes set out under the FOI Act.

An agency's notice of decision (both an initial decision and internal review decision) must include details of the rights of review and the procedure applicants should follow. This means that when an applicant receives a notice of decision from an agency, they should be informed of their review rights.

However, when a notice of decision is not provided to an applicant and the agency does not otherwise inform them of their review rights, applicants may be completely unaware that those rights are available to them.

It is difficult for this office to know how often people do not exercise their rights of review in these circumstances.

The FOI Act does not require an agency to notify or inform an applicant of their review rights when it hasn't dealt with an application within the legislative timeframes. However, the OIC considers that it is good practice for an agency to do so

and is consistent with both the objects of the FOI Act and the required duties of an agency to assist the public to obtain access to documents.

In the last year, a significant number of external review applications have been received by this office in respect of an agency's deemed decision to confirm its initial decision (that is, where the agency did not give the applicant its internal review decision within the time allowed under the FOI Act). In each of these cases, the agency did not give the applicant a notice of decision informing them of their review rights. In some cases, the agency separately advised the applicant of their review rights and in other cases the applicant was otherwise aware of their rights to pursue the matter with this office.

In an effort to educate the public about their rights in these circumstances, the OIC published a new guide titled 'What if the agency delays making a decision?' available on our [website](#).

Over the next year, this office proposes to consider how this issue is addressed in other Australian FOI legislation and whether the FOI Act should be amended to require agencies to advise applicants of their rights of review in some manner when a notice of decision is not issued.

Audit outcomes

Internal audit

In June 2019, OIC engaged Braxford Consultancy to conduct the annual internal audit of the OIC's finance and human resource processes.

Braxford made six recommendations based on their observations which the OIC have taken on board. It was also noted that the ongoing difficulty in appropriate segregation of duties has been alleviated following the appointment of another administrative support officer in February 2019. This new position has taken over the financial and human resource processing duties, providing a distinct separation between the functions of process and review which had previously been lacking.

The results of the two audits (Finance & HR) indicate a good result and the Office has continued to operate effectively with limited resources. We have made a number of observations which are not uncommon for an organisation of this size. However, none of them concern high risk issues and agreement has been reached to address the recommendations as detailed in the report. We have also made two efficiency recommendations, which we believe will potentially streamline effort in some areas.

Internal audit conclusion

External audit

As in previous years, the external audit of the OIC by the Office of the Auditor General has been conducted in two stages: the first stage for the financial statements and the second stage for the key performance indicators. Delaying the audit of key performance indicators allows survey data collected throughout July from State and local government agencies to be properly collated and reviewed.

During this years' audit, there were instances of inconsistency when reconciling leave balances. This had also been noted during the internal audit. Employee leave balances are audited when an employee separates from the OIC, either permanently or temporarily. Quarterly leave reports are also provided to the Commissioner in order to monitor excessive balances. We have undertaken to conduct a more thorough audit of leave balances for current staff members in the coming year.

Last year the auditors highlighted the need to incorporate our finance policies into a comprehensive finance manual and we provided a completion date of 31 December 2019. Work has progressed during the year to finalise the manual for submission by the end of 2019.

Disclosures and Legal Compliance

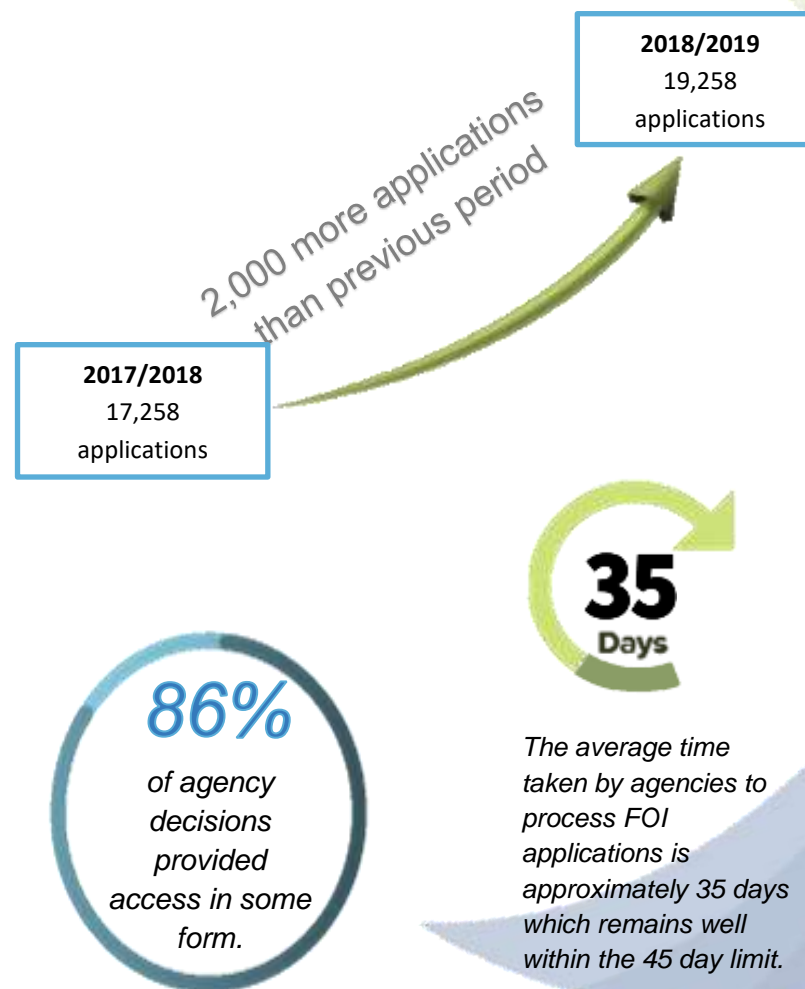
FOI in the sector

Section 111 of the FOI Act requires that the Commissioner's annual report to Parliament is to include certain specified information relating to the number and nature of applications dealt with by agencies under the FOI Act during the year. To enable that to occur, agencies are required to provide the Commissioner with the specified information. That information for 2018/19 is set out in detail in the statistical tables in the [Agency Statistics](#) chapter of this report. The following is an overview.

The total number of applications made under the FOI Act to agencies in 2018/19 was 19,258. This represents a significant increase of 2000 applications (approximately 11.5%). The increase in applications appears to be mainly attributable to an influx of applications to departments and to the health sector.

Although there has been an increase of almost 7% in matters coming to the OIC on external review, as a proportion of access applications made to agencies it remains only a small percentage of such matters (less than 1%). Trends and issues faced by agencies are identified through the external review process or via our Advice and Awareness service.

Sector highlights



How agencies manage their FOI responsibilities and information disclosure generally can impact on the volume of matters dealt with by this office.

The OIC endeavours to provide agencies with the tools to promote proactive disclosure and reduce the impact FOI can have on agency resources.

This year all agencies except one were able to provide the required statistical data. This is the highest ever response rate. Cooperation from agencies in providing these statistics each year is greatly appreciated.

Tables with the detailed responses from each individual agency are set out at [Agency Statistics](#) in this report.

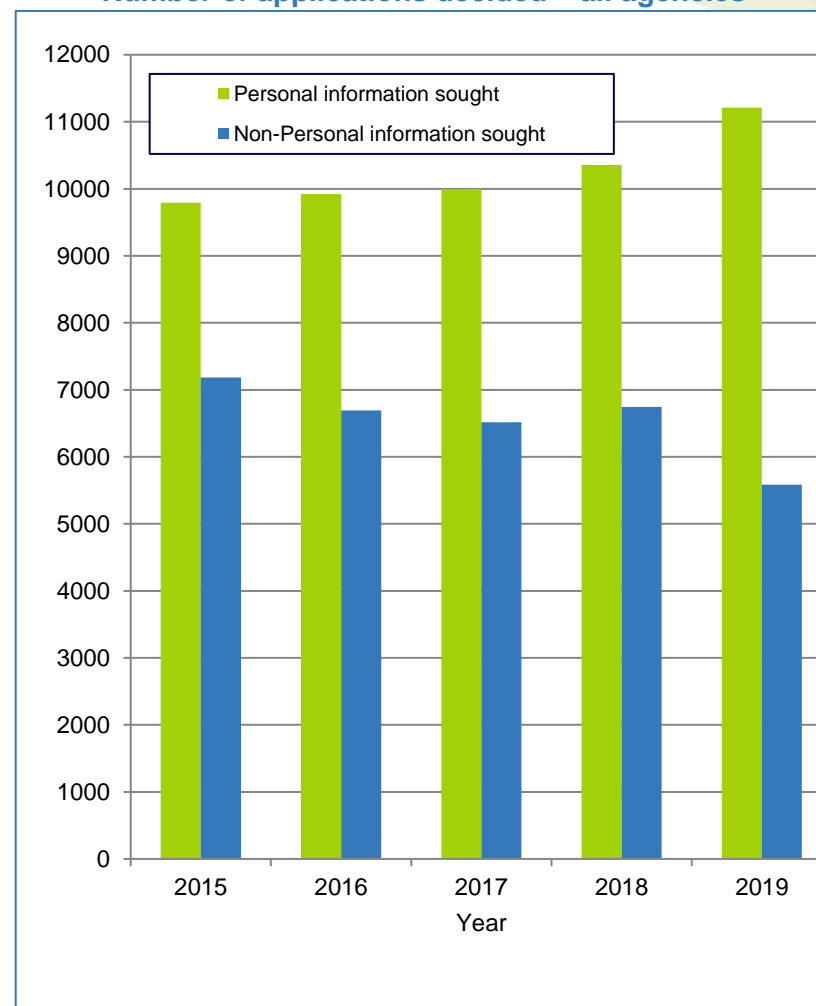
Agency Decisions

As can be seen in [Table 14](#), of the decisions on access made by Ministers in the reporting period, two were to give full access; 46 were to give access to edited copies of documents; and three decisions were to refuse access. In three cases no documents could be found.

[Table 14](#) also reveals that 15,991 decisions on access were made by State government agencies (exclusive of local government agencies and Ministers) in 2018/19. Importantly, 86.2% of those decisions were to the effect that access in some form was given (89.6% in 2017/18). By way of further detail:

- 48.5% of decisions resulted in the applicant being given access in full to the documents sought (49.5% in 2017/18);

Figure 1
Number of applications decided – all agencies

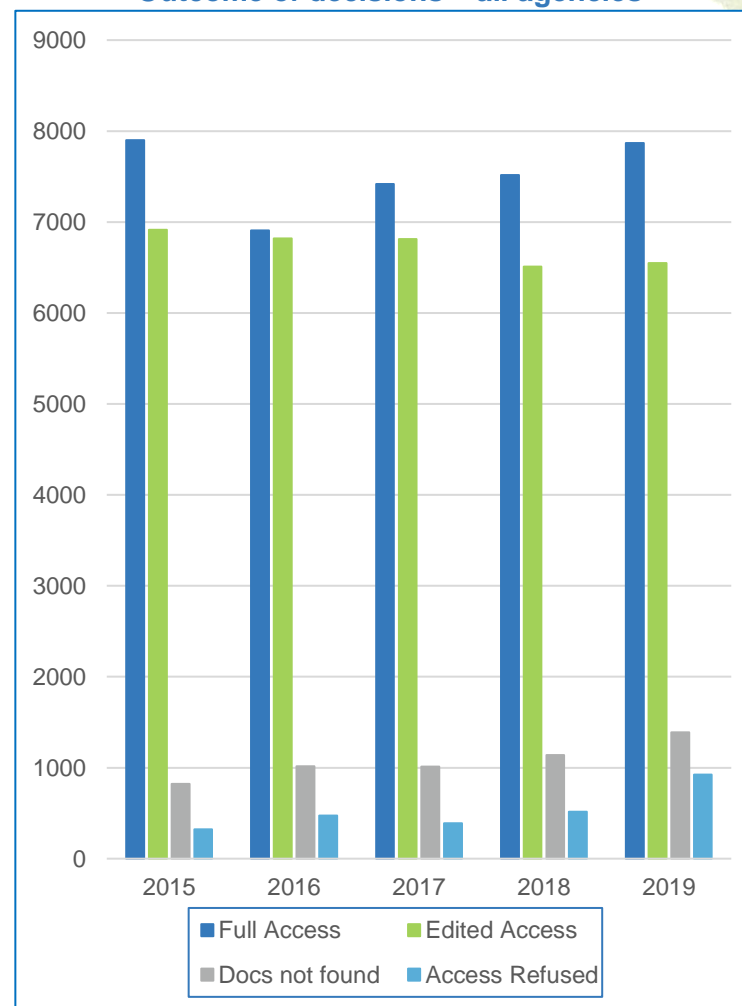


- 37.4% of decisions resulted in the applicant being given access to edited copies of the documents sought (39.5% in 2017/18);
- 0.4% of decisions resulted in either access being given but deferred, or being given in accordance with section 28 of the FOI Act (by way of a medical practitioner) (0.6% in 2017/18);
- In 8.31% of applications the agency claimed the requested documents either did not exist or could not be found (7.2% in 2017/18);
- 5.49% of the decisions made were to refuse access (3.2% in 2017/18).

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 5,367 times in the year under review. Figure 3 compares the use of this clause with all other clauses used since 1993/94, which indicates continued use of that exemption to protect personal privacy.

Figure 2
Outcome of decisions – all agencies

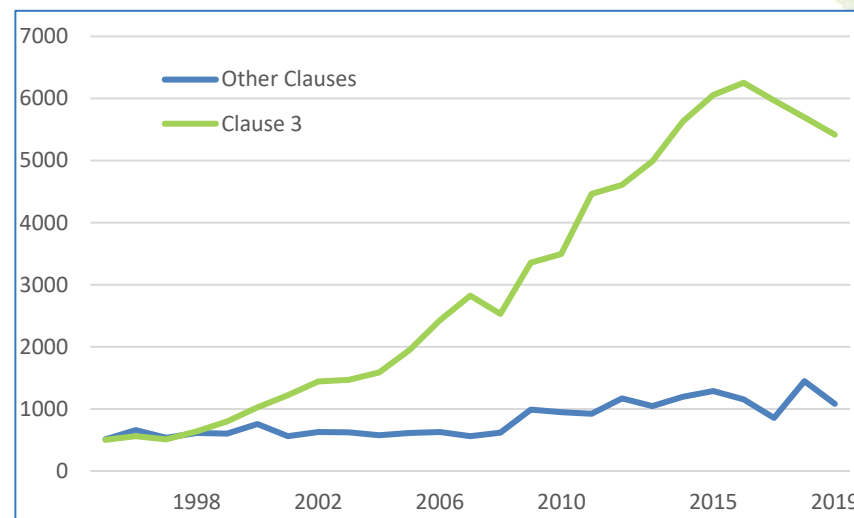


The next most frequently claimed exemptions were:

- clause 4, which relates to certain commercial or business information of private individuals and organisations (192 times);
- clause 5, which relates to law enforcement, public safety and property security (182 times);
- clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of legal professional privilege (142 times);
- clause 8, which protects confidential communications in some circumstances (120 times); and
- clause 14, which relates to information protected by certain statutory provisions (112 times).

Consistent with the previous reporting period, the exemption clauses claimed most by Ministers were clause 3 (personal information); clause 12 (contempt of Parliament or court) and clause 1 (Cabinet and Executive Council). See [Table 15](#) for further detail.

Figure 3 – Use of exemption clauses



Internal review

Agencies received 307 applications for internal review of decisions relating to access applications during 2018/19 (see [Table 16](#)). This represents approximately 1.8% of all decisions made and approximately 33% of those decisions in which access was refused. In the year under review, 304 applications for internal review were dealt with (including some that were received in the previous period). The decision under review was confirmed on 203 occasions, varied on 77 occasions, reversed on 12 occasions and the application for internal review was withdrawn on 12 occasions.

