
Subject: FW: PRIVILEGED AND CONFIDENTIAL: Standing Committee on Public Administration

Attachments:

From:

Sent: Friday, 25 May 2018 3:49 PM

To: Liveris, Margaret

Cc:

Subject: RE: PRIVILEGED AND CONFIDENTIAL: Standing Committee on Public Administration

In addition, below are the responses to the seven Questions taken on Notice.

1(a) How many decisions were published in 2015/16?

21

1(b) What is the conciliation rate for 2017/18 as of 30 April 2018?

78%

2(a) What action has the office taken to seek those legislative amendments?

On 7 December 2012, following the decision in *Re Pisano and Health Solutions (WA) Pty Ltd trading as Peel Health Campus* [2012] WAICmr 24, the former Information Commissioner wrote to the then Director General of the Department of Health, with a copy sent to the then Attorney General, highlighting the gap in the application of the FOI Act where public patient facilities are operated by the private sector.

On 12 December 2012, the former Information Commissioner wrote to the Public Sector Commissioner about this issue, following the announcement by the then Premier of a special inquiry pursuant to section 24H(2) and (3) of the *Public Sector Management Act 1994* to examine all aspects of the delivery of public health services at the Peel Health Campus by Health Solutions Pty Ltd.

On 29 June 2016, the former Information Commissioner gave evidence to the Standing Committee on Public Administration to the effect that the definition of 'agency' under the FOI Act should be amended to include all operators of public health services.

The Information Commissioner includes in the annual report any recommendations as to legislative changes that could be made to help the objects of the FOI Act to be achieved. As the Chair noted, at page 28 of the 2016/17 Annual Report the former Information Commissioner recommended legislative change to close the gap where private operators provide publicly funded health services and stated that one mechanism to do so would be to amend the definitions of 'contractor' and 'subcontractor' under the FOI Act to include such operators.

2(b) What has been the response to date?

In May 2013 the Attorney General informed the former Information Commissioner that he had forwarded the letter of 7 December 2012 to the Director General of the Department of Health to seek his views.

3. Can you provide any specific outcomes from the Association of Information and Access Commissioners meetings of November 2016, March 2017 and April 2018?

In addition to comprehensive reports from each Information and Access Commissioner in Australia and New Zealand on current caseloads, issues and any new developments, specific outcomes from the following meetings include:

November 2016:

- The members agreed to develop common statistical metrics across jurisdictions. The metrics have since been published as part of the Open Government National Action Plan.
- The members agreed to issue a joint media statement and to use a logo to mark the 250th anniversary of the world's first FOI legislation.

March 2017:

- The members agreed to provide jurisdictional updates to the Australian Information Commissioner to represent at the International Information Commissioner's Conference in Manchester (September 2017).
- The members resolved to collate collective experiences relating to community engagement activities.

April 2018

- The members agreed to create a working group to consider the optimal features of FOI legislation.
- The members agreed to consider undertaking a survey to assess and measure community attitudes towards the right to access information; applications to access information, the agencies to whom those applications were made, and the outcomes of those applications.

4. How many participants returned a post review questionnaire?

129

5(a) For each of last five financial years, how many out of time applications were permitted to proceed?

Nil

Application for External Review after the 60-day period expired
(Section 66(4) of the FOI Act)

	Refused	Withdrawn	Allowed	Total
2016/17	6	0	0	6
2015/16	10	0	0	10
2014/15	5	0	0	5
2013/14	4	0	0	4
2012/13	2	1	0	3

5(b) For each of last five financial years, how many external review applications were made without an internal review being completed?

Application for External Review without Internal Review
Section 66(6) of the FOI Act

	Refused	Withdrawn	Allowed	Total
2016/17	9	0	0	9
2015/16	9	2	0	11
2014/15	6	1	0	7
2013/14	5	0	1	6
2012/13	5	1	0	6

6. How many complaints received in 2016/17 related to a complaint against a decision by the police internal investigations unit?

Nil

7. How many complaints received in 2016/17 were from WorkSafe?

Nil

Please don't hesitate to contact me if you require any further information.

Regards

Executive Officer
Office of the Information Commissioner

P:

F:

E:

Albert Facey House 469 Wellington Street PERTH WA 6000

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