Office of the
Information Commissioner

Freedom of information for Western Australia

ANNUAL REPORT 2019/2020

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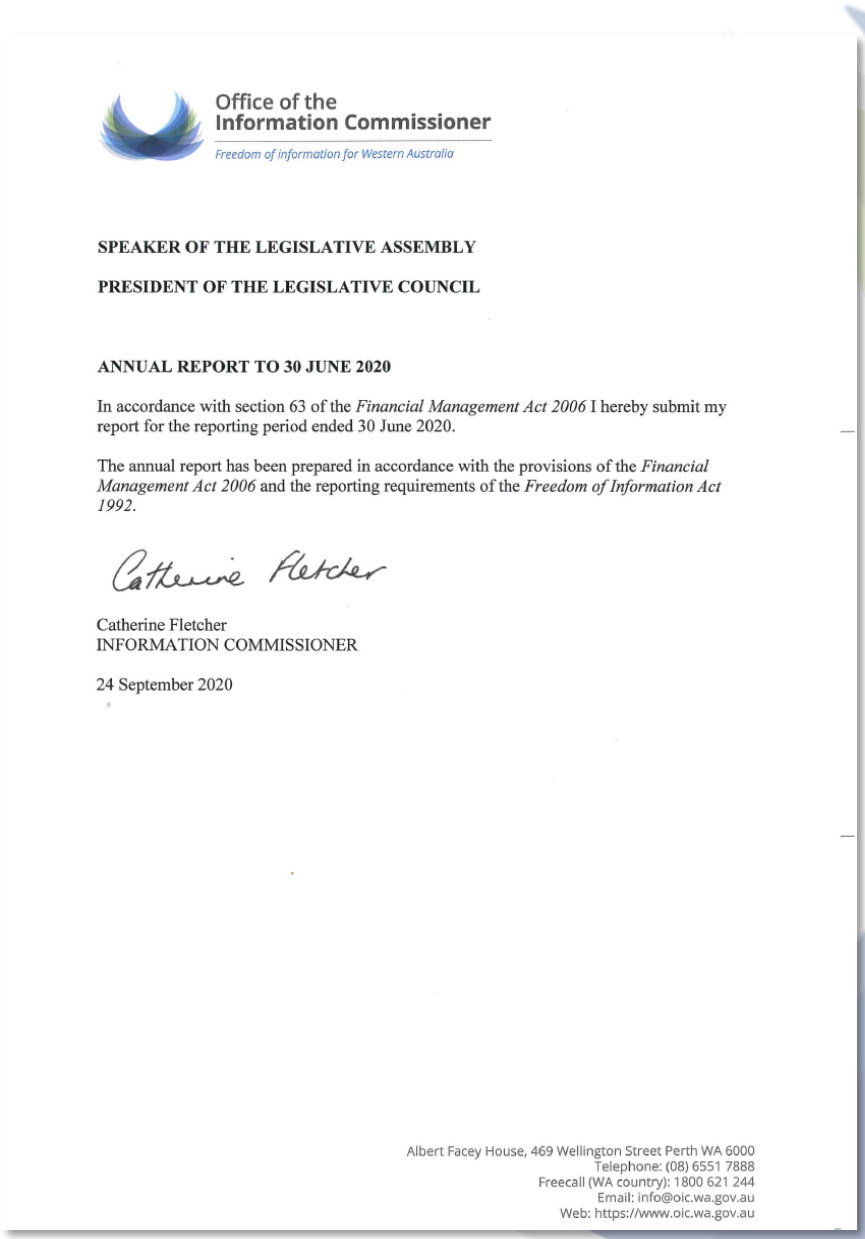
This annual report and previous annual reports are available on the OIC website and are available in other formats on request.

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 2020

In accordance with section 63 of the *Financial Management Act 2006* I hereby submit my report for the reporting period ended 30 June 2020.

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*.

Catherine Fletcher
INFORMATION COMMISSIONER

24 September 2020

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About this report

Welcome to the Office of the Information Commissioner's 2019/2020 annual report.

The aim of this annual report is to give a comprehensive overview of our performance during the year, provide insight into the goals and operations of our office and the operation of the *Freedom of Information Act 1992* (WA) (**the FOI Act**) in Western Australia. 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 FOI 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

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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 FOI Act gives everyone a legally enforceable right to government documents 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 government-held personal information from disclosure under the FOI Act and also provides a means to ensure any such personal information 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 applications 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 access to 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.

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

I am pleased to present my annual report to Parliament and the community on the operation of the FOI Act and my office's operations for the 2019/2020 reporting period.

The FOI Act is a significant plank in the suite of accountability mechanisms that promote transparency, probity and good governance in State and local government. At the same time, the FOI Act supports the work of government by providing protection for certain types of information which the Parliament has decided ought to be protected.

With the advent of COVID-19 in the early part of 2020, there have been many new challenges across the whole community and especially in the public sector. It has been encouraging to see governments across Australia provide to the community frequent and detailed information, which appears to draw upon medical and other scientific expertise. The importance of access to information for transparency and trust, particularly in times of crisis, cannot be overstated. To this end I joined with other Information and Access Commissioners in supporting statements made by the International Conference of Information Commissioners, regarding the importance of keeping records, and providing access to those records, during COVID-19.

To assist agencies and members of the public to deal with challenges relating to FOI and access to information arising during COVID-19, my office produced two publications: '*COVID-19 Managing FOI timeframes and potential office closures*' and '*Applying for documents during the COVID-19 pandemic'*.

This year has seen a 4.5% decline in access applications made to all agencies in comparison to the previous year. This is perhaps not surprising given that last year the number of access applications made to all agencies increased by 11.5%. The decrease is almost entirely attributed to a decrease in applications made to State Government Departments (excluding Health and Police). I am pleased to see the continuing trend of a high proportion of access applicants receiving access in some form (85.2%).

The COVID-19 pandemic has impacted on my office's operations this year by limiting our ability to operate at full capacity for an extended period. However, it also accelerated the modernisation and modification of a number of our key work processes which are expected to provide future efficiencies.

There has been a significant and sustained increase in external reviews received by my office over the past three years. We have also reported an increase in the number of external reviews on hand at the end of the reporting period compared to last year. Our conciliation rate has also decreased. Initiatives continue to be identified and implemented in an effort to deal with this increased workload, such as the Early Intervention Program that was piloted this

year. Two new appointments to our external review team that had been delayed due to COVID-19 were also made in July this year to assist with our workload.

My office has also experienced increased demand for its advice and awareness services from agencies and members of the public seeking advice about rights and processes under the FOI Act. Significantly, there was a 36% increase in enquiries compared to the previous reporting period. Responding to requests for advice, together with preparing new, and updating existing, written resources for agencies and members of the public, and providing training and briefing sessions about FOI, is particularly challenging with our limited staffing resources. As reported last year, I continue to have only one FTE position dedicated to this role with some occasional assistance provided by other staff in the office to that position. If, going forward, my office's human and ICT resourcing was increased, the advice and awareness function could provide greater support across the State in relation to information access and the FOI Act.

An important highlight for my office in the last year was our second 'FOI in WA Conference' which was held on 21 November 2019 at Fiona Stanley Hospital and attended by over 300 FOI practitioners and a number of agency leaders. The conference involved a keynote address from Emeritus Professor Geoff Gallop AC, a panel discussion about the role and challenges of FOI and open government, and concurrent sessions on select information access and FOI issues. We received very positive feedback about the conference and aim to continue to hold similar events in the future.

During the reporting period, we also completed a review of our strategic goals and initiatives. On 30 June 2020 I approved my office's strategic plan for 2020/23 and am looking forward to reporting on it next year.

My office continues to participate in various projects as a member of the Association of Access and Information Commissioners. The results of the *Information Access Study 2019* across the various jurisdictions were released in this reporting period. That information, together with the data that is reported in the *National Dashboard of Utilisation of Information Access Rights,* which compares statistics regarding the utilisation of information access rights across jurisdictions within Australia, suggests that the public in WA are continuing to make good use of their rights to access information.

As required by the FOI Act, I have recommended in this report some legislative or administrative changes that might assist in achieving the objects of the Act. However, as few substantive amendments have been made to the Act since it came into operation in 1993, I have, in this report, chosen to highlight a priority reform that could improve my operational effectiveness which involves removing the need for Executive Council approval for all staff appointments to my office.

Further, while the FOI Act has stood up well over almost 30 years of operation, it now operates in a significantly changed environment from that which existed at the time of its enactment. In an impending post-digital age, where almost all government records are expected to be 'born digital', I believe recent evidence supports a likely trend in which we can

expect policy makers, researchers and ordinary citizens to seek greater access to the valuable stores of government held information and data that might be employed to benefit society. In this context, an appropriately scoped, and independent, review of the FOI Act could examine and report back to the Parliament how best this important accountability device can continue to support transparency and trust in government.

Finally, I acknowledge the dedicated and highly professional team at my office and again thank them for their continued effort, dedication and support to me in my role, and their service to the Parliament and community of Western Australia.

2019/20 highlights

166

External reviews received

95

External reviews resolved by conciliation

224

Average age in days of external reviews on hand

1,116

Enquiries answered from members of the public

750

Attendees at OIC briefing, training or education sessions

174

External reviews finalised

118

External reviews on hand at the end of the period

8

Published decisions of the Commissioner

398

Enquiries answered from local and State Government

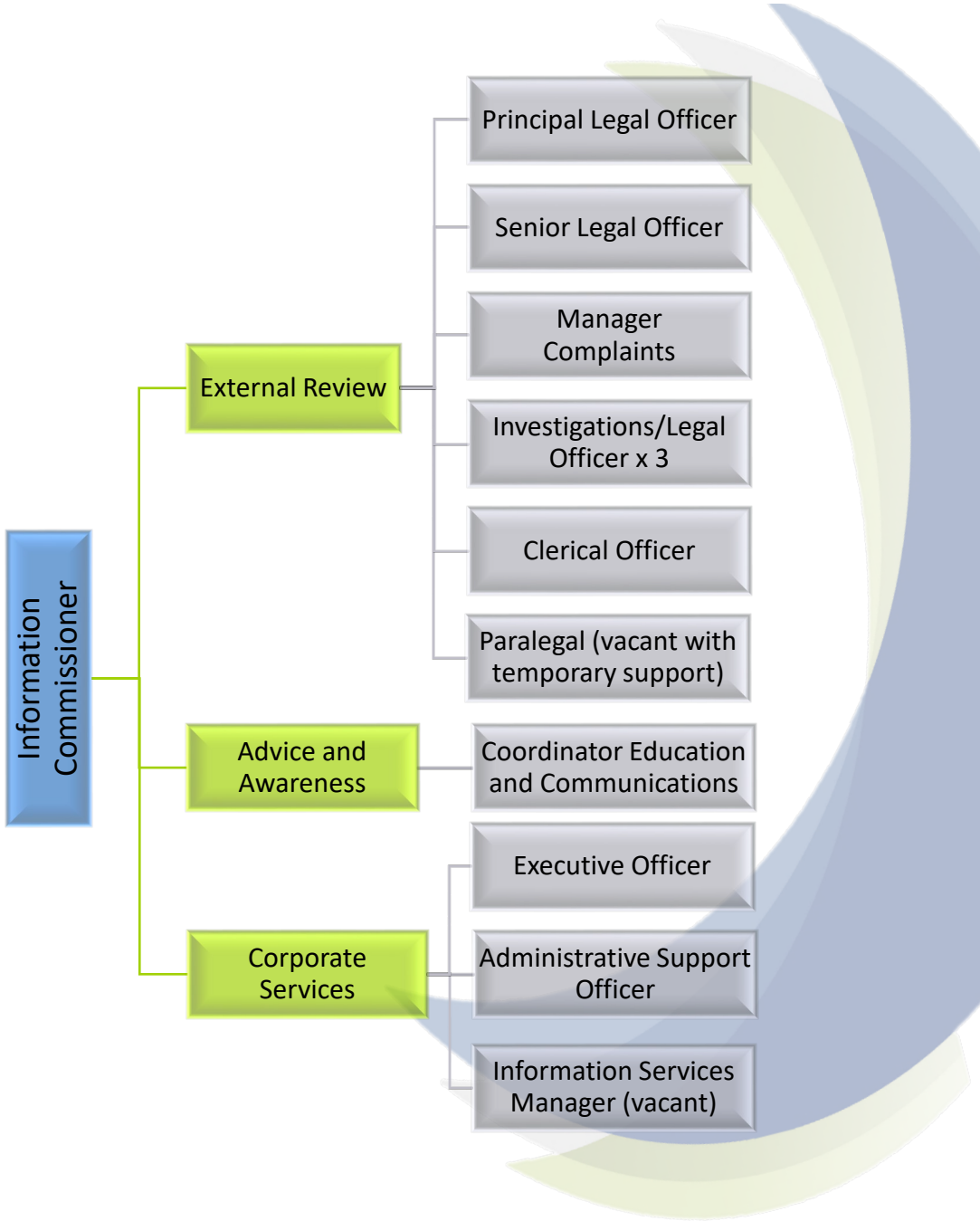
156,760

OIC website visits

About the Office of the Information Commissioner

As at 30 June 2020, the Commissioner was supported by 10 staff in the Office of the Information Commissioner (**the OIC**). Three areas 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 applications for external review 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 and community organisations.
- Corporate service staff provide administrative, executive, information technology and governance support to the Commissioner and staff.