Amendment of personal information

Agencies received 20 applications for amendment of personal information during the year (see [Table 17](#)). A total of 18 applications were finalised, including some that were received in the previous period. These were dealt with as follows:

- information was amended on six occasions;
- not amended on nine occasions; and
- amended, but not as requested, on three occasions.

None of the applications received were subsequently withdrawn.

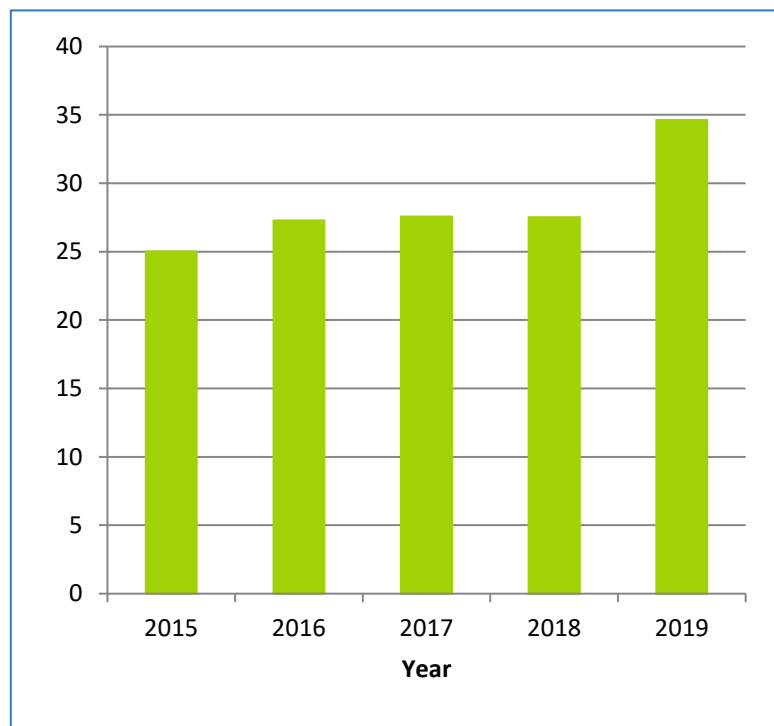
Of the four applications for internal review of decisions relating to the amendment of personal information dealt with during the year, three decisions were made to confirm the original decision and one decision was varied (see [Table 18](#)).



Average time

The average time taken by agencies to deal with access applications (34.63 days) is higher than the previous year (27.53 days) but remains well within the maximum period of 45 days permitted by the FOI Act.

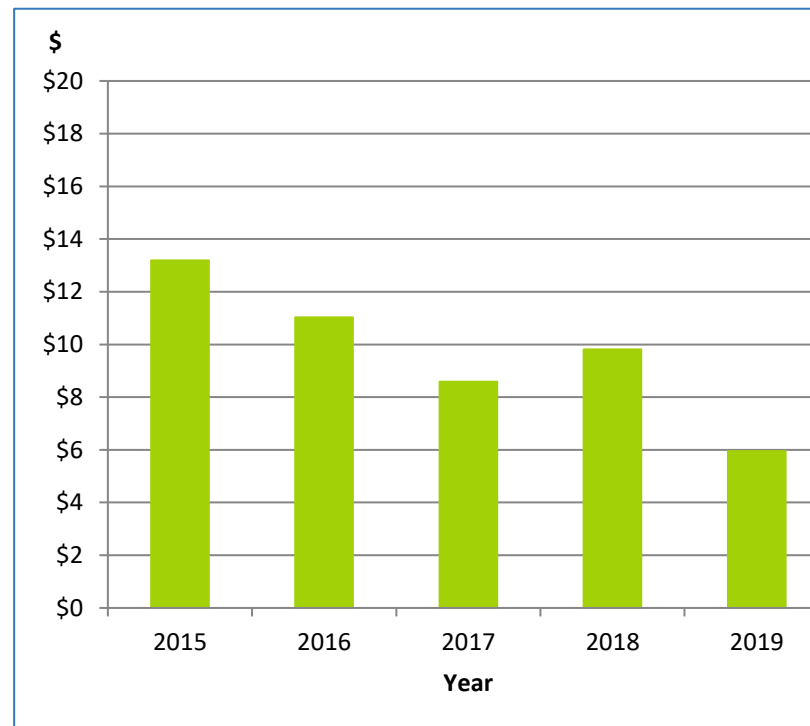
Figure 4
Average days – all agencies



Average charges

The average amount of charges imposed by agencies for dealing with access applications decreased to \$5.95 (\$9.81 in 2017/18).

Figure 5
Average charge for access – all agencies



Access applications not dealt with in the permitted period

From the financial year 2017/18, agency statistical returns have required agencies to report on the number of access applications not dealt with within the permitted period.

The term 'permitted period' is defined in section 13(3) of the FOI Act as:

...45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner under subsection (4) or (5).

As outlined previously, this data is collected to allow the OIC to contribute to the National Metrics Dashboard, which compares access jurisdictions within Australia.

For the 2017/18 reporting year, agencies reported 9.4% of access applications were not dealt with in the permitted period. For the current year, agencies report that 10.5% of access applications have not been dealt with in the permitted period. However, the data shows that 65% of agencies dealt with all their access applications in the permitted period.

Financial disclosures

- All services provided by the OIC are free of charge. The fees and charges prescribed by the FOI Act for making an FOI application are paid directly to the agency receiving the application.
- The OIC has no capital works projects.

- There were no workers' compensation claims made during the reporting period.
- There was one instance of a corporate credit card being used for private expenses. This was an unintentional error which occurred when the officer was registering online for a membership and selected the corporate credit card details instead of their own personal card. The matter was brought to the attention of the cardholder at the time of reconciliation and the officer provided an explanation to the Commissioner. The correct details were provided to the supplier immediately. Three payments totalling \$145.46 were deducted from the corporate card before the supplier record was updated and the full amount has been repaid by the staff member.

Employment and industrial relations

Staff profile

	2019	2018
Full-time permanent	8	7
Full-time contract	3	1
Part-time measured on a FTE basis	2	2.2

(Includes 1.6 FTE on secondment/leave without pay)

Staff movements

Six new appointments were made during the year.

1. An appointment was made to our Clerical Officer role after the substantive occupant accepted a secondment opportunity elsewhere for 12 months.
2. The Principal Legal Officer and Senior Legal Officer roles had both been occupied in an acting capacity but following concurrently run recruitment processes, those positions were substantively filled in January 2019.
3. A six month contract appointment was made in February 2019 to occupy the Paralegal position while the substantive occupant took leave without pay to take up an alternative employment opportunity.
4. A new Administrative Support Officer position was created and, following a full recruitment process, was filled in February 2019.
5. An appointment was made to a vacant Investigations/Legal Officer position during the year, and the occupant commenced in July 2019.

Staff development

Continuing Staff Development (CPD)

The OIC employs legal practitioners who, under section 36(3) of the *Legal Profession Act 2008*, are taken to hold local practising certificates. Those legal practitioners maintain and broaden their legal knowledge by obtaining CPD points in accordance with the *Legal Profession Rules 2009*. The OIC

maintains a register of CPD points attained by each legal staff member.

Other professional development

Staff are encouraged to attend various learning opportunities that arise and over 20 events were attended by various staff members during the year.

In addition to seminars and workshops, when relevant the OIC provides the opportunity for staff to achieve qualifications to promote career progress. This year an officer received national mediation accreditation a skill which will assist our external review conciliation program.

Re-classification of Complaints Coordinator

Following a comprehensive independent review process conducted by an external HR consultant, the A/Commissioner decided to reclassify the position of Complaints Coordinator (Level 7). The role has been retitled to Manager Complaints (Level 8).

Governance disclosures

- No senior officers, or firms of which senior officers are members, or entities in which senior officers have substantial interests, had any interests in existing or proposed contracts with the OIC other than normal contracts of employment service.
- The OIC has no boards or committees, and therefore no remuneration costs in this regard.

Expenditure on advertising, market research, polling and direct mail

No expenditure was spent on advertising agencies, polling organisations, direct mail organisations or media advertising organisations. The following expenditure was spent on market research.

Paid to	Purpose	Amount
Woolcott Research Pty Ltd	Community attitudes survey	\$8,300

Conflicts of interest

The OIC maintains a Conflicts of Interest Register. During the reporting period, four potential conflicts were registered by the officer with the potential conflict. Appropriate measures were put in place to deal with the potential conflicts of interest.

Gifts register

The OIC's gifts register is available on our [website](#). Four gifts were registered as accepted. Gifts for services provided (predominantly for briefings or speaking engagements) are generally accepted and shared within the office. Gifts that are promoting services or where a discretionary authority exists with the gift recipient (eg purchasing discretion) are declined.

Disability Access and Inclusion Plan

The OIC is committed to ensuring that people with disability, their families and carers are able to fully access the range of services and facilities of the office. The OIC will, whenever required, consult with people with disability, their families and carers and disability organisations to ensure that barriers to access and inclusion are addressed appropriately.

A yearly progress report on the initiatives in the Plan has been lodged with Department of Communities. Ten of the 15 strategies were previously implemented and the drafting of a complaints policy that provides lodgement accessibility is almost complete.

A five year review of the Plan was also conducted in the year and submission of the new Plan to the Department of Communities is scheduled for August 2019.

The Plan is available on the OIC's [website](#), or copies can be requested from this office.

Compliance with Public Sector Standards and ethical codes

The OIC operates under an established code of conduct that references the WA Public Sector Code of Ethics. The OIC also has an employee grievance resolution policy in place. All new staff are provided with a copy of the Code and grievance policy as part of an induction pack, and these documents are also available to all staff on the OIC's knowledge management system.

Improving our policies and procedures is always encouraged through open discussion and regular reviews.

Occupational health, safety and injury management

The OIC 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 is in place 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.

Relevant staff are conversant with occupational health and safety and injury management policies, procedures and programs in order to meet legislative requirements, and are provided the opportunity to report any issues at the monthly staff meetings via a standing agenda item for this purpose. All injury management targets have been met (see [Table 12](#)). There were no reported injuries or fatalities, and relevant staff have attended OSH and injury management training.

An assessment of the OIC's occupational safety and health management system is scheduled for 2019/20.

Records Management

The OIC's recordkeeping systems have been evaluated and considered to be suitable to the size of the office. During the last review of our recordkeeping plan provided to the State Records Office, areas of improvement were identified in respect of disaster recovery and archiving/disposal. No further progress was made during 2018/19 regarding these issues, and they remain on the agenda.

New staff are provided with a copy of the OIC's Recordkeeping Manual and policy at induction. General staff responsibilities in respect of recordkeeping practices are minimal (other than ensuring they retain relevant records) as the filing protocols are centralised to corporate services staff.

Key Performance Indicators

Certification of Key Performance Indicators

We hereby certify that the key 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 2019.


Catherine Fletcher
Information Commissioner

19 September 2019


Tony Pruyn
Manager Complaints

19 September 2019



Government Goal

Strong Communities:

Safe communities and supported families.

Desired outcome

Access to documents and observance of processes in accordance with the FOI Act.

Description

Under the FOI Act, the main function of the Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring members of the public are aware of the FOI Act and their rights under it;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.

The OIC 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.

Service 1: Resolution of Complaints

Service 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 will either publish a written decision with reasons or decide to stop dealing with a matter which is lacking in substance under section 67 of the FOI Act.

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

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

Efficiency performance indicators

4. Average cost of external reviews finalised.

5. Average cost of advisory services delivered per recipient.

Effectiveness performance indicators

Satisfaction of parties with external review process

	2014	2015	2016	2017	2018	2019
Target	80%	80%	80%	85%	85%	85%
Outcome	85%	86%	86%	88%	80%	82%

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:

1. Were you satisfied with the outcome of the external review?
2. Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by

the Office of the Information Commissioner?

3. Do you consider that you were kept adequately informed regarding the progress of the external review?
4. Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to 296 parties who participated in an external review process following finalisation of the review process. 126 participants returned a completed PRQ. 72 responses were received from agencies and 54 were received from complainants.

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 management purposes. Information in response to all four questions is taken into account when reviewing external review procedures.

Of the 126 respondents, 104 (82%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the OIC.

Satisfaction of agencies with advice and guidance provided

	2014	2015	2016	2017	2018	2019
Target	98%	98%	98%	98%	98%	98%
Outcome	98%	98%	99%	98%	99%	99%

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 271 State and local government agencies and Ministers. Of the 271 surveys sent, 270 agencies (99.6%) responded by returning a completed survey. Of the 270 respondent agencies, 188 (70%) confirmed receiving advice and guidance from this office.

Of those 188 agencies that received advice, 187 agencies (99%) expressed satisfaction with the advice and guidance provided to them by this office.

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.

	2014	2015	2016	2017	2018	2019
Target	60%	60%	60%	60%	60%	70%
Outcome	70%	54%	70%	69%	77%	82%

In total, 370 matters of all types were finalised by the OIC in 2018/19. However, of those 370 matters, only 152 were complaints, as defined in s.65 of the FOI Act. Of the 152 complaints resolved in 2018/19, 124 (82%) were resolved by conciliation. That is, as a result of inquiries conducted by the OIC, no issues remained in dispute which required a decision by the Commissioner.

Note: As a result of a review of the Performance Indicators that was conducted in February 2018, the target for 2018/19 has been increased from 60% to 70%.

Efficiency performance indicators

Although the OIC notionally has 11.4 FTEs, it effectively operated in the year with 10.2 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 68% 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 32% of the OIC's resources are allocated to the delivery of advice and awareness services.

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 2018/19 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" as per the FOI Act. 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.

	2014	2015	2016	2017	2018	2019
Budget	\$8,067	\$7,946	\$11,133	\$8,067	\$9,190	\$10,966
Actual	\$8,094	\$8,021	\$7,751	\$8,844	\$8,075	\$7,414

The table above reflects the costs incurred in resolving complaints and applications (e.g. 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 2018/19 (203) into the “cost of services” for the Resolution of Complaints output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number and complexity of matters received and resolved each financial year together with lower costs incurred due primarily to temporary reduced staffing levels.

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 2018/19 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.

	2014	2015	2016	2017	2018	2019
Budget	\$240	\$312	\$208	\$268	\$240	\$215
Actual	\$236	\$228	\$262	\$251	\$249	\$316

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 2018/19 (2,243) into “cost of services” for the Advice and Awareness output.

Financial Statements



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

OFFICE OF THE INFORMATION COMMISSIONER

Report on the Financial Statements

Opinion

I have audited the financial statements of the Office of the Information Commissioner which comprise the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, 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.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Office of the Information Commissioner for the year ended 30 June 2019 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the Financial Management Act 2006 and the Treasurer's Instructions.

Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of my report. I am independent of the Commissioner in accordance with the Auditor General Act 2006 and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibility of the Information Commissioner 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, the Financial Management Act 2006 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.

In preparing the financial statements, the Information Commissioner is responsible for assessing the agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commissioner.

Auditor's Responsibility for the Audit of the Financial Statements

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

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As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Information Commissioner.
- Conclude on the appropriateness of the Information Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the agency's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Information Commissioner regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Office of the Information Commissioner. The controls exercised by the Commissioner are those policies and procedures established by the Information Commissioner to ensure 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, 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 during the year ended 30 June 2019.

The Information Commissioner's Responsibilities

The Information Commissioner is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the Financial Management Act 2006, the Treasurer's Instructions and other relevant written law.

