



Freedom of Information Newsletter

Number 7 – May 2016

Law Week 2016 – FOI Information Session for the Public – Thursday 19 May 2016 at 12:15pm

As part of Law Week 2016, this office will hold an Information Session for members of the public entitled '**FOI – Ever wanted to access government documents in WA?**' The session will include information about how the FOI Act works in practice, the types of documents a person can expect to access and some tips for making an FOI application. For more information go to: [http://www.foi.wa.gov.au/Materials/ForThePublic/Law Week Seminar for the public.pdf](http://www.foi.wa.gov.au/Materials/ForThePublic/LawWeekSeminarforthePublic.pdf). Everybody is welcome. Please share information about the session with people you think might like to learn more about FOI.

More information about Law Week events is available at:

<http://www.lawsocietywa.asn.au/community/law-week/>.

World of FOI – UNESCO World Press Freedom Day on 3 May 2016

On 3 May 2016, the United Nations Educational, Scientific and Cultural Association celebrated World Press Freedom Day. The Director-General of UNESCO, Irina Bokova, in her message for the Day stated:

At this time of turbulence and change across the world, including new challenges that require global cooperation and action, the need for quality information has never been so important – this requires a strong environment of press freedom and well-functioning systems to ensure the people's right to know.

More information is available at: <http://en.unesco.org/world-press-freedom-day-2016>.

Did you know? – FOI applications are exempt from GST

GST does not apply to the fees and charges imposed for dealing with an access application made under the FOI Act. The authority for not charging GST is the Commonwealth Determination, [A New Tax System \(Goods and Services Tax\) \(Exempt Taxes, Fees and Charges\) Determination 2011 \(No. 1\)](#). It provides that fees and charges imposed under the FOI Act are exempt from GST – see Volume 6 Part 5, Item 1.1.

Agency news – Information Commissioner visits the Pilbara

In April the Information Commissioner visited Port Hedland and Karratha as part of his activities to ensure agencies are aware of their responsibilities under the FOI Act. Training and information sessions were held at the Town of Port Hedland, City of Karratha, Hedland Health Campus and Nickol Bay Hospital. Department of Health remote video conferencing equipment was used to connect to more remote hospital locations. Visiting the regions provides a unique insight to some of the issues faced by

officers working in locations other than Perth and provides the opportunity for regional government officers to receive face-to-face FOI training. This office also uses various options, including videoconferencing and other technologies, to offer training remotely.

Recent decisions of the Information Commissioner

Re Kimberley Community Legal Services Inc and Department of Aboriginal Affairs [2016] WAICmr 6 (PDF)

The complainant claimed that the agency had not identified all documents within the scope of its access application, which was for documents relating to or arising from a report by the Stolen Wages Taskforce. The Commissioner found that the agency's decision to, in effect, refuse access to further documents under section 26 of the FOI Act, on the basis that they either cannot be found or do not exist, was justified. Although the complainant contended, among other things, that the agency should contact former Taskforce staff to inquire about possible locations of further documents within the agency's records, the Commissioner was of the view that this would not be a reasonable step in the circumstances. The Commissioner was satisfied that the agency had taken all reasonable steps to find the requested documents and that further documents cannot be found or do not exist.

The agency's decision was confirmed.

FOI training news

Upcoming training dates for agencies can be found [<HERE>](#). If a session is listed as full, please register for the waitlist. This will give us the opportunity to contact you if there are cancellations or, if there is considerable demand, to schedule another training session.

The **FOI Coordinators Workshop** introduces participants to the objects and principles of the FOI Act and the major features of the legislation. Topics include the role of decision-makers; FOI applications; exemptions; consultation with third parties; charges; notices of decision and review; amendment of records; publication of information; and statistics and reporting.

The **Decision Writing Workshop** is designed to enhance decision-makers' skills and confidence in writing a notice of decision that complies with the *Freedom of Information Act 1992* (WA). Participants will be expected to already have a basic understanding of the requirements of the FOI Act.

Subscription and feedback

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