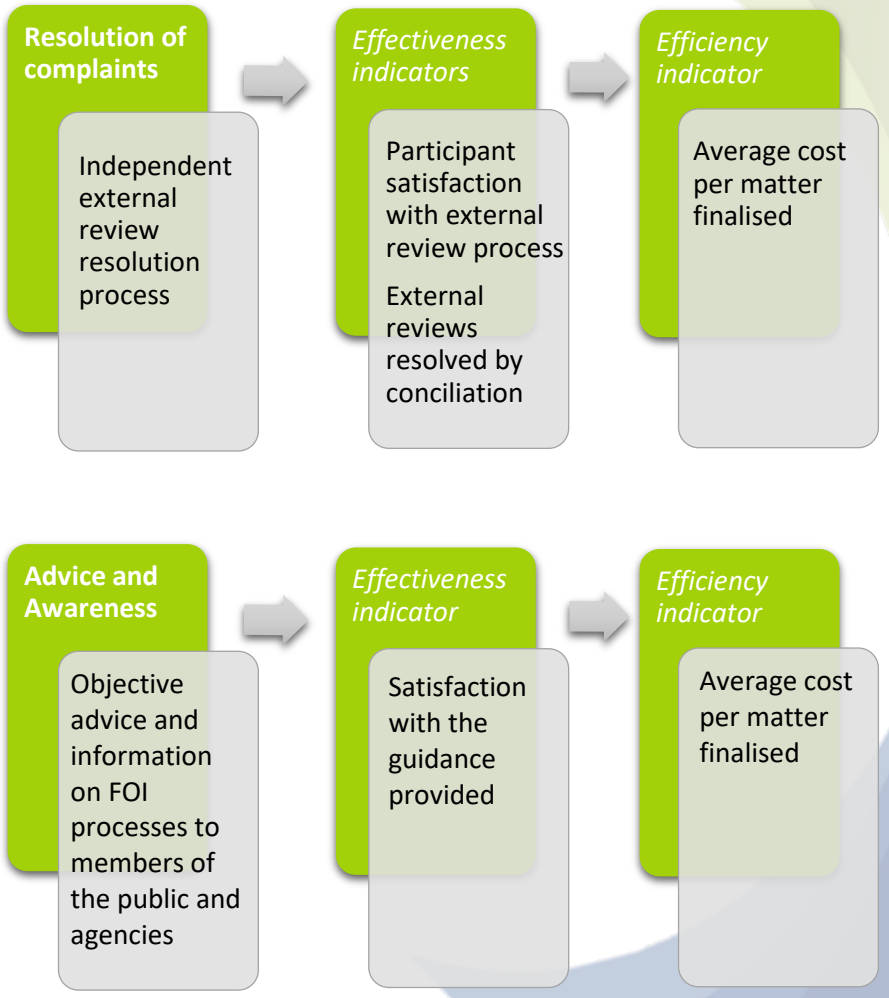


Performance management framework

Resolution of complaints Advice and Awareness	Access to documents and observance of processes in accordance with the FOI Act	Strong Communities: safe communities and supported families

The 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 responsible for State and local government more accountable to the public. These objects promote transparency and accountability in government, a concept that contributes to the broader government goal of building strong communities.

Outcome-based management framework



The Commissioner is an independent statutory officer. The OIC 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 FOI 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

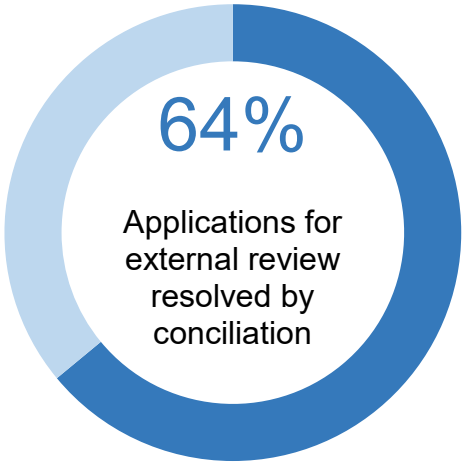
Snapshot of financial and operational performance indicators

	Target $000	Actual $000	Variation $000
Total cost of services	2,417	2,211	(206)
Net cost of services	2,413	2,175	(238)
Total equity	736	800	(64)
Net increase/(decrease) in cash held	(8)	182	174
Approved salary expense level	1,388	1,370	(18)

See the Key Performance Indicators and Financial Statements sections of this report for the OIC's full audited performance and financial reports.

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

	Estimate	Actual	Variation
Resolution of Complaints			
Key effectiveness indicators:			
Participants satisfied with complaint resolution and external review processes	85%	78%	(7%)
Applications for external review resolved by conciliation	70%	64%	(6%)
Key efficiency indicator			
Average cost per external review finalised	$7,206	$7,709	$503
Advice and Awareness			
Key effectiveness indicator			
Agencies satisfied with advice and guidance provided	98%	98%	-
Key efficiency indicator			
Average cost of service per application lodged	$364	$283	($81)



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 and completed, and the number currently on hand and their age, is updated monthly and published on our website.

Conciliation

The Commissioner has powers to deal with an external review application 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 is not unduly legalistic or formal. The OIC prefers to negotiate a conciliated outcome between the parties rather than issuing a formal determination.

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

options available to resolve the matter. Consideration may be 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 matter 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 was 64%, below our target of 70%.

It is likely that some of the procedural changes implemented in the external review process may have contributed to this decrease. For example, in an effort to deal with as many external reviews in as timely a manner as is considered practicable, a decision was made to limit the number of options that may have otherwise resulted in the conciliated outcome of a matter, outside of the office's Early Intervention Program referred to below.

As noted elsewhere in this report, our conciliation rate target was increased from 60% to 70% following a review of the OIC's Performance Indicators conducted in February 2018.

Early Intervention Program

As reported in last year's report (on page 15), an early intervention pilot program was scheduled for trial this year. The pilot program commenced on 1 September 2019 and has continued as the Early Intervention Program (**EIP**).

The purpose of the EIP is to establish a long term strategy for dealing with matters quickly, reducing the issues in dispute and achieving resolution of matters informally, within the framework of the FOI Act.

The EIP uses a variety of approaches including attempting informal resolution over the telephone or by email, conducting conciliation conferences or meeting with the parties either separately or together.

During the reporting year, a total of 62 external review applications were dealt with in the EIP. Of those, 32 were finalised as a result of the EIP.

Conciliation Case Studies

Agreement reached at conciliation conference

The complainant applied to the Commissioner for external review of the agency's decision to refuse to deal with their access application under section 20 of the FOI Act on the ground that the work involved in dealing with the access application 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 agency agreed to deal with the complainant's access application in the revised terms agreed by the complainant and to give the complainant its notice of decision regarding access to the requested documents by a specific date.

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

Resolution of matter following meeting with parties

The complainant applied to the agency for access to documents relating to decisions made by the agency about the development of particular land holdings. The agency gave the complainant access to some documents. The complainant sought external review on the ground that additional documents should exist, and he did not accept the editing of the documents released.

It was unclear from the material before the Commissioner what documents might exist, and whether the agency held any additional documents. As a result, the OIC held a meeting with the parties to enable the complainant to identify particular documents that he believed should exist, and for the agency to provide explanations where documents did not exist, or to consider if there were documents that would provide the complainant with the information he required.

After the meeting the agency provided the complainant with access to edited copies of documents identified by the complainant during the meeting. After further discussion between this office and the parties, the agency withdrew some of its claims for exemption and released additional information to the complainant.

The complainant confirmed that he was satisfied with the access provided and withdrew his application for external review.

Further discussions between parties

The complainant's representative applied to the agency for access to documents relating to a particular investigation it had undertaken. The agency refused the complainant access to documents on the ground they were held by another agency.

After discussions between this office and the agency, the agency agreed to meet with the complainant's representative to discuss particular documents that would assist the complainant. The matter was suspended for a period of time, after which the parties reported back to the OIC.

The complainant's representative considered that there should be additional documents within the scope of the access application. After further searches were carried out by the agency and further explanations provided, the complainant's representative accepted that, even though it was likely that certain documents should have been created, they had not been. As a result, the complainant's representative withdrew the application for external review.

Provision of better reasons and further documents during external review

The complainant applied to the agency for copies of certain documents relating to a specific project undertaken by the agency. The agency refused the complainant access to the requested documents on the basis that they were exempt under clause 4 of Schedule 1 to the FOI Act, without identifying the particular exemption clause or clauses it relied on (clause 4(1), 4(2) or 4(3)) or explaining why the elements of the exemption clause(s) were made out.

One of the Commissioner's officers advised the agency that its notice of decision did not contain sufficient information as required by the FOI Act and asked the agency to provide the complainant with further information in support of its exemption claims. The agency gave the complainant further information and, at the same time, reconsidered its decision. As a result, the agency decided to give the complainant access to a substantial number of the documents with third party information deleted.

The agency also claimed that some of the remaining documents were exempt under clause 7(1) of Schedule 1 to the FOI Act on the ground of legal professional privilege. The complainant subsequently advised the Commissioner's office that they now only sought external review of this aspect of the agency's decision.

After reviewing the documents that the agency claimed were exempt under clause 7(1), the Commissioner's officer advised the complainant that, in her view, those documents were exempt either in full or in part under clause 7(1). The complainant accepted that view and decided not to continue with the external review, resolving the matter by conciliation.

Complainant accepts that agency did not hold the requested documents

The complainant applied to a local government agency for copies of documents directly related to minutes from a particular meeting. The agency refused access to the requested documents on the basis that they could not be found or did not exist.

The Commissioner was satisfied that it was reasonable to conclude that the requested documents existed or should exist. As a result, this office made further inquiries with the agency about the searches it conducted to locate the documents.

The agency provided a comprehensive breakdown of its searches and conducted further, more specific searches. The Commissioner was satisfied that all reasonable steps had then been taken to find the documents and that, while the documents may have once existed, they could no longer be found.

The complainant accepted the agency's explanations and the matter was resolved.

Agency reconsiders exemption claim

The complainant applied to the agency for access to documents relating to a deceased relative. The agency gave access to edited copies of documents, claiming that the information deleted related to third parties and was exempt under clause 3(1) of Schedule 1 to the FOI Act.

The complainant sought external review on the basis that he was not satisfied that the information provided was the information he sought. He sought access to the details contained within one document in particular, which were the details of another deceased relative.

After discussions with the OIC, the agency reconsidered its position. The agency was satisfied that, in the particular circumstances of the case, no harm would arise from disclosure of the requested details and that it had complied with its third party consultation obligations under section 32 of the FOI Act. As a result, the agency disclosed an unedited copy of the document, resolving the matter by conciliation.