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Auditor General's Responsibilities

As required by the Auditor General Act 2006, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 Assurance Engagements on Controls issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

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

Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the Key Performance Indicators**Opinion**

I have undertaken a reasonable assurance engagement on the key performance indicators of the Office of the Information Commissioner for the year ended 30 June 2019. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Office of the Information Commissioner are relevant and appropriate to assist users to assess the Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2019.

The Information Commissioner's Responsibility for the Key Performance Indicators

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 and for such internal control as the Information Commissioner determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Information Commissioner is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 Key Performance Indicators.

Auditor General's Responsibility

As required by the Auditor General Act 2006, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 Assurance Engagements Other than Audits or Reviews of Historical Financial Information issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

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

My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the Auditor General Act 2006 and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators

This auditor's report relates to the financial statements and key performance indicators of the Office of the Information Commissioner for the year ended 30 June 2019 included on the Commissioner's website. The Commissioner's management is responsible for the integrity of the Commissioner's website. This audit does not provide assurance on the integrity of the Commissioner's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.

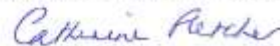

VINCE TURCO
SENIOR DIRECTOR
FINANCIAL AUDIT
Delegate of the Auditor General for Western Australia
Perth, Western Australia
19 September 2019

Disclosures and Legal Compliance

FINANCIAL STATEMENTS
Certification of Financial Statements
For the reporting period ended 30 June 2019

The accompanying financial statements of 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 financial transactions for the reporting period ended 30 June 2019 and the financial position as at 30 June 2019.

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



Catherine Fletcher
Information Commissioner
19 September 2019



Michelle Fitzgerald
Chief Finance Officer
19 September 2019



Statement of Comprehensive Income – 30 June 2019

	Note	2019 \$	2018 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	2.1(a)	1,481,521	1,574,878
Supplies and services	2.2	383,203	370,629
Depreciation expense	4.1.1	4,231	6,247
Accommodation expenses	2.2	231,758	274,492
Other expenses	2.2	112,504	101,189
Total cost of services		2,213,217	2,327,435
Income			
<i>Revenue</i>			
Commonwealth contributions	3.2	-	12,510
Other revenue	3.3	-	24,051
Total Revenue		-	36,561
Total income other than income from State Government		-	36,561
NET COST OF SERVICES		2,213,217	2,290,874
Income from State Government			
Service appropriation	3.1	2,247,000	2,369,628
Services received free of charge	3.1	75,571	90,294
Total income from State Government		2,322,571	2,459,922
SURPLUS FOR THE PERIOD		109,354	169,048
Other comprehensive income		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		109,354	169,048

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

Statement of Financial Position – 30 June 2019

	Note	2019 \$	2018 \$
ASSETS			
Current Assets			
Cash and cash equivalents	6.1	848,664	680,973
Receivables	5.1	16,454	17,143
Other current assets	5.3	31,356	44,238
Total Current Assets		896,474	742,354
Non-Current Assets			
Restricted cash and cash equivalents	6.1	13,081	9,912
Amounts receivable for services	5.2	36,000	36,000
Property, plant and equipment	4.1	1,063	5,294
Total Non-Current Assets		50,144	51,206
TOTAL ASSETS		946,618	793,560
LIABILITIES			
Current Liabilities			
Payables	5.4	21,693	26,248
Employee related provisions	2.1b	278,008	206,711
Total Current Liabilities		299,701	232,959
Non-Current Liabilities			
Employee related provisions	2.1b	29,171	52,209
Total Non-Current Liabilities		29,171	52,209
TOTAL LIABILITIES		328,872	285,168
NET ASSETS		617,746	508,392
EQUITY			
Contributed equity	8.8	37,000	37,000
Accumulated surplus/(deficit)	8.8	580,746	471,392
TOTAL EQUITY		617,746	508,392

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

Statement of Changes in Equity – 30 June 2019

	Note	Contributed Equity \$	Reserves \$	Accumulated Surplus/ (deficit) \$	Total Equity \$
Balance at 1 July 2017	<u>8.8</u>	37,000	-	302,344	339,344
Changes in accounting policy or correction of prior period errors		-	-	-	
Restated balance at 1 July 2017		37,000	-	302,344	339,344
Surplus/(Deficit)		-	-	169,048	169,048
Other comprehensive income		-	-	-	-
Total comprehensive income for the period		37,000	-	471,392	508,392
Balance at 30 June 2018		37,000	-	471,392	508,392
Balance at 1 July 2018		37,000	-	471,392	508,392
Surplus/(Deficit)		-	-	109,354	109,354
Other comprehensive income		-	-	-	-
Total comprehensive income for the period		-	-	109,354	109,354
Balance at 30 June 2019	<u>8.8</u>	37,000	-	580,746	617,746

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

Statement of Cash Flows – 30 June 2019

	Note	2019 \$	2018 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		2,247,000	2,369,628
Net cash provided by State Government		2,247,000	2,369,628
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(1,432,477)	(1,640,319)
Supplies and services		(302,632)	(297,551)
Accommodation		(231,758)	(274,492)
GST payments on purchases		(64,382)	(67,937)
Other payments		(112,503)	(101,189)
Receipts			
Commonwealth grants and contributions		-	12,510
GST receipts on sales		261	2,349
GST receipts from taxation authority		67,352	59,240
Other receipts		-	23,857
Net cash provided by/(used in) operating activities		(2,076,140)	(2,283,532)
Net increase/(decrease) in cash and cash equivalents		170,860	86,097
Cash and cash equivalents at the beginning of the period		690,885	604,788
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	6.1	861,745	690,885

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

Summary of consolidated account appropriations and income estimates – 30 June 2019

	2019 Estimate \$	2019 Actual \$	Variance \$	2019 Actual \$	2018 Actual \$	Variance \$
<u>Delivery of Services</u>						
Item 12 Net amount appropriated to deliver services	1,969,000	1,969,000	-	1,969,000	2,091,628	(122,628)
Amount authorised by other statutes						
- <i>Freedom of Information Act 1992</i>	278,000	278,000	-	278,000	278,000	-
Total appropriations provided to deliver services	2,247,000	2,247,000	-	2,247,000	2,369,628	(122,628)
<u>Capital</u>						
Capital appropriations	-	-	-	-	-	-
GRAND TOTAL	2,247,000	2,247,000	-	2,247,000	2,369,628	(122,628)
<u>Details of Expenses by Service</u>						
Resolution of Complaints	1,699,000	1,504,988	(194,012)	1,504,988	1,582,656	(77,668)
Advice and Awareness	728,000	708,230	(19,770)	708,230	744,779	(36,549)
Total cost of services	2,427,000	2,213,217	(213,783)	2,213,217	2,327,435	(114,218)
Less total income	(4,000)	-	4,000	-	(36,561)	36,561
Net cost of services	2,423,000	2,213,217	(209,783)	2,213,217	2,290,874	(77,657)
Adjustment	(176,000)	33,783	209,783	33,783	78,754	(44,971)
Total appropriations provided to deliver services	2,247,000	2,247,000	-	2,247,000	2,369,628	(122,628)
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	-	-	-	-	-	-
Adjustments for other funding sources	-	-	-	-	-	-

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

NOTES TO THE FINANCIAL STATEMENTS

Note 1. Basis of Preparation

The OIC is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The OIC is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Information Commissioner on 19 September 2019.

Statement of compliance

These general purpose financial statements have been prepared in accordance with:

- 1) *The Financial Management Act 2006 (FMA)*
- 2) *The Treasurer's Instructions (TIs)*
- 3) *Australian Accounting Standards (AAS) – Reduced Disclosure Requirements*
- 4) Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TIs take precedence over AAS. Several AAS are modified by the TIs to vary application, disclosure format and wording. 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.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest dollar.

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

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 transfers 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.

Note 2. Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the OIC's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the OIC in achieving its objectives and the relevant notes are:

	Notes	2019 \$	2018 \$
Employee benefits expense	2.1(a)	1,481,521	1,574,878
Employee related provisions	2.1(b)	307,179	258,920
Other expenditure	2.2	727,465	746,310

2.1(a) Employee benefits expense

	2019 \$	2018 \$
Wages and salaries	1,346,664	1,352,569
Termination benefits	-	80,558
Superannuation - defined contribution plans ^(a)	134,857	141,751
	1,481,521	1,574,878

(a) Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employees Superannuation Board Schemes (GESBs) and other eligible funds.

Wages and salaries: Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax and leave entitlements.

Termination benefits: Payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the OIC is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Superannuation: The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds. The employer contribution paid to the Government Employees Superannuation Board (**GESB**) in respect of the GSS is paid back into the Consolidated Account by the GESB.

GSS (concurrent contributions) is a defined benefit scheme for the purposes of employees and whole-of-government reporting. It is however a defined contribution plan for OIC purposes because the concurrent contributions (defined contributions) made by the OIC to GESB extinguishes the OIC's obligations to the related superannuation liability.

The OIC does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. 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 OIC to the GESB.

The GESB and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

2.1(b) Employee related provisions

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

	2019 \$	2018 \$
Current		
<u>Employee benefits provision</u>		
Annual leave ^(a)	97,135	81,741
Long service leave ^(b)	179,611	124,030
	276,746	205,771
<u>Other provisions</u>		
Employment on-costs ^(c)	1,262	940
	278,008	206,711
Non-current		
<u>Employee benefits provision</u>		
Long service leave ^(b)	29,039	51,972
	29,039	51,792

Other provisions

Employment on-costs^(c)

Total employee related provisions

	2019 \$	2018 \$
Employment on-costs ^(c)	132	237
	29,171	52,209
Total employee related provisions	307,179	258,920

(a) **Annual leave liabilities:** Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

(b) **Long service leave liabilities:** Unconditional long service leave provisions are classified as current liabilities as the OIC does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the OIC has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The provision for long service leave is calculated at present value as the OIC does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and 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.

(c) **Employment on-costs:** 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.

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 Note 2.2 'Other expenditure and are not included as part of the OIC's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

Employment on-cost provision	2019 \$	2018 \$
Carrying amount at start of year	1,177	1,479
Additional/(reversals of) provisions recognised	217	(302)
Carrying amount at end of period	1,394	1,177

Key sources of estimation uncertainty – long service leave

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.

Several estimates and assumptions are used in calculating the OIC's long service leave provision. These 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.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as an employee benefits expense.

2.2 Other expenditure

	2019 \$	2018 \$
Supplies and services		
Goods and supplies	24,434	23,117
Services and contracts	358,769	347,512
	383,203	370,629
Accommodation expenses		
Lease rentals	231,758	274,492
	231,758	274,492
Other		
Communications	3,373	3,989
Printing and binding	2,524	3,604
Electricity	7,187	7,407
Insurance	12,790	12,663
Repairs and maintenance	198	-

Travel and accommodation	9,774	5,489
Software licenses	12,154	11,483
Professional development	14,722	11,378
Audit fees	36,170	35,463
Employee on-costs	1,344	(249)
Research and advertising	11,789	8,998
Other	477	964
	112,504	101,189
Total other expenses	727,465	746,310

Supplies and services

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Accommodation expenses

Operating lease payments are recognised on a straight line basis over the lease term, except where another systematic basis is more representative of the time pattern of the benefits derived from the use of the leased asset [AASB 117.33]. Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

Other

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

Communications expense include telephone, postal and internet costs incurred and are recognised as expenses as incurred.

Electricity costs are recognised as expenses as incurred.

Insurance includes general insurance costs (excluding workers' compensation costs) and is recognised as an expense as incurred.

Travel and accommodation costs for staff travel on behalf of the OIC is recognised as an expense as incurred.

Software licences are costs associated with the use of software applications by the OIC and are recognised as expenses as incurred.

Professional development are costs incurred for the training and development of OIC staff and are recognised as expenses as incurred.

Audit fees include both external and internal audit fees and are recognised as an expense in the period in which it is incurred.

Expenditure on research activities is recognised as an expense in the period in which it is incurred.

Employee on-costs include workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liabilities is included at Note 2.1(b) 'Employee related provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Note 3. Our funding sources

How we obtain our funding

This section provides additional information about how the OIC obtains its funding and the relevant accounting policy notes that

govern the recognition and measurement of this funding. The primary income received by the OIC and the relevant notes are:

	Notes	2019 \$	2018 \$
Income from State Government	3.1	2,322,571	2,459,922
Commonwealth contributions	3.2	-	12,510
Other revenue	3.3	-	24,051

3.1 Income from State Government

<u>Appropriation received during the period</u>	2019 \$	2018 \$
Service appropriations ^(a)	1,969,000	2,091,628
Service appropriations - other statutes ^(b)	278,000	278,000
	<u>2,247,000</u>	<u>2,369,628</u>

Services received free of charge from other State government agencies during the period

Department of Finance – Building Management and Works	75,571	90,294
	<u>2,322,571</u>	<u>2,459,922</u>

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

Service appropriations fund the net cost of services delivered. Appropriation revenue comprises the following:

- cash component; and
- a receivable (asset).

The receivable (holding account - Note 5.2) comprises the following:

- the budgeted depreciation expense for the year; and
- an agreed increase in leave liabilities during the year.

(b) **Service appropriations - other statutes:** Salaries and Allowances Tribunal funding is recognised as revenue at fair value in the period in which the OIC gains control of the appropriated funds. The OIC gains control of appropriated funds at the time those funds are deposited in the bank account.

3.2 Commonwealth grants and contributions

	2019 \$	2018 \$
Paid parental leave	-	12,510
	<u>-</u>	<u>12,510</u>

For **non-reciprocal grants**, the OIC recognises revenue when the grant is receivable at its fair value as and when its fair value can be reliably measured.

3.3 Other revenue

	2019 \$	2018 \$
Other revenue	-	24,051
	<u>-</u>	<u>24,051</u>

Other revenue is recognised at fair value when the OIC obtains control over the assets comprising the contributions, usually when cash is received.

Note 4. Key assets

Assets the OIC utilises for economic benefit or service potential

This section includes information regarding the key assets the OIC utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

	Notes	2019 \$	2018 \$
Property, plant and equipment	4.1	1,063	5,294

4.1 Property, plant and equipment

OIC equipment and computers

	2019 \$	2018 \$
At cost	46,314	46,314
Accumulated depreciation	(45,251)	(41,020)
	1,063	5,294

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

OIC equipment and computers \$

2019

Carrying amount at start of period	5,294
Depreciation	(4,231)
Carrying amount at 30 June 2019	1,063

2018

Carrying amount at start of period	11,541
Depreciation	(6,247)
Carrying amount at 30 June 2018	5,294

Initial recognition

Items of property, plant and equipment costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, 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).

Subsequent measurement

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

The OIC does not hold any land, buildings or infrastructure assets.

4.1.1 Depreciation and impairment

	2019 \$	2018 \$
Charge for the period		
<u>Depreciation</u>		
Plant and equipment	4,231	6,247
	4,231	6,247

As at 30 June 2019 there were no indications of impairment to property, plant and equipment. All surplus assets at 30 June 2019 have either been classified as assets held for sale or have been written-off.

Finite useful lives

All plant and equipment 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. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the assets value, less any estimated residual value, over its estimated useful life. The typical estimated useful life for the different asset classes for current and prior years are included in the table below:

Asset	Useful life: years
Equipment	5 years
Computers	3 years

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the OIC is a not-for-profit office, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

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 declining replacement costs.

Note 5. Other assets and liabilities

This section sets out those assets and liabilities that arose from the OIC's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes	2019 \$	2018 \$
Receivables	5.1	16,454	17,143
Amounts receivable for services	5.2	36,000	36,000
Other assets	5.3	31,356	44,238
Payables	5.4	21,693	26,248

5.1 Receivables

Current

	2019 \$	2018 \$
Trade receivables	2,289	-
GST receivable	14,165	17,143
	16,454	17,143

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

5.2 Amounts receivable for services (holding account)

	2019 \$	2018 \$
Non-current	36,000	36,000
	36,000	36,000

Amounts receivable for services represent 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.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the Holding Account).

5.3 Other assets

	2019 \$	2018 \$
<u>Current</u>		
Prepayments	31,356	44,238
	31,356	44,238

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

5.4 Payables

	2019 \$	2018 \$
<u>Current</u>		
Trade payables	15,733	21,327
GST payable	253	-
Accrued salaries	5,707	4,921
	21,693	26,248

Payables are recognised at the amounts payable when the OIC becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The OIC considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (see Note 6.1 'Restricted cash and cash equivalents') consists of amounts paid annually, from OIC appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

6. Financing

This section sets out the material balances and disclosures associated with the financing and cashflows of the OIC.

	Notes	2019 \$	2018 \$
Cash and cash equivalents	6.1	861,745	690,885
Commitments	6.2	996,108	-

6.1 Cash and cash equivalents

	Notes	2019 \$	2018 \$
Cash and cash equivalents	6.1	848,664	680,973
Restricted cash and cash equivalents			
- Accrued salaries suspense account ^(a)		13,081	9,912
		861,745	690,885

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

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.

6.2 Commitments

Non-cancellable operating lease commitments

Commitments for minimum lease payments are payable as follows:	2019 \$	2018 \$
Within 1 year	284,602	-
Later than 1 year and not later than 5 years	711,506	-
Later than 5 years	-	-
	996,108	-

Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

The OIC has entered into a property lease from 1 December 2018 which is a non-cancellable lease with a four and a half year term, with rent payable monthly in advance. Contingent rent provisions within the lease agreement require that the minimum lease payments shall be increased by a Market Review from 1 July 2019 (every two years) based upon Landgate valuation, but shall not be lower than the rental being paid at the time of the review.

Judgements made by management in applying accounting policies – operating lease commitments

The OIC has entered into a lease agreement for office accommodation. This lease relates to buildings of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, this lease will be classified as an operating lease.

Note 7. Financial instruments and contingencies

This note sets out the key risk management policies and measurement techniques of the OIC.

Notes

Financial instruments	7.1
Contingent assets and liabilities	7.2

7.1 Financial instruments

	2019 \$	2018 \$
<u>Financial assets</u>		
Cash and cash equivalents	848,664	680,973
Restricted cash and cash equivalents	13,081	9,912
Receivables ^(a)	38,289	36,000
	900,034	726,885
<u>Financial liabilities</u>		
Financial liabilities at amortised cost	21,693	26,248
	21,693	26,248

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

7.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at nominal value.

The OIC had no contingent liabilities and contingent assets as of 30 June 2019.

Note 8. Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Remuneration of auditors	8.7
Equity	8.8
Supplementary financial information	8.9
Explanatory statement	8.10

8.1 Events occurring after the end of the reporting period

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

8.2 Initial application of Australian Accounting Standards

AASB Financial instruments

AASB 9 Financial instruments replaces AASB 139 *Financial Instruments: Recognition and Measurement* for annual reporting periods beginning on or after 1 January 2018, bringing together all

three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The OIC applied AASB 9 prospectively, with an initial application date of 1 July 2018. The adoption of AASB 9 has no impact to OIC.

Classification and measurement

Under AASB 9, financial assets are subsequently measured at amortised cost, fair value through other comprehensive income or fair value through profit or loss. The classification is based on two criteria: OIC's business model for managing the assets; and whether the assets' contractual cash flows represent 'solely payments of principal and interest' on the principal amount outstanding.

The assessment of OIC's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have an impact to the OIC.

8.3 Key management personnel

The OIC has determined key management personnel to include senior officers of the OIC.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the OIC for the reporting period are presented within the following bands:

Compensation band (\$)

	2019	2018
\$10,001 - \$20,001	1	-
\$80,001 - \$90,000	-	1
\$110,001 - \$120,000	-	1
\$140,001 - \$150,000	-	1
\$290,001 - \$300,000	1	-
	2	3

Total compensation of senior officers

2019 \$	2018 \$
317,237	332,203

Total compensation includes the superannuation expense incurred by the OIC in respect of senior officers. Following the A/Information Commissioner's resignation in July 2018, another acting appointment was made for two six month consecutive acting appointments followed by a permanent appointment to the position in July 2019.

8.4 Related party transactions

The OIC is a wholly owned and controlled entity of the State of Western Australia.

Related parties of the OIC include:

- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other government departments and statutory authorities, including related bodies included in the whole of government consolidated financial statements (i.e. wholly-owned public sector entities); and

- GESB.

Material transactions with government related parties

In conducting its activities, the OIC is required to transact with State and entities related to the State. These transactions are generally based on the standard terms and conditions that apply to all agencies. Such transactions include:

- income from the State Government (Note 3.1);
- services received free of charge from the Department of Finance – Building Management and Works (Note 3.1);
- superannuation payments to GESB (Note 2.1(a)); and
- lease rental payments to the Department of Finance (Note 6.2).

Material transactions with related parties

Outside of normal citizen type transactions with the OIC, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

8.5 Related bodies

The OIC has no related bodies.

8.6 Affiliated bodies

The OIC has no affiliated bodies.

8.7 Remuneration of Auditor

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

	2019 \$	2018 \$
Auditing of accounts, financial statements and performance indicators	27,375	26,970
	27,375	26,970

8.8 Equity

	2019 \$	2018 \$
<u>Contributed equity</u>		
Balance at start of the period	37,000	37,000
	37,000	37,000
<u>Accumulated surplus/(deficit)</u>		
Balance at start of the period	471,392	302,344
Result for the period	109,354	169,048
	580,746	471,392
Total equity	617,746	508,392

8.9 Supplementary financial information

Write-offs

There were no write-offs during the previous or current financial year.

Losses through theft, defaults and other causes

There were no thefts, defaults or losses during the previous or current financial year.

Gifts of public property

There were no gifts of public property during the previous or current financial year.

8.10 Explanatory statement

The OIC does not meet the threshold of TI 945(1)(ii) requiring explanatory statements.

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 of 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 RECEIVED AND DEALT WITH BY THE COMMISSIONER	RECEIVED No.	DEALT WITH No.
Complaints - valid	176	152
Complaints - informal / invalid	37	35
Section 66(6) - applications - no internal review	8	7
Section 66(4) - applications - out of time	4	4
Section 13(5) - applications for extension of time	2	2
Section 13(4) - applications for reduction of time	3	3
Section 48(3) request for destruction certificate	1	-
TOTAL	231	203

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

APPLICANT GROUP	No.	AGENCY GROUP	No.
Individual Citizen	127	Department (ex. Police & Health)	57
Company	15	Local Government	50
Member of Parliament	11	Police	19
Not for Profit	14	Board, Committee, Commission, Authority, Corporation	19
Media	4	Health-related	16
Prisoner	3	Minister	11
Government Agency	2	University	4
TOTAL	176	TOTAL	176

Table 3: Complaints received by the Information Commissioner

AGENCY	COMPLAINTS	INVALID	TOTAL	AGENCY	COMPLAINTS	INVALID	TOTAL
State Agencies:							
Botanic Gardens and Parks Authority	1	0	1	Main Roads Western Australia	3	0	3
C&AHS – Perth Children's Hospital	1	0	1	Mines, Industry Regulation and Safety, Department of	11	0	11
EMHS – Armadale Kalamunda Group	1	0	1	Murdoch University	2	0	2
EMHS – Bentley Health Service	0	1	1	NMHS – King Edward Memorial Hospital	0	1	1
EMHS – Royal Perth Hospital	3	1	4	NMHS – Corporate Office	0	1	1
Equal Opportunity Commission	0	1	1	NMHS – Mental Health	4	2	6
Health, Department of	3	0	3	NMHS – Sir Charles Gairdner Hospital	1	0	1
Insurance Commission of Western Australia	3	0	3	NMHS – Women and Newborn Health Service	0	1	1
Legal Profession Complaints Committee	1	0	1	Pharmacy Registration Board of Western Australia	1	0	1
Metropolitan Redevelopment Authority	1	0	1	Planning, Lands and Heritage, Department of	1	1	2
Pilbara Ports Authority	3	0	3	Police, Western Australia	19	7	26
Public Sector Commission	2	0	2	Premier and Cabinet, Department of the	3	0	3
Public Transport Authority	1	0	1	Primary Industries and Regional Development, Department of	2	0	2
Synergy	0	1	1	SMHS - Fiona Stanley Hospital	0	1	1
Water Corporation	3	0	3	SMHS – Fremantle Hospital and Health Service	0	1	1
Western Power	3	0	3	SMHS – Rockingham Peel Group	1	0	1
WorkCover Western Australia Authority	1	0	1	Transport, Department of	2	0	2
Communities, Department of	4	1	5	University of Western Australia, The	2	1	3
Education, Department of	3	1	4	WACHS - Goldfields	1	0	1
Justice, Department of	13	6	19	Water and Environmental Regulation, Department of	10	0	10
Local Government, Sport and Cultural Industries, Department of	5	1	6				
				<i>Sub-total: State Agencies</i>	115	29	144

AGENCY	COMPLAINTS	INVALID	TOTAL
Local Agencies:			
Armadale, City of	1	1	2
Augusta-Margaret River, Shire of	2	0	2
Broome, Shire of	1	0	1
Busselton, City of	2	0	2
Cambridge, Town of	3	0	3
Canning, City of	3	0	3
Capel, Shire of	1	0	1
Donnybrook-Balingup, Shire of	0	1	1
Fremantle, City of	2	0	2
Joondalup, City of	1	0	1
Kalamunda, City of	3	0	3
Melville, City of	19	1	20
Mosman Park, Town of	1	0	1
Mundaring, Shire of	1	0	1
Perth, City of	1	0	1
Serpentine-Jarrahdale, Shire of	1	0	1
Subiaco, City of	2	0	2
Swan, City of	1	1	2
Toodyay, Shire of	1	0	1

AGENCY	COMPLAINTS	INVALID	TOTAL
Vincent, City of	1	0	1
Wanneroo, City of	0	1	1
Wyndham-East Kimberley, Shire of	1	0	1
York, Shire of	2	0	2
<i>Sub-total: Local Agencies</i>	50	5	55
Ministers:			
Aboriginal Affairs, Minister for	1	0	1
Education and Training, Minister for	1	1	2
Environment, Minister for	1	0	1
Local Government and Regional Development; Heritage; The Kimberley, Pilbara and Gascoyne, Minister for	1	0	1
Police, Minister for	1	0	1
Regional Development, Minister for	3	0	3
Transport, Minister for	2	0	2
Treasurer	1	0	1
<i>Sub-total: Ministers</i>	11	1	12
Agency is Unknown:	0	2	2
<i>Sub-total: Agency is Unknown</i>	0	2	2
TOTAL	176	37	213

Table 4: Other applications received

AGENCY	OUT OF TIME s.66(4)	NO INTERNAL REVIEW s.66(6)	REDUCTION OF TIME s.13(4)	EXTENSION OF TIME s.13(5)	REQUEST FOR DESTRUCTION CERTIFICATE s.48(3)	TOTAL
Augusta-Margaret River, Shire of	1	0	0	0	0	1
Busselton, City of	0	0	0	1	0	1
Cambridge, Town of	0	1	0	0	0	1
Cottesloe, Town of	0	1	0	0	0	1
Health, Department of	1	0	0	0	0	1
Kwinana, City of	0	1	0	0	0	1
Local Government, Sport and Cultural Industries, Department of	0	0	1	0	0	1
Melville, City of	0	0	1	0	0	1
Mines, Industry Regulation and Safety, Department of	0	1	0	0	0	1
Pharmacy Registration Board of Western Australia	0	0	0	1	0	1
Planning, Lands and Heritage, Department of	0	1	0	0	0	1
Police, Western Australia	1	1	1	0	0	3
Serpentine-Jarrahdale, Shire of	1	0	0	0	0	1
SMHS – Rockingham Peel Group	0	0	0	0	1	1
University of Western Australia, The	0	1	0	0	0	1
Water and Environmental Regulation, Department of	0	1	0	0	0	1
TOTAL	4	8	3	2	1	18

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:						
C&AHS – Princess Margaret Hospital for Children	1	0	0	0	0	1
Communities, Department of	0	0	0	0	2	2
Education, Department of	2	0	0	0	1	3
EMHS – Armadale Kalamunda Group	0	0	0	0	1	1
EMHS – Bentley Health Service	0	0	0	0	1	1
EMHS – Royal Perth Hospital	2	0	0	0	0	2
Equal Opportunity Commission	0	0	0	0	1	1
Forest Products Commission	0	1	0	0	0	1
Gold Corporation	0	0	1	0	0	1
Health, Department of	2	1	0	0	0	3
Insurance Commission of Western Australia	2	0	0	0	0	2
Jobs, Tourism, Science and Innovation, Department of	0	0	0	1	0	1
Justice, Department of	2	0	0	0	9	11
Legal Profession Complaints Committee	0	1	0	0	0	1
Legal Practice Board of Western Australia, The	1	0	0	0	0	1
Local Government, Sport and Cultural Industries, Department of	1	0	0	0	3	4
Main Roads Western Australia	2	0	0	0	0	2
Metropolitan Redevelopment Authority	1	0	0	0	0	1
Mines, Industry Regulation and Safety, Department of	8	0	0	0	0	8
NMHS – Corporate Office	0	0	0	0	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		
NMHS – Mental Health	1	0	0	0	2	3
NMHS – Sir Charles Gairdner Hospital	2	0	0	0	0	2
NMHS – Women and Newborn Health Service	0	0	0	0	1	1
Pharmacy Registration Board of Western Australia	1	0	0	0	0	1
Planning, Lands and Heritage, Department of	2	0	0	0	1	3
Police, Western Australia	14	0	0	0	9	23
Primary Industries and Regional Development, Department of	1	0	0	0	0	1
Premier and Cabinet, Department of the	7	0	0	0	0	7
Public Advocate, Office of the	1	0	0	0	0	1
Public Sector Commission	2	0	0	0	0	2
Public Transport Authority	2	0	0	0	0	2
SMHS – Fiona Stanley Hospital	0	0	0	0	1	1
SMHS – Fremantle Hospital and Health Service	0	0	0	0	1	1
SMHS – Rockingham Peel Group	1	0	0	0	0	1
Synergy	0	0	0	0	1	1
Transport, Department of	4	0	0	0	0	4
Treasury, Department of	1	1	0	0	0	2
University of Western Australia, The	2	0	1	0	1	4
WACHS - Goldfields	1	0	0	0	0	1
Water and Environmental Regulation, Department of	8	0	0	0	0	8
Water Corporation	1	0	0	0	0	1
Western Power	3	0	0	0	0	3
<i>Sub-Total: State Agencies</i>	78 (64.5%)	4 (3.3%)	2 (1.6%)	1 (0.8%)	36 (29.8%)	121 (64.7%)

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		
Local Agencies:						
Armadale, City of	1	0	0	0	2	3
Augusta-Margaret River, Shire of	1	0	0	0	0	1
Broome, Shire of	1	0	0	0	0	1
Busselton, City of	2	0	0	0	1	3
Canning, City of	4	0	0	0	0	4
Capel, Shire of	1	0	0	0	0	1
Cockburn, City of	1	0	0	0	0	1
Cottesloe, Town of	0	0	0	0	1	1
Donnybrook-Balingup, Shire of	0	0	0	0	1	1
Fremantle, City of	1	0	0	0	0	1
Joondalup, City of	1	0	0	0	0	1
Kalamunda, City of	1	0	0	0	1	2
Melville, City of	3	2	0	0	4	9
Mosman Park, Town of	1	0	0	0	0	1
Perth, City of	1	0	0	0	0	1
Victoria Park, Town of	1	1	0	0	0	2
Serpentine/Jarrahdale, Shire of	1	0	0	0	0	1
South Perth, City of	1	0	0	0	0	1
Subiaco, City of	1	0	0	0	0	1
Swan, City of	0	0	0	0	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		
Wanneroo, City of	0	1	0	0	1	2
Wyndham-East Kimberley, Shire of	1	0	0	0	0	1
York, Shire of	2	0	0	0	0	2
<i>Sub-Total: Local Agencies</i>	26 (61.9%)	4 (9.5%)	0 (0.0%)	0 (00.0%)	12 (28.6%)	42 (22.5%)
Ministers:						
Aboriginal Affairs, Minister for	1	0	0	0	0	1
Education and Training, Minister for	2	0	0	0	1	3
Energy, Minister for	2	0	0	0	0	2
Environment, Minister for	1	0	0	0	0	1
Lands, Minister for	1	0	0	0	0	1
Local Government, Minister for	1	0	0	0	0	1
Local Government and Regional Development; Heritage; The Kimberley, Pilbara and Gascoyne, Minister for	1	0	0	0	0	1
Police, Minister for	1	0	0	0	0	1
Regional Development, Minister for	4	0	0	0	0	4
Sport and Recreation, Minister for	1	0	0	0	0	1
Tourism, Minister for	1	0	0	0	0	1
Transport, Minister for	3	1	0	0	0	4
Treasurer	1	0	0	0	0	1
<i>Sub-Total: Ministers</i>	20 (90.9%)	1 (4.5%)	0 (0.0%)	0 (00.0%)	1 (4.5%)	22 (11.8%)
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	124 (66.3%)	9 (4.81%)	2 (1.1%)	1 (0.5%)	51 (27.3%)	187 (100%)

Note: The Information Commissioner may not deal with – or may 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. Sixteen of the complaints declined related to formal complaints and the remaining 35 declined related to informal/invalid complaints.