Agency agrees to deal with access application

The complainant applied to the Commissioner for external review of the agency's decision to refuse to deal with their access application under section 20 of the FOI Act on the ground that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

One of the Commissioner's officers advised the agency that it was her initial assessment, based on the material then before the Commissioner, that the agency's decision did not appear to be justified.

The agency subsequently withdrew its reliance on section 20 and advised that it would deal with the complainant's access application in accordance with the FOI Act. Therefore, the matter was resolved by conciliation.

Complainant accepts agency's decision following initial assessment

The complainant applied to the agency for documents regarding certain public submissions and specifically requested personal details of third parties. The agency identified a large number of documents within the scope of the application. The agency refused to deal with the complainant's application under section 20 of the FOI Act on the basis that to do so would divert a substantial and unreasonable portion of the agency's resources away from its other operations.

The complainant sought external review on the basis that it was in the public interest for the requested documents to be disclosed. On the material before the Commissioner it was clear that the agency had attempted to assist the complainant in reducing the scope of the application. It was also clear that the amount of work

which would be required to deal with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations. Therefore, the complainant was informed that it was likely that the Commissioner would consider that the agency's decision under section 20 was justified.

The complainant was also informed that, even if the amount of work required to deal with the application was reduced substantially, documents of the kind requested containing personal information about third parties, were on their face exempt under clause 3(1) of Schedule 1 to the FOI Act. Therefore, the complainant would need to persuade the Commissioner that, in the circumstances, the public interest in the disclosure of those documents would outweigh the public interest in protecting the personal privacy of the third parties.

The complainant accepted that the further explanation provided supported the agency's decision in refusing to deal with the application under section 20 and that, even if the application had been reduced, the type of information requested would be exempt under clause 3(1). As a result, the matter was resolved.

Agency accepts Commissioner's preliminary view

The complainant applied to the agency for a copy of certain reports. The agency refused access to the three documents identified within the scope of the complainant's access application on the ground they were exempt under clause 6(1) of Schedule 1 to the FOI Act.

The Commissioner required the parties to attend a conciliation conference. The matter was not resolved at the conference. After the conference, the agency withdrew its exemption claims for one of the documents and gave the complainant a copy of that document. The agency also withdrew its clause 6 exemption claim for the remaining two documents and, in substitution, claimed that one document was exempt under clause 1(1)(b) and that the other document was exempt under clauses 1(1)(a) and 1(1)(b) of Schedule 1 to the FOI Act.

After considering all of the material before her, the Commissioner advised the parties that it was her preliminary view that the documents were not exempt as the agency claimed. The agency accepted the Commissioner's preliminary view and gave the complainant access to the disputed documents. Therefore, the matter was resolved by conciliation.

Complainant discontinues external review following preliminary view

The complainant applied to the agency for access to documents relating to a workplace investigation and human resource files. The agency granted access to several documents in full; access to an edited copy of others; and refused access to the remaining documents.

The complainant limited the scope of the external review to two documents which the agency edited, claiming that the deleted information was exempt under clause 3(1) of Schedule 1 to the FOI Act.

After considering all of the material before her, including submissions made by the parties, the Commissioner advised the parties that it was her preliminary view that the deleted information was exempt under clause 3(1) as the agency claimed. The complainant did not proceed with the external review and the matter was resolved.

Both parties accept Commissioner's preliminary view

The complainant applied to the agency for all documents relating to all communications in respect of proposed action relating to a contract. The agency identified eight documents within the scope of the access application and refused access to all eight documents on the basis that they were exempt under clauses 7(1) and 10(1) of Schedule 1 to the FOI Act. The agency also claimed that one of those documents was exempt under clause 12(c).

After considering all of the material before her, including submissions made by the parties, the Commissioner advised the parties that it was her preliminary view that seven of the eight documents were exempt under clause 7(1). Therefore, it was not necessary for the Commissioner to further consider if those documents were also exempt under another exemption clause. The Commissioner further advised the agency that it was her preliminary view that the eighth document was not exempt under clauses 7, 10 or 12 and she invited the agency to reconsider its decision in respect of that one document.

Both the complainant and the agency accepted the Commissioner's preliminary view and the eighth document was disclosed to the complainant, resolving the matter by conciliation.

Decisions made by the Commissioner

Where applications for external review remain unresolved after the initial efforts to conciliate the matter, the Commissioner may need to finalise an external review by issuing a binding final determination. Before doing so, the Commissioner may issue a written preliminary view to the parties involved in the external review.

The purpose of the preliminary view is to give the parties 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 for her final consideration. 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 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, as applicable, and

may withdraw or provide additional material in support of their position.

If any matters remain in dispute after the preliminary view has been issued, 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 eight applications for external review were finalised by formal published decision of the Commissioner, and a summary of those follow. The decisions are published on our website.

Table 5 provides detail on external review outcomes.

Decisions under section 67(1)

Under section 67(1) of the FOI Act, the Commissioner may decide to either not deal with, or stop dealing with, an external review application in certain circumstances:

- section 67(1)(a): when an external review application does not relate to a matter that the Commissioner has power to deal with; and
- section 67(1)(b): when the Commissioner considers the matter is frivolous, vexatious, misconceived or lacking in substance.

Where the Commissioner informs the parties in her preliminary view that an agency's decision is justified, and if the complainant does not provide any meaningful response by the specified date, the Commissioner may finalise the matter by deciding that, under section 67(1)(b), the matter is lacking in substance.

Decisions made under this section are usually not published.

Documents relating to the northern section alignment of the Bunbury Outer Ring Road

Re Rawet and Main Roads Western Australia [2020] WAICmr 1

The complainant applied to the agency for access to certain documents relating to the revised northern section alignment of the Bunbury Outer Ring Road including variations and alternatives investigated or considered by the agency.

The agency released some documents but the complainant claimed that the agency had not identified all documents within the scope of his application. Following a conciliation conference conducted by the OIC, the agency undertook additional searches and released further documents to the complainant.

The complainant maintained that it was reasonable to believe that documents which explain or relate to the options considered for the revised alignment of the highway exist or should exist (**the further documents**). That was, in effect, a claim that the agency had refused the complainant access to the further documents under section 26 of the FOI Act.

On the material before her, the Commissioner was satisfied that, apart from the documents already released, documents of the kind described by the complainant were not created by the agency and therefore did not exist. On that basis, and having regard to the searches conducted by the agency, the Commissioner was satisfied that the agency had taken all reasonable steps in the circumstances to locate the further documents. As a result, the Commissioner did not require the agency to conduct additional searches.

Accordingly, the Commissioner confirmed the decision of the agency to refuse the complainant access to documents under section 26 of the FOI Act on the ground that the further documents either could not be found or did not exist.

Documents relating to the costs of a legal case

Re Toodyay Progress Association Inc. and Shire of Toodyay [2020] WAICmr 2

The complainant applied for access to information that would enable a determination of the full cost of a particular named legal case (**the legal case**).

The agency decided that there was no single document that enabled a determination to be made of the full costs of the legal case, but gave the complainant access to edited copies of relevant documents, including invoices relating to the legal costs of the legal case. On internal review, the agency accepted that the scope of the application was wider than the legal costs of the case and gave access to an additional document. The complainant claimed that additional documents should exist and sought external review of the agency's decision to, in effect, refuse him access to further documents under section 26 of the FOI Act.

During the external review, the agency advised that it did not have separate costings for certain matters associated with the costs of the case, such as employee costs, and that it had provided all the information it had that was within the scope of the application, other than a deed of settlement (**the Deed**) that it had identified, which the agency claimed was exempt under clause 8(1). The agency provided information to the Commissioner that persuaded her

that disclosure of the Deed would be a breach of confidence for which a legal remedy could be obtained. Therefore, the Commissioner found that the Deed was exempt under clause 8(1).

The Commissioner was satisfied that the agency would not necessarily keep a separate record of its internal costs in relation to the legal case. Accordingly, on the information before her, the Commissioner was not persuaded that there were reasonable grounds to believe additional documents exist and therefore did not require the agency to undertake further searches. The Commissioner found that the agency's decision to refuse access to documents under section 26, on the ground that further documents either cannot be found or do not exist, was justified.

The Commissioner varied the decision of the agency.

Audio records of interview relating to a workplace investigation

Re 'V' and Curtin University [2020] WAICmr 3

The complainant applied to the agency for access to documents relating to particular complaints lodged with the agency about him when he was employed by the agency. The requested documents included documents that related to an investigation report prepared by an external investigator and nine audio records of interviews referred to in the investigation report (**the audio records of interview**).

The agency refused access to the audio records of interview on the ground they were exempt under clauses 3(1) and 8(2) of Schedule 1 to the FOI Act.

During the course of the external review, the complainant limited the scope of the review to only the audio records of interview.

The audio records of interview contained personal information about a number of individuals including the complainant, the investigator and the interviewees. The Commissioner considered that the audio records of interview were, on their face, exempt under clause 3(1), subject to the application of the limits on the exemption set out in clauses 3(2)-3(6). After considering all of the information before her, the Commissioner found that none of the limits on the exemption applied.

In weighing the competing public interest factors for and against disclosure, the Commissioner did not consider that those favouring disclosure outweighed the public interests against disclosure. Weighing against disclosure, the Commissioner was satisfied that the interviewees participated in the interviews on a voluntary basis and on the understanding that the interviews were being recorded, and that the information provided during the interview was given in confidence. The Commissioner considered that in workplace grievance matters – where information is

given to investigators voluntarily and steps are taken to ensure that such information is given in confidence – there is a real risk that disclosure of that information would dissuade some staff members from volunteering information in similar situations in the future. Similarly, staff may be less likely in the future to consent to their interview being recorded if the audio records of such interviews are disclosed under the FOI Act.

The Commissioner varied the agency's decision and found that the audio records of interview were exempt under clause 3(1) of Schedule 1 to the FOI Act.

Document relating to a complaint against a local government councillor

Re 'W' and Department of Local Government, Sport and Cultural Industries [2020] WAICmr 4

The complainant applied to the agency for access to documents relating to a complaint he made to the agency against a named local government councillor alleging that the councillor breached the *Local Government (Rules of Conduct) Regulations 2007*.

The agency identified one document – a letter from a third party to the Local Government Standards Panel relating to his complaint – and refused the complainant access to it on the ground that it is exempt under clause 3(1) of Schedule 1 to the FOI Act.

Personal information is exempt under clause 3(1) subject to the application of the limits on the exemption set out in clauses 3(2)-3(6).

The Commissioner considered the limitations on the exemption in clauses 3(2), 3(3), 3(5) and 3(6) and was satisfied that they did not apply. The Commissioner found that the disputed document was exempt under clause 3(1).

The Commissioner confirmed the agency's decision.

Document relating to a review by a barrister

Re National Tertiary Education Industry Union and Murdoch University [2020] WAICmr 5

The complainant applied to the agency for access to a particular document relating to a review conducted by a barrister on behalf of the agency. The agency refused access to the document on the ground that it was exempt under clause 7(1) of Schedule 1 to the FOI Act.

Based on the material before her, the Commissioner was satisfied that the dominant purpose of the creation of the disputed document was to give or obtain legal advice. Accordingly, the Commissioner found that the disputed document would be privileged from production in legal proceedings and that it was therefore exempt under clause 7(1).

The Commissioner also noted that, following the decision of the Supreme Court in *Department of Housing and Works v Bowden* [2005] WASC 123, the question of waiver of legal professional privilege does not arise under the FOI Act.

The Commissioner confirmed the agency's decision.

Notes made at OIC conciliation conference

Re Dickens and Water Corporation [2020] WAICmr 6

The complainant applied for access to the notes taken by an agency officer at a conciliation conference conducted by the OIC. The agency refused access to the documents under clause 8(2) of Schedule 1 to the FOI Act.

Information is exempt under clause 8(2) if its disclosure would reveal information of a confidential nature that was obtained in confidence and its disclosure could reasonably be expected to prejudice the future supply of information of that kind to the Government or to an agency.