Table 6: Published decisions

Decision No.	Complainant	Agency	Decision Date
D0072018	McLerie	City of Melville	06/07/2018
D0082018	Nahan	Department of Treasury	06/07/2018
D0092018	McNally	Town of Victoria Park	07/09/2018
D0102018	King	Minister for Transport; Planning; Lands	23/10/2018
D0112018	Crawford	City of Melville	26/10/2018
D0122018	Adam	City of Wanneroo	09/11/2018
D0132018	Palermo	Legal Profession Complaints Committee	28/12/2018
D0012019	Bennett and Philip Pty Ltd	Gold Corporation	16/01/2019
D0022019	Pearlman	The University of Western Australia	08/02/2019
D0032019	Gaffney	Department of Jobs, Tourism, Science and Innovation	15/02/2019
D0042019	Lee	Department of Health	19/06/2019
D0052019	Humphreys	Forest Products Commission	28/06/2019

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)	NO INTERNAL REVIEW s.66(6)	EXTENSION OF TIME s.13(5)	EXTENSION OF TIME s.13(5)	REDUCTION OF TIME s.13(4)	TOTAL MATTERS FINALISED
		Allowed	Refused	Refused	Withdrawn	Refused	Allowed	Refused	
State Agencies:									
Health, Department of		0	1	0	0	0	0	0	1
Local Government, Sport and Cultural Industries, Department of		0	0	0	0	0	0	1	1
Pharmacy Registration Board of Western Australia		0	0	0	0	1	0	0	1
Planning, Lands and Heritage, Department of		0	0	1	0	0	0	0	1
Police, Western Australia		0	1	1	0	0	0	1	3
University of Western Australia, The		0	0	1	0	0	0	0	1
Water and Environmental Regulation, Department of		0	0	0	1	0	0	0	1
Sub-total: State Agencies		0	2	3	1	1	0	2	9
Local Agencies:									
August-Margaret River, Shire of		0	1	0	0	0	0	0	1
Busselton, City of		0	0	0	0	0	1	0	1
Cambridge, Town of		0	0	1	0	0	0	0	1
Cottesloe, Town of		0	0	1	0	0	0	0	1
Kwinana, City of		0	0	1	0	0	0	0	1
Melville, City of		0	0	0	0	0	0	1	1
Serpentine/Jarrahdale, Shire of		1	0	0	0	0	0	0	1
Sub-total: Local Agencies		1	1	3	0	0	1	1	7
TOTAL		1	3	6	1	1	1	3	16

Table 8: Formal training and presentations

DATE	PRESENTATION STYLE	TYPE*
12/07/2018	FOI Coordinators Workshop	C
23/07/2018	Briefing for University FOI Network Meeting	AB
13/09/2018	FOI Decision Writing Workshop	D
17/09/2018	Briefing for WACHS Kimberley	AB
3/10/2018	FOI Coordinators Workshop	C
17/10/2018	Guest Lecture for UWA Foundations of Public Law students	S
12/11/2018	Briefing for WACHS Wheatbelt	AB
14/11/2018	FOI Coordinators Workshop	C
15/11/2018	Briefing for GESB	AB
20/11/2018	Briefing for GESB	AB
22/11/2018	FOI Decision Writing Workshop	D
23/11/2018	Briefing for National Party Electorate and Research officers	AB
26/11/2018	Briefing for Small Business Development Corporation Corporate Executive	AB
28/11/2018	Briefing for GESB Link Group	AB
29/11/2018	Solomon lecture screening for public sector officers	E
6/02/2019	FOI Coordinators Workshop	C
26/02/2019	Presentation for the Legal Aid Civil Law Day	CB
6/03/2019	The Office of the Information Commissioner: Functions, Trends and Cases of Interest for Notre Dame University Eminent Speakers Series	S
14/03/2019	FOI Coordinators Workshop	C
19/03/2019	Presentation for the Law Society	CB
29/03/2019	Briefing for Small Business Development Corporation	AB
12/04/2019	Guest lecture for ECU Administrative Law unit	S
18/04/2019	Briefing for Department of Mines, Industry Regulation and Safety	AB
18/04/2019	Decision Making Training for Department of Mines, Industry Regulation and Safety	D

DATE	PRESENTATION STYLE	TYPE*
29/04/2019	Briefing for GESB Link Group	AB
1/05/2019	FOI Coordinators Workshop	C
6/05/2019	Decision Making Training for Public Sector Commission	D
13/05/2019	Presentation to Aboriginal Community organisations in Perth at an event organised by the Western Australian Ombudsman	CB
14/05/2019	Presentation to Aboriginal Community organisations in Mandurah at an event organised by the Western Australian Ombudsman	CB
16/05/2019	Presentation to Lavan	CB
20/05/2019	Briefing to Department of Mines, Industry Regulation and Safety Corporate Executive	AB
4/06/2019	FOI Coordinators Workshop	C
10/06/2019	Briefing for the City of Stirling	AB
12/06/2019	Briefing for the Legal Practice Board	AB
26/06/2019	Briefing for Department of Mines, Industry Regulation and Safety	AB

*AB = Briefing; CB =Community Briefing C = FOI Coordinators Training D = Decision-makers Training; S = Speaking Engagement, E=Event

Table 9: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL
FOI Coordinators Workshops (7)	112	29	0	141
Decision Writing Workshops (4)	42	21	0	63
<i>Sub-total:</i>	154	50	0	204
BRIEFINGS (No.)				TOTAL
Agency Briefings (16)	283	34	0	317
Community Briefings (5)	8	0	204	212
Other Speaking Engagements (3)	0	0	224	224
<i>Sub-total:</i>	291	34	428	753
GRAND TOTAL (ATTENDEES)	445	84	428	957

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
2018/2019	4	9	18	31

* 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 if the agency delays making a decision	What if there are many third parties to consult?
What is personal information?	What is personal information?
Who do I contact to ask for documents?	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	Dealing with personal information about an officer of an agency	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		
Decisions of the Information Commissioner – guide for third parties		

Table 12: Injury management targets

Measure	Actual		Results against target	
	2017/18	2018/19	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%	

AGENCY 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. In order to collate this, the following statistical information is required from each State and local government agency:

- the number of access applications received and dealt with;
- the number of decisions to: give access to documents; give access to edited copies of documents; defer giving access to documents; give access to a document in the manner referred to in section 28; refuse access to documents; and the number of times each of the exemption clauses was used;
- the number and outcome of applications for internal review;
- the number of applications for amendment of personal information received and dealt with;
- the number of decisions to amend personal information in accordance with an application and not to amend personal information in accordance with an application;

- the number and outcome of applications for internal review in respect of applications for amendment of personal information; and
- the amount of fees and charges collected and details of fees and charges that were reduced or waived.

At the completion of each financial year, the OIC provides an electronic form to all agencies in order that they may provide this information. The results from the collated data for 2018/19 are outlined in the following tables.

An overview of particular trends is outlined in the report on agency statistics on page [35](#) of this report.

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- 13 [Requests received](#)
- 14 [Decisions made](#)
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- 16 [Outcomes: Internal Review](#)
- 17 [Amendment of Personal Information](#)
- 18 [Amendment of PI: Internal Review](#)
- 19 [Fees and charges](#)
- 20 [Reduction of charges](#)

Table 13: Requests received by agencies

AGENCY NAME	No.
Group: Boards, Committees, Commissions, Authorities, Corporations	
Acacia Prison	355
Animal Resources Authority	0
Bunbury Water Board (Aqwest)	1
Burswood Park Board	0
Busselton Water	1
Chemistry Centre Western Australia	1
Commissioner for Children and Young People, Office of the	0
Construction Industry Long Service Leave Payments Board	2
Construction Training Fund	0
Court Security and Custodial Services	0
Economic Regulation Authority	1
Electoral Commission, Western Australian	0
Equal Opportunity Commission	3
Forest Products Commission	4
Fremantle Ports	0
Gascoyne Development Commission	0
Gold Corporation	0
Goldfields Esperance Development Commission	0
Government Employees Superannuation Board	3
Great Southern Development Commission	0
Greyhound Racing Association, Western Australian	0
Horizon Power	0
Industrial Relations Commission, Western Australian	1
Institute of Sport, Western Australian	0
Insurance Commission of Western Australia	168
Kimberley Development Commission	0

AGENCY NAME	No.
Kimberley Ports Authority	1
Land Authority (LandCorp), Western Australian	1
Landgate	11
Law Reform Commission	0
Legal Aid Western Australia	4
Legal Practice Board of Western Australia, The	1
Legal Profession Complaints Committee	3
Lotteries Commission	3
Melaleuca Remand and Reintegration Facility	4
Metropolitan Cemeteries Board	5
Metropolitan Redevelopment Authority	6
Mid West Development Commission	0
Midwest Ports Authority	0
Minerals Research Institute of Western Australia	0
National Trust of Australia (Western Australia)	0
Peel Development Commission	5
Pilbara Development Commission	0
Pilbara Ports Authority	6
Professional Combat Sports Commission	0
Public Advocate, Office of the	5
Public Sector Commission	6
Public Transport Authority	36
Public Trustee Office	1
Racing and Wagering Western Australia	4
Small Business Development Corporation	0
South West Development Commission	1
Southern Ports Authority	3
Sports Centre Trust (VenuesWest), Western Australian	1

AGENCY NAME	No.
State Administrative Tribunal	3
Synergy	5
Treasury Corporation, Western Australian	0
Trotting Association, Western Australian	0
Water Corporation	44
Western Power	48
Wheatbelt Development Commission	0
WorkCover Western Australia Authority	157
<i>Sub-Total: Boards, Committees, Commissions, Authorities, Corporations</i>	904
Group: Departments (except Police and Health agencies)	
Biodiversity, Conservation and Attractions, Department of	46
Central Regional TAFE	0
Communities, Department of	993
Education, Department of	69
Finance, Department of	37
Fire and Emergency Services, Department of	222
Jobs, Tourism, Science and Innovation, Department of	12
Justice, Department of	1,027
Local Government, Sport and Cultural Industries, Dept of	130
Main Roads Western Australia	36
Mines, Industry Regulations and Safety, Department of	1,020
North Metropolitan TAFE	14
North Regional TAFE	0
Planning, Lands and Heritage, Department of	145
Premier and Cabinet, Department of the	64
Primary Industries and Regional Development, Department of	94
South Metropolitan TAFE	1
South Regional TAFE	0
Training and Workforce Development, Department of	3

AGENCY NAME	No.
Transport, Department of	333
Treasury, Department of	7
Water and Environmental Regulation, Department of	298
<i>Sub-Total: Departments (except Police and Health)</i>	4,551
Group: Health-related agencies	
C&AHS - Princess Margaret Hospital for Children	305
Chief Psychiatrist, Office of the	2
Dental Health Services	0
EMHS - Armadale Kalamunda Group	523
EMHS - Bentley Health Service	382
EMHS - Corporate Office	14
EMHS - Royal Perth Hospital	2,114
<i>Sub-total: EMHS</i>	3,340
Health, Department of	62
Health and Disability Services Complaints Office	0
Health Promotion Foundation Western Australia	0
Mental Health Commission	4
NMHS - Corporate Office	16
NMHS - Mental Health	346
NMHS - Osborne Park Hospital	72
NMHS - PathWest Laboratory Medicine Western Australia	7
NMHS - Sir Charles Gairdner Hospital	718
NMHS - Women and Newborn Health Service	151
<i>Sub-total: NMHS</i>	1,376
SMHS - Corporate Office	1
SMHS - Fiona Stanley Fremantle Hospitals Group	1,178
SMHS - Rockingham Peel Group	449
<i>Sub-total: SMHS</i>	1,628

AGENCY NAME	No.
WACHS - Central Office	4
WACHS - Goldfields	373
WACHS - Great Southern	277
WACHS - Kimberley	518
WACHS - Midwest	905
WACHS - Pilbara	376
WACHS - South West	600
WACHS - Wheatbelt	909
<i>Sub-total: WACHS</i>	3,962
<i>Sub-Total: Health-related agencies</i>	10,306
Group: Local government agencies	
Albany, City of	19
Armadale, City of	17
Ashburton, Shire of	4
Augusta-Margaret River, Shire of	8
Bassendean, Town of	5
Bayswater, City of	16
Belmont, City of	15
Beverley, Shire of	0
Boddington, Shire of	1
Boyup Brook, Shire of	1
Bridgetown-Greenbushes, Shire of	0
Brookton, Shire of	0
Broome, Shire of	9
Broomehill, Shire of	0
Bruce Rock, Shire of	0
Bunbury, City of	7
Busselton, Shire of	23
Cambridge, Town of	28
Canning, City of	19

AGENCY NAME	No.
Capel, Shire of	2
Carnamah, Shire of	0
Carnarvon, Shire of	6
Chapman Valley, Shire of	0
Chittering, Shire of	2
Claremont, Town of	6
Cockburn, City of	28
Collie, Shire of	1
Coolgardie, Shire of	0
Coorow, Shire of	0
Corrigin, Shire of	0
Cottesloe, Town of	10
Cranbrook, Shire of	0
Cuballing, Shire of	0
Cue, Shire of	1
Cunderdin, Shire of	0
Dalwallinu, Shire of	0
Dandaragan, Shire of	2
Dardanup, Shire of	0
Denmark, Shire of	3
Derby-West Kimberley, Shire of	2
Donnybrook-Balingup, Shire of	3
Dowerin, Shire of	0
Dumbleyung, Shire of	1
Dundas, Shire of	0
East Fremantle, Town of	4
East Pilbara, Shire of	3
Esperance, Shire of	4
Exmouth, Shire of	3
Fremantle, City of	17

AGENCY NAME	No.
Gingin, Shire of	4
Gnowangerup, Shire of	2
Goomalling, Shire of	0
Gosnells, City of	10
Greater Geraldton, City of	8
Halls Creek, Shire of	1
Harvey, Shire of	5
Irwin, Shire of	3
Jerramungup, Shire of	0
Joondalup, City of	65
Kalamunda, City of	22
Kalgoorlie-Boulder, City of	11
Karratha, City of	6
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
Kwinana, City of	5
Lake Grace, Shire of	1
Laverton, Shire of	1
Leonora, Shire of	0
Mandurah, City of	3
Manjimup, Shire of	2
Meekatharra, Shire of	0
Melville, City of	63
Menzies, Shire of	0
Merredin, Shire of	0

AGENCY NAME	No.
Mingenew, Shire of	0
Moora, Shire of	0
Morawa, Shire of	0
Mosman Park, Town of	3
Mount Magnet, Shire of	0
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mundaring, Shire of	14
Murchison, Shire of	0
Murray, Shire of	7
Nannup, Shire of	0
Narembeen, Shire of	0
Narrogin, Shire of	2
Nedlands, City of	11
Ngaanyatjarraku, Shire of	0
Northam, Shire of	1
Northampton, Shire of	0
Nungarin, Shire of	0
Peppermint Grove, Shire of	0
Perenjori, Shire of	0
Perth, City of	39
Pingelly, Shire of	0
Plantagenet, Shire of	1
Port Hedland, Town of	7
Quairading, Shire of	0
Ravensthorpe, Shire of	0
Rockingham, City of	33
Sandstone, Shire of	0
Serpentine/Jarrahdale, Shire of	15
Shark Bay, Shire of	0

AGENCY NAME	No.
South Perth, City of	17
Stirling, City of	52
Subiaco, City of	18
Swan, City of	54
Tammin, Shire of	0
Three Springs, Shire of	0
Toodyay, Shire of	15
Trayning, Shire of	0
Upper Gascoyne, Shire of	0
Victoria Park, Town of	7
Victoria Plains, Shire of	0
Vincent, City of	8
Wagin, Shire of	0
Wandering, Shire of	0
Wanneroo, City of	38
Waroona, Shire of	2
West Arthur, Shire of	0
Westonia, 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	3
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	2
<i>Sub-Total: Local government agencies</i>	832

AGENCY NAME	No.
Group: Ministers	
Cook MLA, Hon R H	1
Dawson MLC, Hon S N	9
Ellery MLC, Hon S M	2
Johnston MLA, Hon W J	3
Kelly MLA, Hon D J	8
Logan MLA, Hon F M	1
MacTiernan MLC, Hon A	10
McGurk MLA, Hon S F	0
Murray MLA, Hon M P	0
Papalia MLA, Hon P	4
Quigley MLA, Hon J R	0
Roberts MLA, Hon M H	0
Saffioti MLA, Hon R	11
Templeman MLA, Hon D A	3
Tinley MLA, Hon P C	1
Wyatt MLA, Hon B S	3
<i>Sub-Total: Ministers</i>	56
Group: Police	
Police, Western Australia	2,566
<i>Sub-Total: Police</i>	2,566
Group: Universities	
Curtin University of Technology	8
Edith Cowan University	13
Murdoch University	4
University of Western Australia, The	18
<i>Sub-Total: Universities</i>	43
TOTAL	19,258

SUMMARY	No.
Boards, Committees, Commissions, Authorities, Corp's	904
Departments (except Police and Health agencies)	4,551
Health-related agencies	10,306
Local government agencies	832
Ministers	56
Police	2,566
Universities	43
TOTAL	19,258

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 14: Decisions made – outcome

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Group: Boards, Committees, Commissions, Authorities, Corporations						
Acacia Prison	158 (47.0)	171 (50.9)	0(0.0)	0(0.0)	7 (2.1)	0(0.0)
Bunbury Water Board (Aqwest)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Busselton Water	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Chemistry Centre Western Australia	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Construction Industry Long Service Leave Payments Board	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Economic Regulation Authority	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)	0(0.0)
Equal Opportunity Commission	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Forest Products Commission	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Government Employees Superannuation Board	0(0.0)	2(66.7)	0(0.0)	0(0.0)	1(33.3)	0(0.0)
Great Southern Development Commission	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Industrial Relations Commission, Western Australian	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Insurance Commission of Western Australia	1(0.9)	107(99.1)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Kimberley Ports Authority	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Land Authority (LandCorp), Western Australian	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)	0(0.0)
Landgate	10(71.4)	2(14.3)	0(0.0)	0(0.0)	2(14.3)	0(0.0)
Legal Aid Western Australia	3(75.0)	1(25.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Legal Practice Board of Western Australia, The	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Legal Profession Complaints Committee	0(0.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
Lotteries Commission	0(0.0)	1(50.0)	0(0.0)	0(0.0)	1(50.0)	0(0.0)
Melaleuca Remand and Reintegration Facility	3(75.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)	0(0.0)
Metropolitan Cemeteries Board	1(20.0)	4(80.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Metropolitan Redevelopment Authority	0(0.0)	5(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Peel Development Commission	0(0.0)	5(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Pilbara Ports Authority	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Public Sector Commission	1(20.0)	3(60.0)	0(0.0)	0(0.0)	1(20.0)	0(0.0)
Public Transport Authority	13(38.2)	11(32.4)	0(0.0)	0(0.0)	7(20.6)	3(8.8)
Public Trustee Office	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Racing and Wagering Western Australia	3(75.0)	1(25.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
South West Development Commission	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Southern Ports Authority	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Sports Centre Trust (VenuesWest), Western Australian	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
State Administrative Tribunal	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	3(100.0)
Synergy	1(33.3)	2(66.7)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Water Corporation	18(39.1)	26(56.5)	0(0.0)	0(0.0)	2(4.3)	0(0.0)
Western Power	6(12.2)	42(85.7)	0(0.0)	0(0.0)	1(2.0)	0(0.0)
WorkCover Western Australia Authority	5(3.2)	106(68.8)	0(0.0)	0(0.0)	37(24.0)	6(3.9)
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	229(28.2)	508(62.5)	0(0.0)	0(0.0)	62(7.6)	14(1.7)
Group: Departments (except Police and Health agencies)						
Biodiversity, Conservation and Attractions, Department of	4(10.5)	12(31.6)	0(0.0)	0(0.0)	22(57.9)	0(0.0)
Communities, Department of	108(18.9)	393(68.7)	0(0.0)	0(0.0)	53(9.3)	18(3.1)
Education, Department of	9(36.0)	14(56.0)	0(0.0)	0(0.0)	2(8.0)	0(0.0)
Finance, Department of	25(65.8)	8(21.1)	0(0.0)	0(0.0)	4(10.5)	1(2.6)
Fire and Emergency Services, Department of	3(1.3)	202(86.7)	9(3.9)	0(0.0)	19(8.2)	0(0.0)
Jobs, Tourism, Science and Innovation, Department of	4(28.6)	8(57.1)	0(0.0)	0(0.0)	1(7.1)	1(7.1)
Justice, Department of	142(15.6)	623(68.4)	12(1.3)	1(0.1)	50(5.5)	84(9.2)
Local Government, Sport and Cultural Industries, Department of	63(56.8)	17(15.3)	0(0.0)	0(0.0)	26(23.4)	5(4.5)
Main Roads Western Australia	3(9.4)	23(71.9)	0(0.0)	0(0.0)	4(12.5)	2(6.3)
Mines, Industry Regulations and Safety, Department of	189(19.3)	376(38.4)	0(0.0)	0(0.0)	389(39.8)	24(2.5)
North Metropolitan TAFE	14(100)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Planning, Lands and Heritage, Department of	3(2.7)	83(74.8)	0(0.0)	0(0.0)	25(22.5)	0(0.0)
Premier and Cabinet, Department of the	8(14.5)	31(58.2)	0(0.0)	0(0.0)	8(14.5)	7(12.7)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Primary Industries and Regional Development, Department of	1(1.2)	25(29.8)	0(0.0)	0(0.0)	54(64.3)	4(4.8)
South Metropolitan TAFE	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)	0(0.0)
Training and Workforce Development, Department of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Transport, Department of	111(36.9)	138(45.8)	0(0.0)	0(0.0)	17(5.6)	35(11.6)
Treasury, Department of	2(33.3)	2(33.3)	0(0.0)	0(0.0)	1(16.7)	1(16.7)
Water and Environmental Regulation, Department of	80(30.2)	29(10.9)	0(0.0)	0(0.0)	144(54.3)	12(4.5)
<i>Sub-total: Departments (except Police and Health agencies)</i>	769(20.3)	1,988(52.4)	21(0.6)	1(0.0)	820(21.6)	194(5.1)
Group: Health related agencies						
C&AHS - Princess Margaret Hospital for Children	58(22.7)	165(64.7)	4(1.6)	17(6.7)	24(9.4)	4(1.6)
Chief Psychiatrist, Office of the	2(100)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
EMHS - Armadale Kalamunda Group	186(40.5)	262(57.1)	0(0.0)	1(0.2)	10(2.2)	1(0.2)
EMHS - Bentley Health Service	134(37.3)	217(60.4)	2(0.6)	4(1.1)	6(1.7)	0(0.0)
EMHS - Corporate Office	6(46.2)	4(30.8)	0(0.0)	0(0.0)	1(7.7)	2(15.4)
EMHS - Royal Perth Hospital	1,949(96.4)	7(0.3)	0(0.0)	0(0.0)	35(1.7)	31(1.5)
Health, Department of	23(35.9)	29(45.3)	1(1.6)	0(0.0)	10(15.6)	1(1.6)
Mental Health Commission	0(0.0)	3(75)	0(0.0)	0(0.0)	0(0.0)	1(25)
NMHS - Corporate Office	1(10.0)	9(90.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
NMHS - Mental Health	270(87.7)	23(7.5)	0(0.0)	2(0.6)	15(4.9)	0(0.0)
NMHS - Osborne Park Hospital	67(94.4)	2(2.8)	0(0.0)	0(0.0)	1(1.4)	1(1.4)
NMHS - PathWest Laboratory Medicine Western Australia	4(66.7)	1(16.7)	0(0.0)	0(0.0)	0(0.0)	1(16.7)
NMHS - Sir Charles Gairdner Hospital	632(91.2)	20(2.9)	0(0.0)	0(0.0)	35(5.1)	6(0.9)
NMHS - Women and Newborn Health Service	120(90.9)	2(1.5)	0(0.0)	1(0.8)	10(7.6)	0(0.0)
SMHS - Corporate Office	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
SMHS - Fiona Stanley Fremantle Hospitals Group	891(90.8)	31(3.2)	0(0.0)	0(0.0)	52(5.3)	7(0.7)
SMHS - Rockingham Peel Group	263(60.3)	159(36.5)	0(0.0)	0(0.0)	13(3.0)	1(0.2)
WACHS - Central Office	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
WACHS - Goldfields	341(98.0)	0(0.0)	0(0.0)	2(0.6)	6(1.7)	1(0.3)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
WACHS - Great Southern	2(0.7)	268(95.7)	0(0.0)	1(0.4)	9(3.2)	1(0.4)
WACHS - Kimberley	265(50.4)	256(48.7)	0(0.0)	0(0.0)	5(1.0)	0(0.0)
WACHS - Midwest	386(42.5)	460(50.7)	0(0.0)	0(0.0)	62(6.8)	0(0.0)
WACHS - Pilbara	0(0.0)	342(98.6)	0(0.0)	2(0.6)	0(0.0)	5(1.4)
WACHS - South West	483(88.5)	44(8.1)	0(0.0)	1(0.2)	19(3.5)	0(0.0)
WACHS - Wheatbelt	344(38.1)	517(57.3)	0(0.0)	0(0.0)	41(4.5)	0(0.0)
<i>Sub-total: Health related agencies</i>	6,428(66.2)	2,822(29.1)	7(0.1)	31(0.3)	354(3.6)	63(0.7)
Group: Local government agencies						
Albany, City of	0(0.0)	17(89.5)	1(5.3)	0(0.0)	1(5.3)	0(0.0)
Armadale, City of	1(5.9)	13(76.5)	0(0.0)	0(0.0)	1(5.9)	2(11.8)
Ashburton, Shire of	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Augusta-Margaret River, Shire of	2(25.0)	6(75.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Bassendean, Town of	0(0.0)	3(60.0)	0(0.0)	0(0.0)	0(0.0)	2(40.0)
Bayswater, City of	0(0.0)	14(87.5)	0(0.0)	0(0.0)	2(12.5)	0(0.0)
Belmont, City of	2(15.4)	11(84.6)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Boddington, Shire of	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)	0(0.0)
Broome, Shire of	5(83.3)	1(16.7)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Bunbury, City of	1(20.0)	2(40.0)	0(0.0)	0(0.0)	1(20.0)	1(20.0)
Busseton, Shire of	5(23.8)	12(57.1)	0(0.0)	0(0.0)	0(0.0)	4(19.0)
Cambridge, Town of	1(4.3)	11(47.8)	0(0.0)	0(0.0)	6(26.1)	5(21.7)
Canning, City of	8(42.1)	7(36.8)	0(0.0)	0(0.0)	3(15.8)	1(5.3)
Capel, Shire of	0(0.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
Carnarvon, Shire of	2(40.0)	1(20.0)	0(0.0)	0(0.0)	0(0.0)	2(40.0)
Chittering, Shire of	1(33.3)	1(33.3)	0(0.0)	0(0.0)	0(0.0)	1(33.3)
Claremont, Town of	1(16.7)	4(66.7)	0(0.0)	0(0.0)	0(0.0)	1(16.7)
Cockburn, City of	0(0.0)	26(96.3)	0(0.0)	0(0.0)	0(0.0)	1(3.7)
Collie, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Cottesloe, Town of	0(0.0)	8(88.9)	0(0.0)	0(0.0)	0(0.0)	1(11.1)
Cue, Shire of	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Dandaragan, Shire of	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Denmark, Shire of	0(0.0)	2(66.7)	0(0.0)	0(0.0)	1(33.3)	0(0.0)
Derby-West Kimberley, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Donnybrook-Balingup, Shire of	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Dumbleyung, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
East Fremantle, Town of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
East Pilbara, Shire of	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Esperance, Shire of	3(75.0)	1(25.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Exmouth, Shire of	1(33.3)	2(66.7)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Fremantle, City of	0(0.0)	16(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Gingin, Shire of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Gnowangerup, Shire of	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Gosnells, City of	0(0.0)	8(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Greater Geraldton, City of	4(57.1)	2(28.6)	0(0.0)	0(0.0)	1(14.3)	0(0.0)
Halls Creek, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Harvey, Shire of	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Irwin, Shire of	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Joondalup, City of	7(11.7)	47(78.3)	0(0.0)	0(0.0)	6(10.0)	0(0.0)
Kalamunda, City of	2(9.5)	17(81.0)	0(0.0)	0(0.0)	1(4.8)	1(4.8)
Kalgoorlie-Boulder, City of	1(11.1)	7(77.8)	0(0.0)	0(0.0)	1(11.1)	0(0.0)
Karratha, City of	0(0.0)	3(75.0)	0(0.0)	0(0.0)	0(0.0)	1(25.)
Katanning, Shire of	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Kwinana, City of	1(20.0)	4(80.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Lake Grace, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Laverton, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Mandurah, City of	1(33.3)	2(66.7)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Manjimup, Shire of	1(50.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Melville, City of	15(28.8)	30(57.7)	1(1.9)	0(0.0)	0(0.0)	6(11.5)
Mosman Park, Town of	0(0.0)	1(33.3)	0(0.0)	0(0.0)	1(33.3)	1(33.3)
Mundaring, Shire of	3(21.4)	11(78.6)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Murray, Shire of	0(0.0)	6(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Narrogin, Shire of	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Nedlands, City of	0(0.0)	11(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Northam, Shire of	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Perth, City of	2(5.3)	33(86.8)	0(0.0)	0(0.0)	3(7.9)	0(0.0)
Plantagenet, Shire of	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)	0(0.0)
Port Hedland, Town of	0(0.0)	4(66.7)	0(0.0)	0(0.0)	2(33.3)	0(0.0)
Rockingham, City of	3(11.1)	22(81.5)	0(0.0)	0(0.0)	2(7.4)	0(0.0)
Serpentine/Jarrahdale, Shire of	2(16.7)	9(75.0)	0(0.0)	0(0.0)	1(8.3)	0(0.0)
South Perth, City of	2(14.3)	9(64.3)	0(0.0)	0(0.0)	1(7.1)	2(14.3)
Stirling, City of	3(6.4)	41(87.2)	0(0.0)	0(0.0)	3(6.4)	0(0.0)
Subiaco, City of	0(0.0)	13(81.3)	0(0.0)	0(0.0)	0(0.0)	3(18.8)
Swan, City of	3(5.8)	41(78.8)	0(0.0)	0(0.0)	5(9.6)	3(5.8)
Toodyay, Shire of	3(21.4)	6(42.9)	0(0.0)	0(0.0)	5(35.7)	0(0.0)
Victoria Park, Town of	2(25.0)	5(62.5)	0(0.0)	0(0.0)	1(12.5)	0(0.0)
Vincent, City of	0(0.0)	6(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Wanneroo, City of	14(43.8)	8(25.0)	0(0.0)	0(0.0)	7(21.9)	3(9.4)
Waroon, Shire of	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Wiluna, Shire of	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(100.0)
Wyndham-East Kimberley, Shire of	0(0.0)	3(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
York, Shire of	0(0.0)	4(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
<i>Sub-total: Local government agencies</i>	119(15.8)	530(70.5)	2(0.3)	0(0.0)	57(7.6)	44(5.8)