The Commissioner was satisfied that any information recorded during the conciliation conference would comprise information of a confidential nature obtained in confidence. The Commissioner considered that, if parties believed that any information shared during the conciliation conference could be disclosed to the world at large, then those parties would not volunteer information to try to resolve the matters between them. Accordingly, she considered that disclosure of the disputed documents could reasonably be expected to prejudice the future supply of information of that kind.

Under clause 8(4), information is not exempt under clause 8(2) if its disclosure would, on balance, be in the public interest. In this case, the Commissioner considered that the public interest in maintaining the integrity of the conciliation process outweighed any public interest in disclosing confidential notes outside the conciliation conference.

The Commissioner found that the disputed documents were exempt under clause 8(2) and confirmed the agency's decision.

Records of access to an integrated court management system

Re Lee and Department of Justice [2020] WAICmr 7

The complainant made two applications for access to documents that recorded access to the integrated court management system by officers, specifically in relation to two named businesses. The complainant disputed the agency's decision to give access to edited copies of two documents. The agency deleted the names of agency officers under clause 5(1)(e) on the ground that the disclosure of the information could reasonably be expected to endanger the life or

physical safety of a person. The agency deleted the logon identities of the officers under clause 3(1).

As the matters were similar, the Commissioner dealt with them together. The Commissioner found that the logon identities of the officers was exempt personal information under clause 3(1). The Commissioner was persuaded that disclosure of the full name of the officers could reasonably be expected to endanger the life or physical safety of a person. However, the Commissioner considered it was practicable for the agency to edit the information, pursuant to section 24, and give access to just the first names of the officers. Accordingly, the Commissioner found that the last names of the officers were exempt under clause 5(1)(e) but that their first names were not.

The Commissioner varied the agency's decision.

Documents relating to legal representation of a child

Re 'X' and Legal Aid Western Australia [2020] WAICmr 8

The complainant sought access to a copy of the Independent Children's Lawyer's (**the ICL**) correspondence in relation to an identified legal file. The file comprised documents arising from the ICL's representation of a child. The agency refused the complainant access to the requested documents pursuant to section 23(4) of the FOI Act, on the basis that it was not in the best interests of the child to disclose the documents. The agency additionally claimed that it was not required to identify the documents as it was apparent from the nature of the documents as described in the access application that all of the documents are exempt documents, pursuant to section 23(2) of the FOI Act.

In considering section 23(2), the Commissioner accepted that it was apparent from the nature of the documents as described in the access application that they were exempt under clause 3(1). Additionally, the Commissioner considered that it would not be practicable for the agency to give access to an edited copy of the requested documents because the severe editing that would be required to avoid disclosure of the exempt matter would render the requested documents unintelligible.

In considering section 23(4), the Commissioner accepted that: the personal information related to a child who had not turned 16; the decision-maker, at the relevant time, held the view that giving access would not be in the best interests of the child; that the decision-maker, at the relevant time, held the view that the child did not have the capacity to appreciate the circumstances and make a mature judgement as to what might be in his or her best interests; and that the view of the decision-maker was held on reasonable grounds.

The Commissioner confirmed the decision of the agency.

External review benefits

When an external review is finalised by the OIC the outcome is currently recorded as one of four types of legislative outcome (see Table 5). The FOI Act outlines the basis on which an external review can be finalised as follows:

- By formal published decision under section 76(2) where the Commissioner formally determines any issues remaining in dispute and makes a decision that either confirms, varies or sets aside the agency's decision and makes a decision in substitution.
- By decision under section 67(1)(a) where the Commissioner decides to stop dealing with the matter because it does not relate to a matter the Commissioner has power to deal with.
- By decision under section 67(1)(b) where the Commissioner decides to stop dealing with the matter because it is frivolous, vexatious, misconceived or lacking in substance.
- By conciliation where the external review is finalised on the basis that there are no issues remaining in dispute that the Commissioner is required to determine.

Summary details of the external review process, which may include some outcomes achieved for the parties during the external review process, are described in published formal decisions and case studies of conciliated matters reported in this report. However, those summaries do not necessarily describe the full extent of the benefits to a party, particularly the complainant, which are achieved in the external review process.

For example, a formal published decision may state that an agency's decision is confirmed in relation to any issues that remained in dispute at the end of the external review process. However, it is often the case that a significant amount of what was in dispute at the *commencement* of the external review is resolved during the external review process, meaning the Commissioner was not then required to formally determine those issues.

In order to better reflect and record all outcomes achieved, from 1 July 2019 the OIC has recorded benefits to a party that may not otherwise have been reflected when only using one of the four legislative outcomes of an external review, as outlined above. Some matters may have more than one benefit to a party.

For each external review finalised since 1 July 2019, the OIC case officer was required to identify whether:

- access to additional documents or parts of documents was given to the complainant;
- additional action was taken by the agency while the matter was on external review which resulted in more information being provided to the applicant;
- the scope of the external review was reduced by a party; or

- no additional benefit was attributed to a party to an external review.

In the first year recording such information the following data applies to the 148 external review applications finalised:

	#	%
Additional documents or parts of documents released to the complainant	45	30%
Additional action taken by the agency	53	36%
Reduction in scope	8	5%
No additional benefit	55	37%

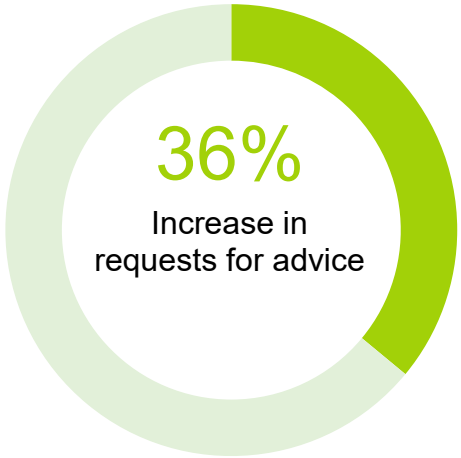
External review indicators over the last 10 years

In the last 10 years the OIC has received a total of 1,385 external reviews (average of 138.5 per year) and finalised a total of 1,353 (average of 135.3 per year).

By assessing each five year period a clearer picture indicates what has contributed to the current position of the OIC in respect of the number of external reviews on hand and the time that it takes to finalise them.

PERIOD	RECEIVED	AVG PER YEAR	FINALISED	AVG PER YEAR
2010/11 - 2014/15	621	124	638	128
2015/16 – 2019/20	764	153	715	143
	+143	+29	+77	+15
	↑23%		↑12%	

In summary, although the OIC has increased the number of external reviews finalised by 12% over the last five years, there has been a corresponding increase of 23% in the number of external reviews received.



Advice and Awareness

STRATEGIC GOALS:

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

The OIC seeks to ensure that agencies and their staff value FOI as part of an agency's operations and that FOI Coordinators, decision-makers and principal officers are aware of their responsibilities under the FOI Act. An understanding of agency obligations under the FOI Act should form part of any public sector employee's competency. The OIC also provides information for members of the public and those who may advocate for or assist members of the public to understand the rights and processes outlined in the FOI Act. Training and briefings are provided to State and local governments and to non-government groups as part of those activities.

This year the OIC provided training, briefings and workshops at the OIC premises and at various sites on invitation from the relevant agency or organisation. A list of these activities is available at Table 9.

FOI Coordinator's and Decision Writing Workshops

The FOI Coordinator's Workshop is a one day training session and the primary training opportunity provided by the OIC for agency staff, with several workshops held each year. Participants in this workshop include officers who have

responsibility for information access processes and decisions within their agencies. Many participants are new to FOI and attend the workshop as part of the education for their role, and some use the workshop as a refresher to ensure that their agency's processes and policies continue to accord with best practice.

The Decision Writing Workshop is run several times per year and is intended to assist decision-makers understand their obligations under the FOI Act, particularly in relation to writing compliant notices of decision. A good notice of decision demonstrates that the decision process has been properly carried out in accordance with the FOI Act. The workshop builds on the material covered in the FOI Coordinators Workshop but may be completed by officers who have not attended the FOI Coordinators Workshop if they complete pre-reading from the *FOI Coordinator's Manual*.

Participants have a variety of experience and needs when attending these two workshops. 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, including an online basic introduction to the FOI Act.

Due to the COVID-19 response, the OIC cancelled its face-to-face workshops for April through to July 2020. Efforts were directed to arranging workshops to be held remotely for the remainder of 2020.

"Overall the training was very informative and beneficial, and will assist me in my role in the FOI process. It will also enable me to support staff in my team who are involved in FOIs."

Workshop participant survey response

Briefings for community groups

The OIC will consider invitations from non-government groups to provide briefings about rights under the FOI Act. Priority is given to groups that support individuals to understand or exercise their rights under the FOI Act. For example, during the year a presentation was made to the Health Consumer Council to assist their officers understand how to effectively use the FOI Act to access documents for, or on behalf of, their clients.

A key message for community groups seeking to assist people to access documents is to contact the relevant agency before making a formal access application. This early contact can be useful in reducing the work required for both the applicant and agency. Community groups are referred to our publication *Is FOI my best option?* and are informed of effective strategies for exercising rights under the FOI Act.

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. Subscribers to the newsletter also receive alerts when new decisions of the Commissioner are published on our website.

Three newsletters were published this reporting period in August, November and April.

As at 30 June 2020 over 300 individuals were subscribed. Subscriptions to the newsletter are registered from our website.

Commissioner's speaking engagements

- *FOI and Open Government* for the Piddington Society in October 2019.
- Lecture to students participating in the UWA Government Accountability – Law and Practice Unit in February 2020.
- In her capacity as State Records Commissioner under the *State Records Act 2000*, the Commissioner spoke at the Leaders' Summit of the Council of Australasian Archives and Records Authorities (CAARA) in October 2019 about the legislative requirements for good record keeping and the role of the WA State Records Commission.

Briefing for a delegation from the Thai Ombudsman's Office

In September 2019, the Ombudsman WA hosted the Thai Chief Ombudsman and his staff. At the invitation of the Ombudsman WA, the OIC provided a briefing about FOI in WA to the delegation.

Online resources

Wherever possible the OIC's written resources are published on our website, including guides for members of the public and agencies; the Commissioner's 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 OIC guidance page provides detailed information about FOI processes, some FOI Act exemptions and external review procedures.

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

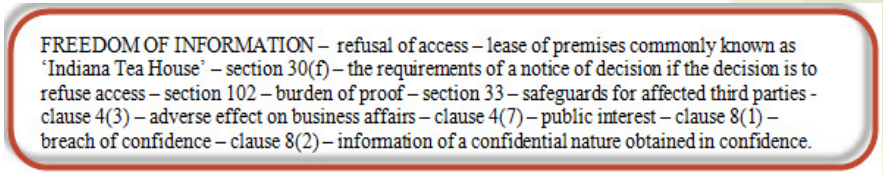
This year, three new publications were added to our website:

- *Documents that cannot be found or do not exist – guide for access applicants* – a guide to what the Commissioner considers when dealing with applications for external review where the access applicant claims that additional documents exist.
- *Applying for documents during the COVID-19 pandemic* – a guide for members of the public.
- *COVID-19 Managing FOI timeframes and potential office closures* – a guide for agencies and members of the public.

The OIC *External review guide* was updated during the year to reflect the OIC's new practice of accepting electronic delivery of documents from agencies.

Online decision search tool

Decisions of the Commissioner made under section 76 of the FOI Act 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 as per the following example:


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 may issue a decision note, which is not as comprehensive as a full decision but is 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 published decisions.

The decision search facility is a very helpful tool for FOI practitioners to search for precedents relevant to matters with which they are dealing. 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 notifications of newly published decisions of the Commissioner at our website.

Responding to enquiries

The OIC provides general assistance to members of the public and agency staff regarding FOI issues. The information provided is intended to ensure that members of the public are aware of their rights to access documents under the FOI Act

and of the options available to seek access to documents outside of formal FOI processes where appropriate. Agency officers are assisted to understand their obligations under the FOI Act.

This year the OIC dealt with 1,750 written, phone and in-person requests for guidance or advice, including misdirected requests for documents. This is a 36% increase from the 1,286 requests for advice received last year.

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. The resources outlined in this report are readily available to support agencies and the community, and to promote the objects of the FOI Act.