AGENCY	ACCESS PROVIDED - No. (%)					
	In Full	Edited	Deferred	s.28	s.26	Refused
Group: Ministers						
Cook MLA, Hon R H	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Dawson MLC, Hon S N	0(0.0)	2(66.7)	0(0.0)	0(0.0)	1(33.3)	0(0.0)
Ellery MLC, Hon S M	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Johnston MLA, Hon W J	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Kelly MLA, Hon D J	0(0.0)	2(66.7)	0(0.0)	0(0.0)	0(0.0)	1(33.3)
Logan MLA, Hon F M	0(0.0)	2(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
MacTiernan MLC, Hon A	0(0.0)	9(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Papalia MLA, Hon P	0(0.0)	6(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Roberts MLA, Hon M H	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Saffioti MLA, Hon R	2(13.3)	12(80.0)	0(0.0)	0(0.0)	1(6.7)	0(0.0)
Templeman MLA, Hon D A	0(0.0)	2(66.7)	0(0.0)	0(0.0)	1(33.3)	0(0.0)
Tinley MLA, Hon P C	0(0.0)	1(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Wyatt MLA, Hon B S	0(0.0)	4(66.7)	0(0.0)	0(0.0)	0(0.0)	2(33.3)
<i>Sub-total: Ministers</i>	2(3.7)	46(85.2)	0(0.0)	0(0.0)	3(5.5)	3(5.5)
Group: Police						
Police, Western Australia	315(19.2)	628(38.3)	0(0.0)	4(0.2)	93(5.7)	602(39.8)
<i>Sub-total: Police</i>	315(19.2)	628(38.3)	0(0.0)	4(0.2)	93(5.7)	602(39.8)
Group: Universities						
Curtin University of Technology	0(0.0)	7(87.5)	0(0.0)	0(0.0)	0(0.0)	1(12.5)
Edith Cowan University	0(0.0)	11(100.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Murdoch University	0(0.0)	1(50.0)	0(0.0)	0(0.0)	0(0.0)	1(50.0)
University of Western Australia, The	7(41.2)	7(41.2)	0(0.0)	0(0.0)	0(0.0)	3(17.6)
<i>Sub-total: Universities</i>	7(18.4)	26(68.4)	0(0.0)	0(0.0)	0(0.0)	5(13.2)
TOTAL	7,869	6,548	30	36	1,389	925
Percentage	46.80%	39.00%	0.20%	0.20%	8.30%	5.50%
GRAND TOTAL	16,797					

Summary						
Boards, Committees, Commissions, Authorities, Corporations	229(28.2)	508(62.5)	0(0.0)	0(0.0)	62(7.6)	14(1.7)
Departments (except Police and Health agencies)	769(20.3)	1,988(52.4)	21(0.6)	1(0.0)	820(21.6)	194(5.1)
Health-related agencies	6,428(66.2)	2,822(29.1)	7(0.1)	31(0.3)	354(3.6)	63(0.7)
Local government agencies	119(15.8)	530(70.5)	2(0.3)	0(0.0)	57(7.6)	44(5.8)
Ministers	2(3.7)	46(85.2)	0(0.0)	0(0.0)	3(5.5)	3(5.5)
Police	315(19.2)	628(38.3)	0(0.0)	4(0.2)	93(5.7)	602(39.8)
Universities	7(18.4)	26(68.4)	0(0.0)	0(0.0)	0(0.0)	5(13.2)
TOTAL	7,869	6,548	30	36	1,389	925
Percentage	46.80%	39.00%	0.20%	0.20%	8.30%	5.50%
GRAND TOTAL	16,797					

Note: *This table reflects decisions made by agencies.
Those agencies which did not decide any applications in 2018/19 are not listed.*

Table 15: Number of times exemption clauses were used by agencies

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Group: Boards, Committees, Commissions, Authorities, Corporations																
Acacia Prison	0	0	152	0	0	5	0	0	0	0	0	0	0	0	0	0
Equal Opportunity Commission	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Forest Products Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Government Employees Superannuation Board	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0
Industrial Relations Commission, Western Australian	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Insurance Commission of Western Australia	0	0	107	1	0	1	12	13	0	0	0	0	0	0	0	0
Landgate	1	0	0	0	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	0	0
Legal Practice Board of Western Australia, The	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Legal Profession Complaints Committee	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Lotteries Commission	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Metropolitan Cemeteries Board	0	0	3	0	0	0	0	0	0	0	0	0	1	0	0	0
Metropolitan Redevelopment Authority	0	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0
Peel Development Commission	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Pilbara Ports Authority	0	0	6	4	0	0	0	0	6	0	4	0	0	0	0	0
Public Advocate, Office of the	0	0	5	0	0	0	0	0	5	0	0	0	0	0	0	0
Public Sector Commission	2	0	3	0	0	0	1	3	0	0	0	0	0	0	0	0
Public Transport Authority	1	0	15	5	0	1	0	1	1	0	0	0	1	0	0	0
Public Trustee Office	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Racing and Wagering Western Australia	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
South West Development Commission	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Southern Ports Authority	0	0	8	0	0	27	0	0	0	0	0	0	0	0	0	0
Synergy	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Water Corporation	0	0	19	1	0	0	1	2	0	0	0	0	0	0	0	0
Western Power	0	0	41	0	0	1	0	4	2	0	0	1	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
WorkCover Western Australia Authority	0	0	10	0	0	0	3	0	0	0	0	0	0	0	0	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	4	0	393	13	0	35	19	24	14	0	4	1	2	0	1	0
Group: Departments, (except Police and Health agencies)																
Biodiversity, Conservation and Attractions, Department of	1	0	9	1	0	2	1	3	0	0	0	0	1	0	0	0
Communities, Department of	0	0	403	2	0	17	8	4	27	0	0	1	6	2	104	0
Education, Department of	0	1	10	5	0	1	0	1	1	0	0	0	0	0	0	0
Finance, Department of	1	0	3	2	0	3	3	4	0	0	0	0	0	0	0	0
Fire and Emergency Services, Department of	1	0	208	0	0	0	0	2	0	0	1	0	0	0	0	0
Jobs, Tourism, Science and Innovation, Department of	0	0	5	8	0	0	2	1	0	0	3	0	0	0	0	0
Justice, Department of	3	0	169	1	0	11	0	1	0	0	0	22	0	0	0	0
Local Government, Sports and Cultural Industries, Department of	1	0	13	4	0	2	0	2	0	0	0	0	1	0	0	0
Main Roads Western Australia	0	0	19	2	0	0	0	0	3	0	0	0	1	0	0	0
Mines, Industry Relations and Safety, Department of	2	0	342	74	0	26	3	23	19	0	0	0	2	0	0	0
Planning, Lands and Heritage, Department of	4	0	34	5	0	1	4	8	2	0	0	0	5	0	0	0
Premier and Cabinet, Department of the	14	2	29	4	0	1	0	7	1	0	1	0	10	0	0	0
Primary Industries and Regional Development, Department of	1	0	26	6	0	1	1	5	0	0	0	0	3	0	0	0
Training and Workforce Development, Department of	0	0	2	1	0	0	1	1	0	0	0	0	0	0	0	0
Transport, Department of	2	0	156	2	0	3	0	1	14	0	1	2	1	0	0	0
Treasury, Department of	3	1	0	0	0	0	1	1	0	0	0	0	10	0	0	0
Water and Environment Regulation, Department of	3	0	14	6	0	2	1	1	11	0	0	0	1	0	0	0
<i>Sub-total: Departments (Except Police & Health agencies)</i>	36	4	1442	123	0	70	25	65	78	0	6	25	41	2	104	0
Group: Health related agencies																
C&AHS - Princess Margaret Hospital for Children	0	0	157	0	0	0	0	0	1	0	0	0	0	0	0	0
EMHS - Armadale Kalamunda Group	0	0	262	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Bentley Health Service	0	0	220	0	0	2	0	0	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
EMHS - Corporate Office	0	0	5	0	0	0	1	0	0	0	0	0	0	0	0	0
EMHS - Royal Perth Hospital	0	0	32	0	0	3	1	0	0	0	0	0	0	0	0	0
Health, Department of	3	1	27	3	0	3	2	5	1	0	0	0	1	0	0	0
Mental Health Commission	4	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - Corporate Office	0	0	9	6	0	2	0	0	2	0	0	0	0	0	0	0
NMHS - Mental Health	0	0	25	0	0	4	0	0	3	0	0	0	0	0	0	0
NMHS - Osborne Park Hospital	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - PathWest Laboratory Medicine Western Australia	0	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0
NMHS - Sir Charles Gairdner Hospital	0	0	26	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - Women and Newborn Health Service	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
SMHS - Fiona Stanley Fremantle Hospitals Group	0	0	32	0	0	2	0	0	1	0	0	0	0	0	0	0
SMHS - Rockingham Peel Group	0	0	159	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Goldfields	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Great Southern	0	0	273	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Midwest	0	0	573	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Pilbara	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - South West	0	0	44	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Wheatbelt	0	0	528	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-total: Health related agencies	7	1	2387	10	0	16	4	5	9	0	0	0	1	0	0	0
Group: Local government agencies																
Albany, City of	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Armadale, City of	0	0	14	0	0	0	1	2	0	0	0	0	0	0	0	0
Ashburton, Shire of	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	5	1	0	1	0	0	0	0	0	0	0	0	0	0
Bassendean, Town of	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Bayswater, City of	0	0	13	0	0	0	0	1	0	0	0	0	0	0	0	0
Belmont, City of	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Broome, Shire of	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Bunbury, City of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Busselton, Shire of	0	0	14	3	0	4	0	0	0	0	0	0	0	0	0	0
Cambridge, Town of	0	0	15	2	0	1	6	7	6	0	0	0	0	0	0	0
Canning, City of	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Capel, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Carnarvon, Shire of	0	0	3	1	0	0	0	0	1	0	0	0	0	0	0	0
Chittering, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	4	2	0	0	0	1	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
Collie, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Cottesloe, Town of	0	0	9	0	0	0	2	0	0	0	0	0	0	0	0	0
Cue, Shire of	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Dumbleyung, Shire of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
East Fremantle, Town of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Esperance, Shire of	0	0	1	1	0	0	0	0	0	0	1	0	0	0	0	0
Fremantle, City of	0	0	16	0	0	0	0	2	0	0	0	0	0	0	0	0
Gingin, Shire of	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0
Gnowangerup, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Gosnells, City of	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Greater Geraldton, City of	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Joondalup, City of	0	0	47	0	0	12	0	3	0	0	0	0	0	0	0	0
Kalamunda, City of	0	0	20	2	0	2	0	2	0	0	0	0	0	0	0	0
Kalgoorlie-Boulder, City of	0	0	6	0	0	0	0	1	0	0	0	0	0	0	0	0
Karratha, City of	0	0	4	0	0	0	0	1	0	0	0	0	0	0	0	0
Kwinana, City of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Lake Grace, Shire of	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Laverton, Shire of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Mandurah, City of	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Manjimup, Shire of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Melville, City of	0	0	17	0	0	0	0	0	1	0	0	0	0	0	0	0
Mosman Park, Town of	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Mundaring, Shire of	0	0	11	0	0	2	0	1	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	11	2	0	0	0	0	0	0	0	0	0	0	0	0
Northam, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Perth, City of	0	0	33	2	0	0	2	3	0	0	0	0	0	0	0	0
Port Hedland, Town of	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Rockingham, City of	0	0	20	2	0	2	0	1	0	0	0	0	0	0	1	0
Serpentine/Jarrahdale, Shire of	0	0	9	0	0	1	0	1	0	0	0	0	0	0	0	0
South Perth, City of	0	0	10	4	0	1	0	1	1	0	0	0	0	0	1	0
Stirling, City of	0	0	41	2	0	2	0	5	0	0	0	0	0	0	0	0
Subiaco, City of	0	0	13	0	0	0	1	3	0	0	0	1	0	0	0	0
Swan, City of	0	0	41	4	0	2	1	3	1	0	0	0	0	0	0	0
Toodyay, Shire of	0	0	6	0	0	1	6	2	3	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Vincent, City of	0	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	18	1	0	0	0	1	0	0	0	0	0	0	0	0
Wiluna, Shire of	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Wyndham-East Kimberley, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
York, Shire of	0	0	5	3	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sub-total: Local government agencies</i>	0	0	488	43	0	32	20	44	16	0	1	2	0	0	2	0
Group: Ministers																
Cook MLA, Hon R H	1	0	1	0	0	0	0	1	0	0	1	0	1	0	0	0
Dawson MLC, Hon S N	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0

AGENCY	EXEMPTION CLAUSE (Schedule 1 of the FOI Act)															
	1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15
Ellery MLC, Hon S M	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Johnston MLA, Hon W J	0	0	2	0	0	0	1	0	1	0	0	0	1	0	0	0
Kelly MLA, Hon D J	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Logan MLA, Hon F M	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
MacTiernan MLC, Hon A	4	0	8	2	0	0	0	5	1	0	2	0	4	0	0	0
Papalia MLA, Hon P	1	0	6	2	0	0	0	1	1	0	2	0	3	0	0	0
Roberts MLA, Hon M H	1	0	1	0	0	0	0	1	0	0	0	0	1	0	0	0
Saffioti MLA, Hon R	5	1	11	2	0	0	0	4	2	0	0	0	9	0	0	0
Templeman MLA, Hon D A	0	0	2	0	0	1	0	0	1	0	0	0	1	0	0	0
Tinley MLA, Hon P C	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Wyatt MLA, Hon B S	10	0	10	0	0	0	0	2	1	0	1	0	4	0	0	0
<i>Sub-total: Ministers</i>	23	1	49	7	0	1	1	15	7	0	6	0	24	0	0	0
Group: Police																
Police, Western Australia	2	3	630	1	0	29	4	1	0	0	0	1	27	0	5	0
<i>Sub-total: Police</i>	2	3	630	1	0	29	4	1	0	0	0	1	27	0	5	0
Group: Universities																
Curtin University of Technology	0	0	7	0	0	0	0	2	0	0	0	0	0	0	0	0
Edith Cowan University	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Murdoch University	0	0	1	1	0	0	2	0	1	0	0	1	0	0	0	0
University of Western Australia, The	0	0	8	1	0	0	2	1	2	0	0	1	0	0	0	0
<i>Sub-total: Universities</i>	0	0	27	2	0	0	4	3	3	0	0	2	0	0	0	0
TOTAL	72	9	5416	199	0	183	77	157	127	0	17	31	95	2	112	0

Note: Agencies which did not cite exemptions are omitted.