Agency FOI Reference Group

The Agency FOI Reference Group (**AFRG**) 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.

The purpose of the AFRG is to promote and advocate for good FOI practice in agencies. Meetings of the group continue to provide an opportunity for the OIC to hear directly about current issues facing agencies relating to FOI. These discussions are an important contributing factor to the advice and awareness activities of the OIC.

The AFRG met three times during the reporting period. Members of the AFRG are encouraged to share information from meetings with their staff and similar agencies, and to feed information back from those sources to the group.

FOI in WA Conference – Building Trust

The second FOI in WA Conference for FOI practitioners was held on 21 November 2019 at Fiona Stanley Hospital's Education Building.

A total of 322 State and local government officers registered for the event, close to our capacity of 350 attendees (24% from local government and 76% from State Government).

The OIC acknowledges the generous support of Fiona Stanley Hospital for again allowing us to use its Education Building facilities for the conference at no cost. This allowed us to keep the registration fee to a minimum. This year, we also offered a half day ticket for people to attend the opening keynote speech and the conference panel discussion that followed.

Our Conference keynote speaker this year was Emeritus Professor Geoff Gallop AC. Professor Gallop spoke about the concept of Open Government and people's right to know and to be involved, and discussed the role of FOI legislation in that context. He acknowledged the difficulties that decision-makers may face in the FOI process, which he described as requiring an exercise of character and judgement.

> "The keynote speech from Dr Gallop that underpinned the philosophy of the process over the mechanism"
>
> *Participant feedback on their Conference highlight*

Joanne Kummrow, Office of the Victorian Information Commissioner; Ian Cowie, City of Gosnells; Catherine Fletcher, Information Commissioner, Professor Geoff Gallop; and Caroline Spencer, Auditor General.

Following his address, Professor Gallop participated in a panel session moderated by the Commissioner about the role and challenges of FOI and open government in the current environment. Also on the panel were Caroline Spencer, WA Auditor General; Joanne Kummrow, Public Access Deputy Commissioner of the Office of the Victorian Information Commissioner; and Ian Cowie, CEO of the City of Gosnells.

The keynote address and panel discussion were recorded and are available here.

The rest of the program included presentations from the Commissioner, OIC staff, the State Solicitor's Office, experienced FOI practitioners and others.

The presentations were available on our website for attendees to view until May 2020. A copy of the conference program is outlined at Table 13.

The FOI in WA Conference would not have been possible without the significant work of the Conference steering group, which consisted of the Commissioner, OIC officers and agency representatives from Fiona Stanley Hospital, Main Roads WA, Department of the Premier and Cabinet, Department of Transport and the City of Armadale.

Following the Conference the OIC received positive feedback via a survey sent to participants, which included:

- 93% of participants said the Conference either met or exceeded their expectations;
- 90% of participants said the range of topics was useful; and
- the highlight of the Conference for many participants was hearing from Professor Gallop.

"I have been looking forward to attending this conference since the last one I attended in 2017. It was great to be able to leave a conference with a deeper understanding of FOI and know that we are not alone.."

Participant feedback

A key highlight of this Conference from the perspective of the OIC was the gathering of a community of agency officers seeking to enhance their skills in dealing with information access issues and giving effect to the objects and processes of the FOI Act. It was an opportunity to celebrate the role of FOI practitioners, further equip them to perform their role effectively and increase their understanding of the importance of information access in the public sector. FOI practitioners can sometimes feel very isolated. The Conference enabled attendees to network with other FOI practitioners from across the sector to understand and discuss the importance of what they do for good government as a whole.

Online FOI access application form

In early 2020, the OIC began working with the Office of Digital Government, and a number of State government agencies that had migrated their agency website to the WA.gov.au site, to develop an online generic FOI access application form.

Members of the public can use the form to submit an online application to those agencies hosted on the WA.gov.au site.

The online form is preceded by information to assist applicants understand their rights under the FOI Act. Applicants are encouraged to contact the relevant agency before lodging their access application because in many cases, a formal application is not necessary. The relevant FOI contact for each agency is provided.

While a form is not required to make a valid access application under the FOI Act, it can be preferred by applicants because it provides a structure to their access application. An online form also provides an easy way to lodge the FOI access application with the appropriate agency.

The online form is structured to allow applicants to provide the information needed to make a valid access application under the FOI Act, while also allowing and encouraging the applicant to provide additional information to assist agencies to clearly identify the documents requested, and the information that the applicant does not want, so that the application can be dealt with effectively and efficiently.

The form was made available on the WA.gov.au website in August 2020. In the future, the online form will also allow access applicants, in some instances, to pay any required fee online with their application, using BPoint.

The OIC intends to develop a generic form that can be downloaded and submitted to all agencies, regardless of whether they have migrated their agency website to the WA.gov.au site.

Our workplace

STRATEGIC GOALS:

- *Build the capacity of our people*

Strategic plan review

Throughout the year, all staff have participated in reviewing and updating the OIC's strategic goals and initiatives for the next three years.

The strategic plan for 2020/23 was approved by the Commissioner on 30 June 2020, with the following goals:

Response to COVID-19

The COVID-19 pandemic significantly impacted most aspects of the OIC's service delivery. Our focus was to ensure the safety of staff; the continued management of external review applications; the delivery of agency support; and the provision of advice and guidance to the community.

Last year we reported on our ongoing efforts to provide flexible working arrangements for staff, as part of normal operations, which adequately addressed security and confidentiality issues. As noted below, management of these issues was fast tracked when it became clear in early 2020 that the response to COVID-19 meant working remotely might become mandatory, either in full or in part.

The OIC is grateful to the Department of the Premier and Cabinet's FOI Unit for their assistance in testing secure electronic document transfer software; and the Department of Finance for sharing their resources and coordinating the availability of equipment from suppliers.

What we did

- In early 2020, the OIC's Business Continuity Management Plan (**the BCMP**) was reviewed by the OIC's Risk Management Steering Committee (**RMSC**) to ensure that the OIC would be able to continue operations if we were required to close our physical office. An 'interim' BCMP was created that focussed primarily on the risks posed by the COVID-19 pandemic to the continuity of the services we provide, including the potential shutdown of the OIC premises. The three OIC areas of service delivery

(external review, advice and awareness and corporate services) prepared action plans that would facilitate the continuity of services, in the event the OIC was required to perform its operations remotely.

- During March and April 2020, staff were rostered to work remotely to facilitate social distancing in the workplace and to limit the need for staff to travel using public transport. Subsidised parking was also provided for staff who were working in the office, which further reduced the need for staff to use public transport. Existing projects that were aimed at enabling the OIC's functions to be undertaken securely and effectively from home or remotely were accelerated. This included providing staff with secure remote access to the OIC networks and establishing a secure system for the electronic production of documents from agencies. In addition, procedures for administrative processes, such as incoming mail and accounts payable, were overhauled to be managed electronically.
- At times when the OIC had limited staff in the office, regular meetings were held with all staff using remote technology to keep staff informed, to enable staff to raise issues of concern and to assist with the continuing function of the office. A 'buddy' system was initiated to ensure everyone had individual support from another staff member. During this uncertain and potentially isolating period, the mental health of staff was given high priority.
- Two new guides were prepared and published on our website to assist agencies and members of the public in relation to COVID-19 and FOI: *COVID-19 Managing FOI timeframes and potential office closures* and *Applying for documents during the COVID-19 pandemic*.
- Joint statements were issued by the Commissioner and other Information Access Commissioners, in support of advice from the International Conference of Information Commissioners regarding the importance of keeping records and providing access during COVID-19: *COVID-19: The duty to document does not cease in a crisis, it becomes more essential* and *Transparency and access to information in the context of a global pandemic*

Challenges

- In preparation for the potential closure of the OIC's physical office, all staff contributed to the development of new or adapted work practices to enable remote working. This had the benefit of those changes being implemented with minimum disruption. The development and management of processes, protocols, resources and technologies for remote working required some staff to dedicate more time to these issues, which resulted in those staff having less time available for other OIC service areas.
- When working remotely, it was important that staff had access to the resources needed for secure and confidential communications between officers and with external parties, including the ability to securely receive confidential documents from agencies and access networks. This required a prompt review and implementation of existing and new technologies and

required all staff to quickly understand and adapt to these technologies so that we could continue to provide our services.

Learnings

Staff participated in, and continue to participate in, many remote meetings and remote training during the COVID-19 pandemic. The learnings from those experiences are assisting us to develop processes for remote training and communication with our stakeholders. Since the completion of the reporting period, the OIC has conducted several online workshops. Experience with, and the technology to provide, remote training continues to develop, having been given a greater impetus during COVID-19.

Overall, staff responded very positively to the challenges of working remotely. The OIC recognises the benefits of remote working and we intend to further develop our information technology systems so that all staff can work efficiently, effectively and securely from home, whilst maintaining seamless and timely delivery of our services.

As part of our strategic plan for 2020-2023, we intend to update our systems to enable us to respond to future crises and to improve our efficiencies. Our experience in responding to COVID-19 will help us in that process.

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 during the year.

Contributing to the community is important to staff and during the year staff participated in several fundraising events:

- the Push-Up Challenge, with donations going to the National Youth Mental Health Foundation (*headspace*);
- the Law Week Virtual Walk for Justice; and
- the Vinnies CEO Sleepout for the St Vincent de Paul Society.

Cultural Competency Hub

In July 2019, the Commissioner and heads of tenancies within Albert Facey House (**AFH**) agreed to form the Cultural Competency Hub (**CCH**). The purpose of the CCH is to:

- take both symbolic and practical action to promote systemic appreciation of, and learning from, Aboriginal culture;
- provide opportunities for Aboriginal members of the WA community to work with us and gain experience in public administration;
- listen to and, wherever possible, act upon the guidance offered by the AFH Aboriginal Representatives Committee and consult with Aboriginal members of the community; and
- encourage staff to support cultural initiatives and events.

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. While the Commissioner maintains the need for those amendments, she considers that the following recommendation is a priority.

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 significant delays in making an offer of employment to a preferred candidate after the selection process has concluded. It also adds unnecessarily 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.

Other recommendations

Recommendations for amendments relating to the following issues have been made in past annual reports:

- Outdated reference to 'intellectually handicapped persons'.
- Public health facilities operated by non-government operators.
- Consultation with officers of government agencies.
- Refusal to deal with amendment applications.
- Refusal to deal with repeat applications.
- Not confirming the existence of documents that are exempt under clause 14(5) of Schedule 1.
- Reference to 'closest relative'.

See pages 26-28 of last year's annual report for further details.

While the FOI Act has stood up well over almost 30 years of operation, it now operates in a significantly changed environment from that which existed at the time it became operative in November 1993. The OIC will consider making a recommendation that a review of the FOI Act take place before its 30 year anniversary, which could then report back to the Parliament how this important accountability device can continue to best support transparency and trust in government.

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 and 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 were two outstanding appeals before the Supreme Court arising out of a decision of the Commissioner. The outcome of those appeals was reported in last year's annual report (see pages 28 and 29).

This year, three decisions of the Commissioner were the subject of an appeal to the Supreme Court (all filed by the same complainant), as follows:

- One appeal arose from the Commissioner's decision in *Re Lee and Department of Health* [2019] WAICmr 4. The Supreme Court delivered its judgement on 31 March 2020, dismissing the appeal: see *Lee v Department of Health* [2020] WASC 103.

  The complainant filed an appeal in the Court of Appeal against the Supreme Court's decision but then discontinued the appeal during the reporting period.

- One appeal arose from a decision of the Commissioner to stop dealing with the complainant's external review (against a decision of the Department of Justice) on the ground that it was lacking in substance pursuant to section 67(1)(b) of the FOI Act. The Supreme Court delivered its judgement on 31 March 2020, dismissing the appeal: see *Lee v Department of Justice* [2020] WASC 105.

- One appeal arose from a decision of the Commissioner to stop dealing with the complainant's external review (against a decision of the Department of Justice) on the ground that it was lacking in substance pursuant to section 67(1)(b) of the FOI Act. As at the end of the reporting period, the Supreme Court had not heard the appeal.

Outside of the reporting period, the same complainant filed another appeal arising from a decision of the Commissioner to stop dealing with the complainant's external review (against a decision of the Department of Health) on the ground that it was lacking in substance pursuant to section 67(1)(b) of the FOI Act. This appeal has since been discontinued.

Summaries of the above Supreme Court decisions are available in our April 2020 newsletter. Links to all Supreme Court decisions relating to decisions of the Commissioner are available on our website.

The impact of COVID-19 on FOI in agencies

In early July 2020, the AFRG met remotely to discuss the impact of COVID-19 on FOI in WA State and local government agencies during the first half of 2020. It was helpful to hear of the challenges faced by FOI officers and units as their wider agency dealt with the COVID-19 response.

Some of the observations from that meeting are outlined below.

- There was no real consistency across the agencies as to whether there were more, less or about the same number of access applications received during the COVID-19 emergency period. Anecdotally, local governments generally saw some increase in the number of access applications received.
- FOI timeframes were a challenge in some cases due to changed operations, or the threat of changed operations, during the COVID-19 response.
- The technicalities of working remotely were challenging in dealing with some kinds of access applications. Some documents are only available in hard copy and can only be accessed at an agency office.
- In-person payment of application fees and inspection of documents was problematic when agency offices were shut down or only allowed limited access.
- Agencies worked hard to be flexible in their processes to enable members of the public to exercise their access rights under the FOI Act.
- Members of the public were often very understanding about delays resulting from the challenges of the COVID-19 response.
- Many officers worked very hard to ensure processes ran as smoothly as possible when working remotely. Some technical issues were solved more quickly than would have occurred in a non-emergency.
- Many agencies provided information proactively to ensure members of the public were informed of agency decisions. It was felt that the sharing of information via websites, social media and enquiry lines enabled the public to be informed without the need to make a formal access application.

Producing documents to the OIC – change in procedure

After receiving an application for external review, it is the usual practice of the Commissioner to write to the principal officer of the agency to advise them of the matter and require the production of documents within a specified time period, as required under the FOI Act.

It had been the longstanding practice for agencies to produce the required documents in hard copy format. In recent years, the OIC has been considering modernising its procedures to allow documents to be produced in an electronic format in order to achieve greater efficiencies and benefits for both agencies and the OIC. As the nature of the documents being transferred are often highly confidential, it was important to ensure the file transfer software provided full encryption abilities and did not require any special software or systems to be downloaded by the end user.

This project was moved forward in response to the restrictions imposed as part of the Government's emergency response to

the COVID-19 pandemic. In March 2020, the OIC was able to introduce a new procedure that requires agencies to produce documents electronically, using a secure file sharing platform.

Since implementation, more than a thousand files have been successfully transferred to the OIC from more than 30 agencies, and feedback from agencies about the new procedure so far has been positive.

FOI in local government

In 2013/14, the then Commissioner considered the proportion of external review applications made to him in respect of decisions of local government agencies compared to other government agencies (other than Ministers) over the preceding three years (see page 22 of the OIC's 2013/14 annual report). At that time, the reported figures showed that, from 2011/12 to 2013/2014, a decision made under the FOI Act by a local government agency was eight times more likely to be subject to an external review than a decision made by a State government agency.

The Commissioner has considered the same issue over the past three years and, as a group, decisions made by local government remain, as it did in 2013/14, eight times more likely to be subject to external review than a decision made by all other agencies (excluding Ministers).

LOCAL GOVERNMENT	2017/18	2018/19	2019/20
# of applications received	860	832	790
# of external review requests	41	50	39
	4.77%	**6.00%**	**4.93%**

ALL OTHER AGENCIES (EXCEPT MINISTERS)	2017/18	2018/19	2019/20
# of applications received	16,302	18,370	17,552
# of external review requests	103	115	114
	0.63%	**0.63%**	**0.65%**

FOI applications to local government agencies can involve private disputes or grievances relating to land, planning matters, nuisance complaints or other neighbourhood issues. The personal nature of these kinds of disputes may account, in part, for the significantly high proportion of external review applications made to the OIC in respect of decisions of local government agencies compared to other government agencies (other than Ministers).

As also noted in the OIC's 2013/14 annual report, the Commissioner understands that the higher percentage is likely due to a number of factors, some of which are outside the control of individual local governments. However, it was also observed:

> [A] *more positive and open attitude to information disclosure can significantly reduce the potential strain on an agency's resources by reducing or eliminating the need to deal with individual FOI applications for that information. The Commissioner encourages local government agencies to adopt a more positive and open attitude in this regard. This can manifest itself in the proactive publication of information and by being responsive and open to both formal and informal requests for information from members of the public.*

In addition to the higher percentage of local government decisions coming to the Commissioner on external review, in the last two years there has been a noticeable increase in the number of applications for external review received from local government councillors, who are using the FOI Act to apply to their own local government agency to access documents. Between 2011/12 to 2017/18, there were no applications for external review lodged by councillors, whereas in 2018/19 there were four and in 2019/20 there were seven.

As Commissioners past and present have consistently stated, the FOI process should be used as a last resort for citizens seeking government information. The use of the FOI Act by local government councillors as a vehicle to access documents from their own local government would appear to be unnecessary and, although the numbers may not appear high, it may become of some concern if the trend continues. Applications of this kind invariably result from unresolved internal disputes and can cause extra pressure and stress on the FOI officers at the local government agency.

The role of an FOI officer in any State or local government agency can be difficult. It involves working to statutory deadlines; liaising with other agency officers, applicants, third parties and the OIC; and examining documents and making decisions that can be complex.

Recognising this, the OIC considers that it is critical that all FOI officers are given adequate resources, are respected and supported by agency officers, particularly by management and senior staff.

As part of its statutory function of assisting agencies on matters relevant to the FOI Act, the OIC endeavours to provide ongoing support to local government agencies by responding to questions and concerns expressed by the Local Government FOI networking group; responding to enquiries by individual local government officers; and providing FOI briefings to local government agencies, including councillors, on request.

At the FOI in WA Conference held by our office in November 2019, one of the presentations ('FOI and Dogs, Disputes and Discontent') focused on issues that local government regularly deal with. In addition, as part of the events in the week of International Access to Information Day in September 2020, the OIC is hosting a webinar aimed at local government to

discuss the importance of information access in local government.

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 FOI 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 New Zealand in August 2019. The second held in March 2020 was hosted by the Office of the Victorian Information Commissioner as a remote meeting.

The OIC will be hosting the next AIAC remote meeting in November 2020.

The Commissioner with members of the AIAC in Brisbane August 2019

Right to Know Week and International Right to Know Day

International Right to Know Day is celebrated on 28 September each year and recognises citizens' rights to access information and reinforces the importance of transparency in building trust in government. In a media statement celebrating the day in 2019, Information Access Commissioners and Ombudsmen from across Australia and New Zealand urged government agencies to do more to make information available for the benefit of citizens. Agencies were encouraged to make the most of opportunities offered by the digital age to increase the flow of information to the community, while protecting sensitive information as required. The Commissioners and Ombudsmen emphasised that the community's right to know underpins expectations for greater government openness and accountability. Public access to information encourages scrutiny and participation in democratic processes, supports better decision-making and strengthens citizen engagement with the public sector.

The OIC supported the events and promotions during the week following International Right to Know Day by providing links to information and activities provided by other information access jurisdictions.

On 15 October 2019, the 74th United Nations General Assembly adopted a resolution to proclaim 28 September as the International Day for Universal Access to Information.

OIC joins as a member of the International Conference of Information Commissioners

In September 2019 the OIC became a member of the International Conference of Information Commissioners (**the ICIC**). The ICIC is constituted by Information Commissioners and Ombudsmen from across the globe, who meet to discuss issues related to the protection and promotion of the right to public information for the benefit of citizens. The Information Commissioners of Australia, Queensland, New South Wales and Victoria are also members of the ICIC.

National Dashboard of Utilisation of Information Access Rights 2014/15 – 2018/19 released

The National Dashboard of Utilisation of Information Access Rights compares statistics regarding the utilisation of information access rights across jurisdictions within Australia, and the 2018/19 data has recently been added.

The metrics reflect the priorities agreed in Australia's first *Open Government National Action Plan 2016-18*, to develop uniform metrics on public use of FOI access rights (Commitment 3.2) that promote the importance of better measurement and improve our understanding of the public's use of rights under FOI laws.

Since 2017/18, the OIC has provided additional data about the proportion of access applications dealt with within the statutory timeframe under the FOI Act. Under the FOI Act, this refers to the percentage of applications dealt with in the 'permitted period'. Section 13(3) of the FOI Act, provides:

> *For the purposes of this section the permitted period is 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).*

The data provided by WA agencies in the 2018/19 statistical returns indicated that 90% of access applications made in the State were finalised within the permitted period. This is one percent less than the previous reporting period. Only NSW and the Northern Territory reported a greater percentage of decisions being made within the statutory timeframe – each with 92%.

The data from the 2018/19 dashboard also indicates, amongst other things, that Western Australia has:

- the highest number of applications received by agencies per capita (7.3);

- the third highest percentage of access provided in full or in part (94%) [note: only Victoria and the Northern Territory had a higher percentage at 96%]; and
- the lowest percentage of external reviews received (0.9%), as a percentage of the total number of access applications received by agencies.

The full dashboard of FOI metrics can be found on the NSW Information and Privacy Commissioner's website.

Information Access Study 2019

In last year's annual report, the OIC reported on a community attitudes survey undertaken with Information Access Commissioners from NSW, Victoria, Queensland, the Commonwealth of Australia and the ACT Ombudsman, to seek to understand community attitudes to access to government information. The survey results were published for each jurisdiction under the title, Information Access Study 2019. In September 2019 the Information Access Commissioners and Ombudsman released the findings for this first cross-jurisdictional study of community attitudes towards access to government information.

The Information Access Commissioners and Ombudsman released a media statement about this summary, published on our website.

It is pleasing to note that Western Australia was the jurisdiction with the highest rate of success when people sought access to information. In WA, of the people who had tried to access information from WA government agencies in the last three years, 91% were successful in part or in full. The jurisdiction with the next highest rate of success was NSW with 80%.

The results of the WA portion of the study are available on our website. The summary of findings across all the jurisdictions is available on the NSW Information and Privacy Commission's website.

Some of the jurisdictions have also published more detailed reports showing the results of the surveys conducted for their jurisdiction:

- Office of the Australian Information Commissioner
- Queensland Office of the Information Commissioner
- Office of the Victorian Information Commissioner

Submissions and consultations

During the reporting period, the Commissioner was formally consulted or requested to make a submission on a number of matters. The following submissions were made in respect of legislative proposals or administrative practices affecting the FOI Act, the OIC or information disclosure more generally.

Submission in response to the Privacy and Responsible Information Sharing for the Western Australian Public Sector Discussion Paper

As reported last year, on 5 August 2019 the Department of the Premier and Cabinet (**DPC**) released the *Privacy and Responsible Information Sharing for the Western Australian*

Public Sector Discussion Paper (**the Discussion Paper**) and invited public comment by 1 November 2019.

The OIC provided an extensive written submission to DPC. This and other submissions received by DPC in response to the Discussion Paper are available on the WA.gov.au website.

Following our submission, DPC further consulted with the OIC about DPC's responsible information sharing project and we provided some further assistance within the constraints of our role and legislative remit.

The OIC understands that DPC is currently consulting with a wide range of government agencies to finalise the proposed legislative model but that this process has been delayed by the impacts of COVID-19: see https://www.wa.gov.au/government/privacy-and-responsible-information-sharing.

Submission to the Joint Standing Committee on the Corruption and Crime Commission

In August 2019 the Joint Standing Committee on the Corruption and Crime Commission **(the Committee**) invited feedback from the OIC on the function of the *Corruption, Crime and Misconduct Act 2003* (**the CCM Act**) and how the CCM Act might be improved through legislative reform (see page 9 of the Committee's 2018/19 annual report for information about this legislative review).

The Commissioner provided a response to the Committee in October 2019.