Table 16: Outcome of requests for internal review

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Boards, Committees, Commissions, Authorities, Corporations					
Bunbury Water Board (Aqwest)	1	0	0	0	1
Forest Products Commission	1	1	0	0	0
Insurance Commission of Western Australia	2	1	1	0	0
Legal Aid Western Australia	0	4	0	0	0
Legal Profession Complaints Committee	1	1	0	0	0
Metropolitan Redevelopment Authority	2	1	1	0	0
Pilbara Ports Authority	3	3	0	0	0
Public Advocate, Office of the	3	1	2	0	0
Public Sector Commission	1	1	0	0	0
Public Transport Authority	2	2	0	0	0
State Administrative Tribunal	1	1	0	0	0
Water Corporation	8	8	0	0	0
Western Power	1	1	0	0	0
WorkCover Western Australia Authority	1	1	0	0	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	27	26	4	0	1
Group: Departments (except Police and Health agencies)					
Biodiversity, Conservation and Attractions, Department of	3	1	1	1	0
Communities, Department of	16	9	5	0	1
Education, Department of	5	2	3	0	0
Finance, Department of	3	0	3	0	0
Fire and Emergency Services, Department of	1	1	0	0	0
Jobs, Tourism, Science and Innovation, Department of	2	2	0	0	0
Justice, Department of	23	5	12	0	0
Main Roads Western Australia	3	1	2	0	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Mines, Industry Regulations and Safety, Department of	23	15	4	2	1
Planning, Lands and Heritage, Department of	6	1	4	1	0
Premier and Cabinet, Department of the	14	12	2	0	0
Primary Industries and Regional Development, Department of	4	1	1	1	1
Local Government, Sport and Cultural Industries, Department of	6	5	1	0	0
South Metropolitan TAFE	1	0	1	0	0
Transport, Department of	10	10	0	0	0
Water, Department of	6	3	2	0	1
<i>Sub-total: Departments (except Police and Health agencies)</i>	126	68	41	5	4
Group: Health related agencies					
C&AHS - Princess Margaret Hospital for Children	2	2	0	0	0
EMHS - Armadale Kalamunda Group	1	1	0	0	1
EMHS - Bentley Health Service	2	2	0	0	0
EMHS - Corporate Office	2	1	1	0	0
EMHS - Royal Perth Hospital	5	4	1	0	0
Health, Department of	8	5	3	0	0
NMHS - Corporate Office	5	2	2	0	1
NMHS - Mental Health	2	1	1	0	0
NMHS - Sir Charles Gairdner Hospital	1	1	0	0	0
SMHS - Fiona Stanley Fremantle Hospitals Group	4	1	3	0	0
SMHS - Rockingham Peel Group	1	0	0	0	0
WACHS - Goldfields	2	1	1	0	0
WACHS - South West	1	1	0	0	0
WACHS - Wheatbelt	1	0	0	0	0
<i>Sub-total: Health related agencies</i>	37	22	12	0	3

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Local government agencies					
Albany, City of	1	1	0	0	0
Armadale, City of	1	1	0	0	0
Broome, Shire of	1	1	0	0	0
Bunbury, City of	1	1	0	0	0
Busselton, Shire of	3	3	0	0	0
Cambridge, Town of	5	3	2	0	0
Canning, City of	3	2	1	0	0
Capel, Shire of	1	1	0	0	0
Claremont, Town of	1	1	0	0	0
Cockburn, City of	1	0	1	0	0
Cottesloe, Town of	2	1	0	0	0
East Fremantle, Town of	0	3	0	0	0
Fremantle, City of	3	2	0	0	0
Gosnells, City of	1	0	1	0	0
Joondalup, City of	4	2	2	0	0
Kalamunda, City of	3	1	2	0	0
Karratha, City of	1	0	1	0	0
Kwinana, City of	1	0	0	1	0
Melville, City of	8	7	1	0	0
Mosman Park, Town of	1	1	0	0	0
Mundaring, Shire of	1	1	0	0	0
Nedlands, City of	1	1	0	0	0
Perth, City of	1	1	0	0	0
Rockingham, City of	1	1	0	0	0
Serpentine/Jarrahdale, Shire of	2	1	0	0	1

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
South Perth, City of	2	2	0	0	0
Stirling, City of	1	0	0	1	0
Subiaco, City of	4	4	0	0	0
Swan, City of	2	1	0	1	0
Toodyay, Shire of	1	1	0	0	0
Vincent, City of	1	1	0	0	0
Wanneroo, City of	2	2	0	0	0
Wyndham-East Kimberley, Shire of	1	1	0	0	0
York, Shire of	5	2	2	1	0
<i>Sub-total: Local government agencies</i>	67	50	13	4	1
Group: Police					
Police, Western Australia	46	35	5	3	3
<i>Sub-total: Police</i>	46	35	5	3	3
Group: Universities					
Murdoch University	2	2	0	0	0
University of Western Australia, The	2	0	2	0	0
<i>Sub-total: Universities</i>	4	2	2	0	0
TOTAL	307	203	77	12	12

Table 17: Requests for amendment of personal information

AGENCY	Applications	Amended	Not Amended	Amended (not as requested)	Withdrawn
Education, Department of	2	0	2	0	0
EMHS - Armadale Kalamunda Group	1	0	0	0	0
EMHS - Royal Perth Hospital	1	0	1	0	0
Justice, Department of	3	0	2	1	0
Lake Grace, Shire of	1	1	0	0	0
Melaleuca Remand and Reintegration Facility	1	1	0	0	0
Metropolitan Redevelopment Authority	1	0	0	1	0
NMHS - Mental Health	1	0	0	0	0
NMHS - Sir Charles Gairdner Hospital	2	2	0	0	0
Police, Western Australia	3	0	2	1	0
SMHS - Rockingham Peel Group	2	1	1	0	0
WACHS - Goldfields	1	1	0	0	0
WACHS - South West	1	0	1	0	0
TOTAL	20	6	9	3	0

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

Table 18: Internal review re: amendment of personal information

AGENCY	Applications	Confirmed	Varied	Reversed	Withdrawn
Police, Western Australia	1	1	0	0	0
Metropolitan Redevelopment Authority	2	1	1	0	0
Education, Department of	1	1	0	0	0
TOTAL	4	3	1	0	0

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

Table 19: Fees and charges calculated by agencies

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Group: Boards, Committees, Commissions, Authorities, Corporations			
Acacia Prison	30	0	0
Bunbury Water Board (Aqwest)	30	0	0
Chemistry Centre Western Australia	30	0	0
Construction Industry Long Service Leave Payments Board	30	0	0
Economic Regulation Authority	30	0	0
Forest Products Commission	120	120	450
Government Employees Superannuation Board	30	0	0
Insurance Commission of Western Australia	3,750	0	0
Kimberley Ports Authority	0	0	1
Land Authority (LandCorp), Western Australian	30	0	0
Landgate	330	0	0
Legal Practice Board of Western Australia, The	30	0	0
Legal Profession Complaints Committee	60	0	0
Lotteries Commission	90	0	0
Melaleuca Remand and Reintegration Facility	0	0	60
Metropolitan Cemeteries Board	150	0	0
Metropolitan Redevelopment Authority	120	360	1
Peel Development Commission	180	0	0
Pilbara Ports Authority	180	0	0
Public Sector Commission	300	0	0
Public Transport Authority	1,020	0	0
Public Trustee Office	30	0	0
Racing and Wagering Western Australia	120	0	0
South West Development Commission	30	0	0
Sports Centre Trust (VenuesWest), Western Australian	30	0	0
State Administrative Tribunal	90	0	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Synergy	60	0	0
Water Corporation	1,170	120	0
Western Power	1,440	862	0
WorkCover Western Australia	3,180	0	0
<i>Sub-total: Boards, Committees, Commissions, Authorities, Corporations</i>	12,717	1,462	512
Group: Departments (except Police and Health agencies)			
Biodiversity, Conservation and Attractions, Department of	1380	0	0
Communities, Department of	6,900	1,867	0
Education, Department of	1,140	0	30
Finance, Department of	1,080	0	0
Fire and Emergency Services, Department of	6,570	112	5,859
Jobs, Tourism, Science and Innovation, Department of	300	0	0
Justice, Department of	1,770	127	94
Main Roads Western Australia	780	0	120
Mines, Industry Regulation and Safety, Department of	30,090	6,185	7,257
Planning, Lands and Heritage, Department of	4,770	0	22
Premier and Cabinet, Department of the	1,980	0	0
Primary Industries and Regional Development, Department of	2,520	0	0
Local Government , Sport and Cultural Industries, Department of	930	0	0
Training and Workforce Development, Department of	90	0	0
Transport, Department of	6,270	0	0
Treasury, Department of	210	0	0
Water, Department of	8,160	0	0
<i>Sub-total: Departments (except Police and Health agencies)</i>	73,260	8,291	13,382
Group: Health related agencies			
C&AHS - Princess Margaret Hospital for Children	360	0	0
Chief Psychiatrist, Office of the	60	410	0
EMHS - Armadale Kalamunda Group	990	600	0
EMHS - Bentley Health Service	390	0	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
EMHS - Corporate Office	390	0	0
EMHS - Royal Perth Hospital	9,240	0	0
Health, Department of	2,010	0	0
Mental Health Commission	120	0	0
NMHS - Corporate Office	360	0	0
NMHS - Mental Health	660	0	30
NMHS - PathWest Laboratory Medicine Western Australia	30	0	0
NMHS - Sir Charles Gairdner Hospital	5,460	0	0
NMHS - Women and Newborn Health Service	0	30	0
SMHS - Corporate Office	30	0	0
SMHS - Fiona Stanley Fremantle Hospitals Group	9,270	0	0
SMHS - Rockingham Peel Group	1,440	1,377	0
WACHS - Central Office	120	0	0
WACHS - Great Southern	240	0	0
WACHS - Kimberley	930	0	0
WACHS - Midwest	150	0	0
WACHS - Pilbara	1,920	0	0
WACHS - South West	2,010	0	0
<i>Sub-total: Health related agencies</i>	37,860	3,567	1,590
Group: Local government agencies			
Albany, City of	570	60	0
Armadale, City of	450	411	102
Ashburton, Shire of	120	46	0
Augusta-Margaret River, Shire of	240	0	0
Bassendean, Town of	120	288	0
Bayswater, City of	480	0	0
Belmont, City of	450	474	0
Boddington, Shire of	30	0	0
Boyup Brook, Shire of	30	0	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Broome, Shire of	120	0	0
Bunbury, City of	210	0	0
Busselton, Shire of	0	1443	443
Cambridge, Town of	780	0	0
Canning, City of	570	630	0
Capel, Shire of	60	0	0
Carnarvon, Shire of	150	0	30
Chittering, Shire of	60	123	0
Claremont, Town of	180	0	0
Cockburn, City of	840	1147	120
Collie, Shire of	30	30	0
Cottesloe, Town of	270	1920	1920
Cue, Shire of	30	0	0
Dandaragan, Shire of	60	372	0
Denmark, Shire of	60	570	0
Derby-West Kimberley, Shire of	120	0	0
Donnybrook-Balingup, Shire of	90	0	0
Dumbleyung, Shire of	30	129	0
East Fremantle, Town of	120	210	0
East Pilbara, Shire of	30	0	2
Esperance, Shire of	90	0	0
Exmouth, Shire of	90	439	0
Fremantle, City of	450	0	172
Gingin, Shire of	120	720	0
Gnowangerup, Shire of	60	120	60
Gosnells, City of	270	0	0
Greater Geraldton, City of	240	327	0
Halls Creek, Shire of	180	180	0
Harvey, Shire of	120	0	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Irwin, Shire of	150	180	0
Joondalup, City of	1,920	0	0
Kalamunda, City of	510	565	850
Kalgoorlie-Boulder, City of	330	0	8
Karratha, City of	150	1155	810
Katanning, Shire of	30	61	0
Kwinana, City of	150	0	0
Lake Grace, Shire of	30	427	0
Laverton, Shire of	30	0	0
Mandurah, City of	90	0	0
Manjimup, Shire of	60	0	0
Melville, City of	1,890	190	0
Mosman Park, Town of	90	82	0
Mundaring, Shire of	420	0	0
Murray, Shire of	210	0	0
Narrogin, Shire of	60	2100	0
Nedlands, City of	360	210	53
Northam, Shire of	30	0	0
Perth, City of	1,080	2336	5
Plantagenet, Shire of	30	0	0
Port Hedland, Town of	180	0	0
Rockingham, City of	990	2108	90
Serpentine/Jarrahdale, Shire of	450	585	15
South Perth, City of	450	930	0
Stirling, City of	1,440	1015	65
Subiaco, City of	270	630	98
Swan, City of	1,560	507	0
Toodyay, Shire of	360	0	0
Victoria Park, Town of	210	0	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Vincent, City of	210	402	0
Wanneroo, City of	1,050	0	0
Warroona, Shire of	0	63	0
Wyndham-East Kimberley, Shire of	90	312	0
York, Shire of	90	82	27
<i>Sub-total: Local government agencies)</i>	23,670	23,579	2,158
Group: Ministers			
Cook MLA, Hon R H	30	0	0
Dawson MLC, Hon S N	270	0	0
Ellery MLC, Hon S M	60	0	0
Johnston MLA, Hon W J	90	0	0
Kelly MLA, Hon D J	240	0	0
Logan MLA, Hon F M	30	0	0
MacTiernan MLC, Hon A	300	0	0
Papalia MLA, Hon P	120	0	0
Roberts MLA, Hon M H	30	0	0
Saffioti MLA, Hon R	330	0	0
Templeman MLA, Hon D A	90	0	0
Tinley MLA, Hon P C	30	0	0
Wyatt MLA, Hon B S	90	0	0
<i>Sub-total: Ministers</i>	1,710	0	0
Group: Police			
Police, Western Australia	39,840	242	0
<i>Sub-total: Police</i>	39,840	242	0

AGENCY	Application Fees Collected (\$)	AMOUNT OF CHARGES (\$)	
		Collected	Reduced or Waived
Group: Universities			
Curtin University of Technology	240	0	0
Edith Cowan University	90	90	0
Murdoch University	60	0	0
University of Western Australia, The	480	0	0
Sub-total: Universities	870	90	0
TOTAL	\$189,120	\$327,231	\$20,922

Table 20: Reasons for reduction of charges

REASONS FOR REDUCTION	No.	%
Impecunious	48	15.09
Pensioner	11	3.46
Other	259	81.45
Total	318	100.00