Parliamentary inquiry into local government

On 26 June 2019 the Legislative Council established the Select Committee into Local Government (**the Select Committee**) to inquire into how well the system of local government is functioning in Western Australia (**the Inquiry**). At the invitation of the Select Committee, the Commissioner provided a submission.

The key points arising from that submission were as follows.

- The 2019 amendments to the 'Access to Information' provisions of the *Local Government Act 1995* (**the LG Act**), together with provisions in the FOI Act, provide substantial pillars to support transparency and disclosure in local government. Whether they go far enough is a relevant matter for the Inquiry.
- The Inquiry should consider whether the provisions of the LG Act currently provide sufficient transparency around, and disclosure of, local government information or could instead include a broader range of information currently held by local government.
- When drafting its recommendations as they relate to accountability and transparency in local government, the Inquiry may wish to consider:
    - greater recognition for the pro-disclosure objects and operation of the FOI Act and the role of the OIC in encouraging local government agencies to give access to as much documentation outside the FOI Act as

possible, and to use the FOI process as a last resort for those seeking access to government documents; and

- how local government engagement with Australia's involvement in the Open Government Partnership and Second National Action Plan 2018 – 2020 could further drive transparency and access to information at the local government level.

The full submission is available on Parliament's website.

Submission in response to Office of the Australian Information Commissioner discussion paper – Disclosure of public servants' names and contact details

In July 2019 the Office of the Australian Information Commissioner (**OAIC)** invited the OIC's comment on a discussion paper relating to the disclosure of public servants' names and contact details when processing or responding to FOI requests.

The OIC provided a submission that was intended to provide some guidance for the OAIC to consider how issues around the disclosure of the names and contact details of officers of WA government agencies have been dealt with in WA, noting that this State's FOI legislation is different to the Commonwealth FOI legislation. The OIC's submission and other submissions received by the OAIC in response to the discussion paper are available on their website.

Use of the term 'complaint' in the FOI Act

The FOI Act describes the main function of the Commissioner as dealing with 'complaints' made under Part 4 of the FOI Act about decisions made by agencies in respect of access applications and applications for amendment of personal information (section 63(1)).

Under section 65 of the FOI Act, a complaint can be made to the 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.

Section 63(2) provides that the Commissioner's functions also include ensuring agencies are aware of their responsibilities and that members of the public are aware of their rights under the FOI Act. However, the Commissioner does not have any specific powers of oversight, monitoring/auditing, investigation or enforcement in relation to matters that may broadly come within the functions described in sections 63(2)(d)-(f).

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.

Under section 63(3) the Commissioner may notify specified persons when the Commissioner forms the opinion that there is evidence that an officer of an agency is guilty of a breach of duty, or of misconduct, in the administration of the FOI Act. However, this only applies when the Commissioner is dealing with an external review application (a 'complaint', as described in section 65).

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 continues to review our 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.

The OIC does occasionally receive expressions of dissatisfaction about certain actions taken by an agency and officers of an agency that are not of the kind that the Commissioner is required to deal with on external review. Such matters may include allegations that:

- an agency has taken too long to deal with a matter before it;
- an officer of an agency has a conflict of interest;
- an agency did not provide reasonable assistance to an access applicant;
- an officer of an agency has acted in an unprofessional manner; and
- an agency is acting in a biased way toward a person.

The FOI Act gives the Commissioner a limited role in dealing with any such expressions of dissatisfaction regarding agency FOI administrative practices. Nevertheless, wherever it is practicable and if the Commissioner considers that the allegation may have substance, the Commissioner will usually make inquiries to establish the full circumstances and suggest possible options to that person, should they wish to pursue the matter. Such options may include reporting their concerns to the principal officer of the agency, or referring the matter to the WA Ombudsman.

If the Commissioner is of the view that an agency is acting contrary to its obligations under the FOI Act, the Commissioner will usually advise the agency of the appropriate way to comply with those obligations. That action may include specific advice on a particular issue or providing additional training to agency officers.

Audit outcomes

Internal audit

In June 2020, the OIC engaged Braxford Consultancy to conduct the annual internal audit of the OIC's finance and human resource processes and controls.

The internal audit report indicated a satisfactory result. A number of observations were made which the OIC has endeavoured to address, none of which concerned high risk issues, as follows:

- some processes were considered to impair the proper segregation of duties;
- transaction corrections were not always reviewed;
- the recording and treatment of some leave entitlements needs improvement;
- ensuring that accurate and robust reports are provided from payroll systems; and
- ensuring all policies are up-to-date.

External audit

The audit opinion from the Auditor General identified no reportable issues in the financial statements, key performance indicators or controls for 2019/20.

This year a review was undertaken of the processes involved during the COVID-19 response. The audit opinion identified a moderate risk to financial security in staff using their personal devices to access the OIC's network. The OAG recommended a review of this process, as it could pose a security risk.

The OIC's Risk Management Steering Committee has identified the security of remote access as a priority issue, and the further development of secure remote access is part of our office's strategic plan for 2020-2023.

Internal Audit Committee

The introduction of Treasurer's Instruction 1201 during the reporting period required the Commissioner to ensure the formation of an Internal Audit Committee, which must include a suitably qualified Chairperson who is external to the OIC.

In June 2020, the OIC's Internal Audit Committee was formed, consisting of two OIC staff and the Chief Finance Officer from the Office of the Inspector of Custodial Services as Chairperson.

Risk management

The OIC has an established Risk Management Steering Committee (RMSC). In early 2020, changes were made to its membership and meetings were held regularly to discuss and manage the risks posed by the COVID-19 pandemic. As outlined earlier in this report, the RMSC oversaw the revision and implementation of the OIC's Business Continuity Management Plans, action plans and other relevant processes to ensure the safety of staff, the community and the OIC's infrastructure.

Disclosures and Legal Compliance

FOI in the sector

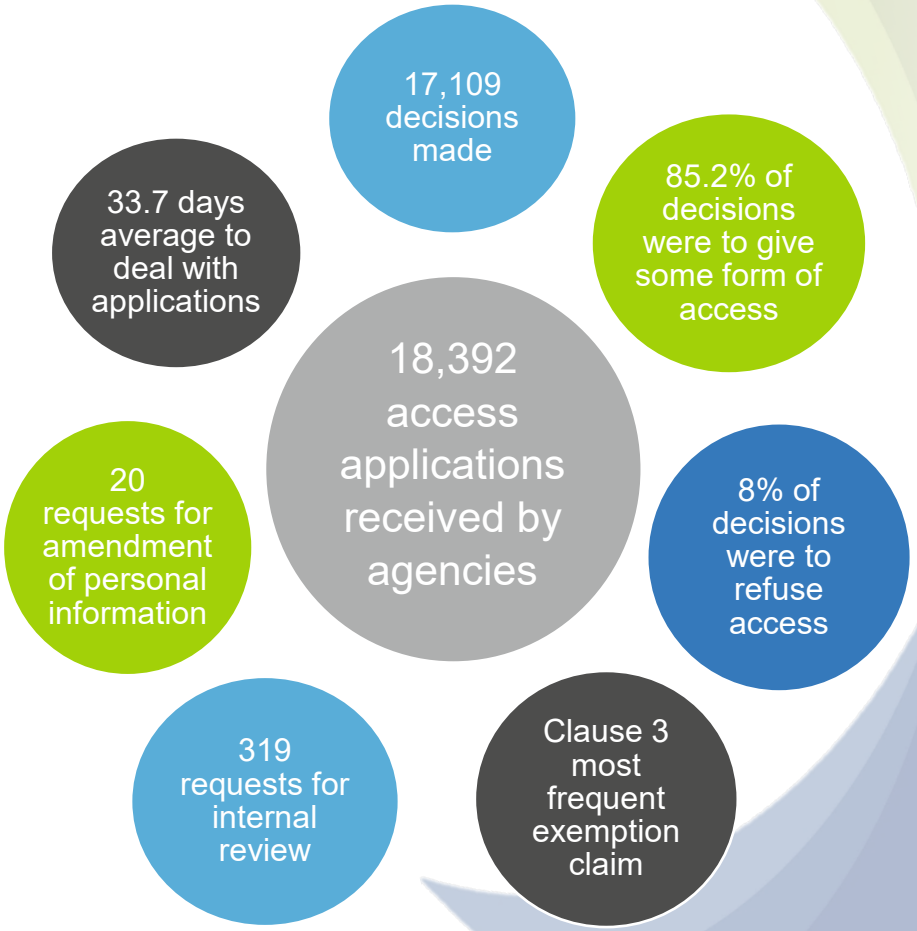
Section 111 of the FOI Act requires that the Commissioner's annual report to Parliament is to include certain specified information relating to the number and nature of applications dealt with by agencies under the FOI Act during the year. To enable that to occur, agencies are required to provide the Commissioner with the specified information. That information for 2019/20 is set out in detail in the statistical tables in the Agency Statistics chapter of this report. The following is an overview of key points.

Access applications received

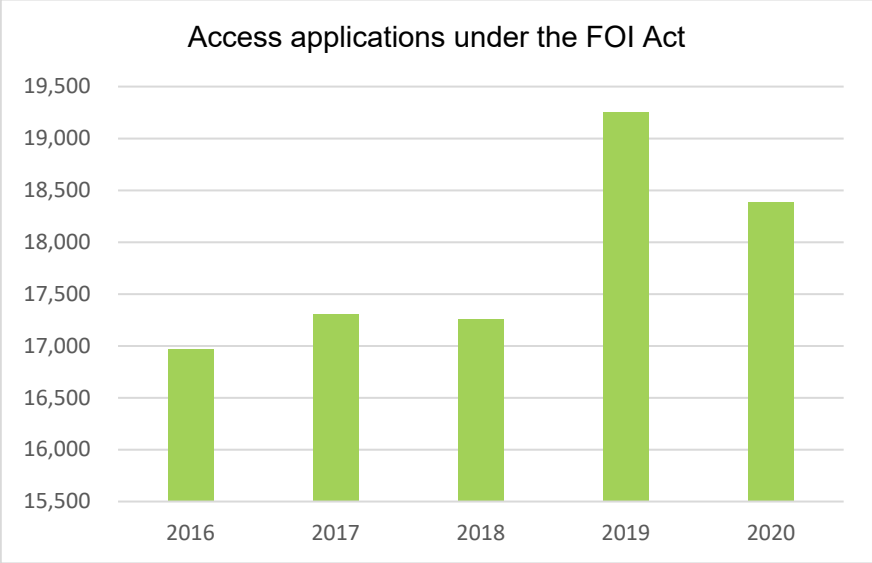
- The total number of access applications made under the FOI Act to agencies in 2019/20 was 18,392, a decrease of 866 from the previous year.
- Applications to departments (not including WA Police and health related agencies) decreased by 799 (17.5%).

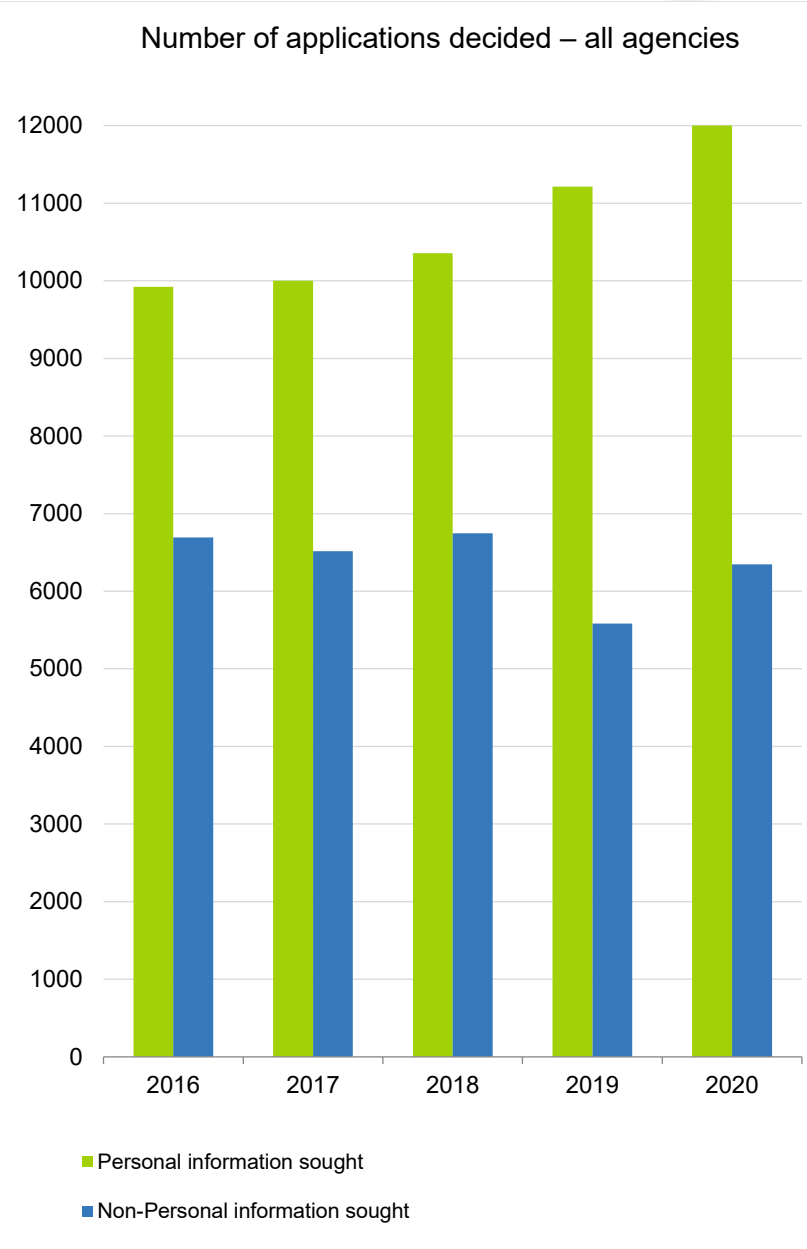
Agency decisions

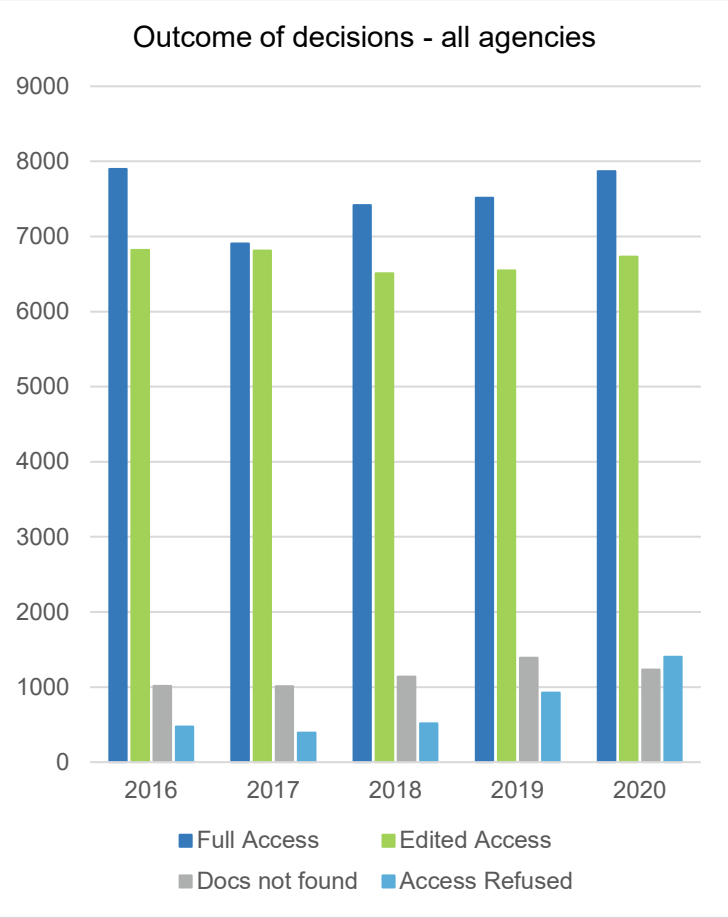
- 17,109 decisions on access were made by State and local government agencies.
- 85.2% of all access decisions made were to the effect that access in some form was given (86.2% in 2018/19).



- 45.4% of decisions resulted in the applicant being given access in full to the documents sought (46.8% in 2018/19);
- 39.3% of decisions resulted in the applicant being given access to edited copies of the documents sought (39% in 2018/19);
- 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) (same as 2018/19);
- In 6.9% of access applications the agency claimed the requested documents either did not exist or could not be found (8.3% in 2018/19);
- 8% of the decisions made were to refuse access (5.5% in 2018/19).



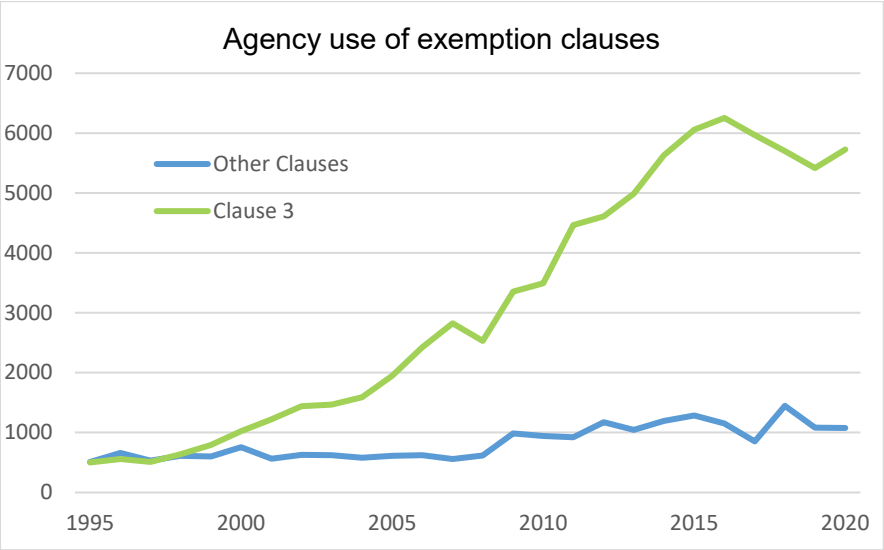




Exemptions

- 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 5,458 times in the year under review. Continued use of that exemption to protect personal privacy is the most heavily relied upon exemption in Schedule 1 of the FOI Act.
- Other frequently claimed exemptions were as follows:

Exemptions claimed	#
Clause 5 (law enforcement, public safety and property security)	244
Clause 4 (certain commercial or business information of private individuals and organisations)	192
Clause 11 (documents that may impair the effective operation of agencies)	142
Clause 7 (documents which would be privileged from production in legal proceedings on the ground of legal professional privilege)	120
Clause 14 (information protected by certain statutory provisions)	115



Internal review

- 319 applications for internal review of decisions relating to access applications were received. This represents approximately 1.9% of all decisions made and approximately 23% of those decisions in which access was refused.
- 314 applications for internal review were dealt with. The decisions under review were:
  - confirmed on 194 occasions (almost 62% of all reviews);
  - varied on 94 occasions;
  - reversed on 18 occasions; and
  - withdrawn on 8 occasions.
- The review process resulted in 112 matters in which the initial decision was varied or reversed (35% of matters), which suggests the process is both an effective and important mechanism.

Amendment of personal information

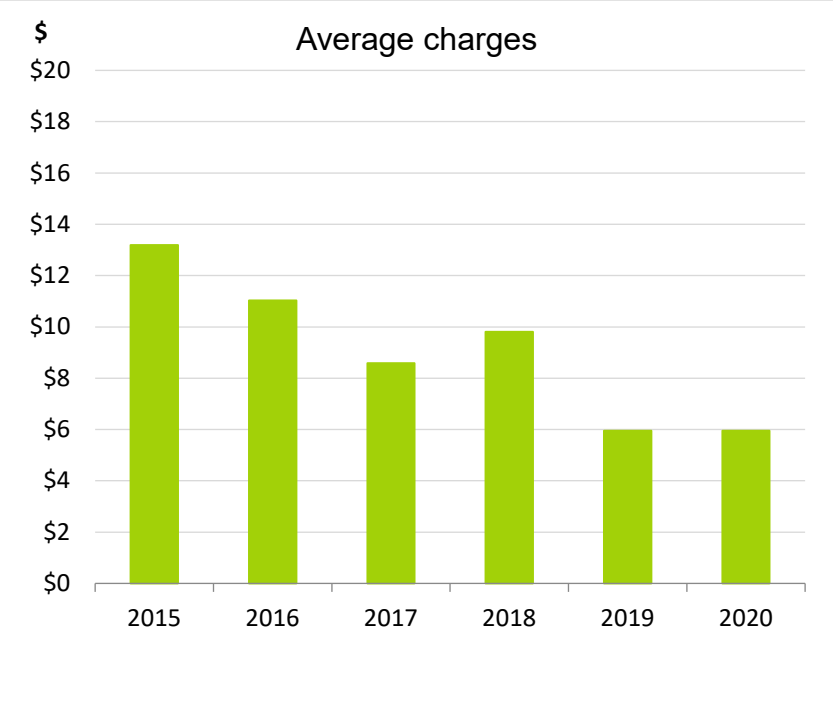
- 20 applications for amendment of personal information were received.
- A total of 13 applications were finalised:
  - information was amended on 3 occasions;
  - information was not amended on 6 occasions; and
  - information was amended, but not as requested, on 3 occasions.
- One of the applications received was subsequently withdrawn.
- Of the 3 applications for internal review of decisions relating to the amendment of personal information dealt with during the year, 2 decisions were made to confirm the original decision.

Access applications not dealt with in the permitted period

- 12.5% of access applications were not dealt with in the permitted period compared to 10.5% last year.
- 75% of agencies dealt with all their access applications in the permitted period, compared to 65% last year.

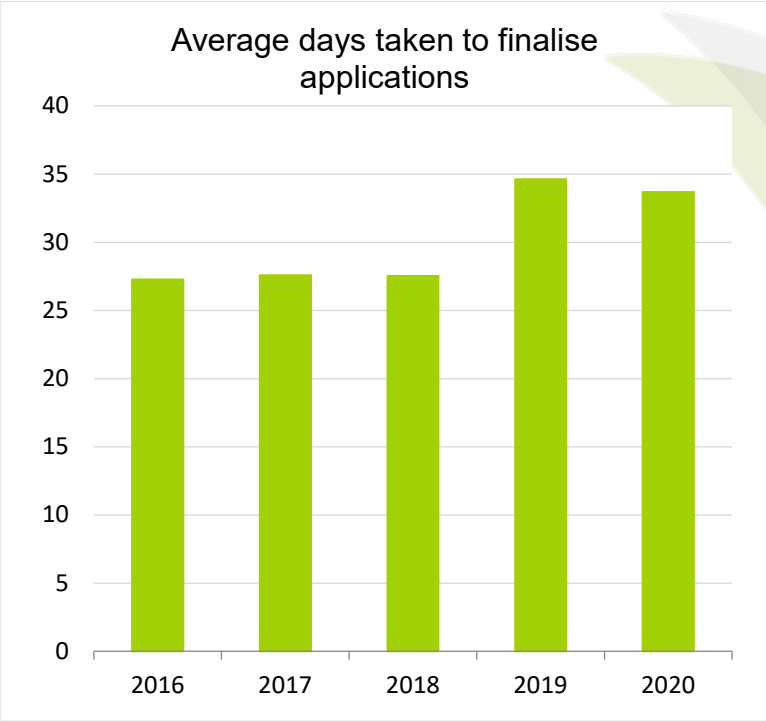
Average charges

The average charge imposed by agencies for dealing with access applications is the same as last year ($5.95).



Average time

The average time taken by agencies to deal with access applications (33.7 days) is slightly lower than the previous year (34.63 days) and remains within the maximum period of 45 days permitted by the FOI Act.



Financial disclosures

- The external review 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.
- There were no workers' compensation claims made during the reporting period.
- There were no instances of a corporate credit card being used for private purchases.

Asset replacement

Until 2009/10, the OIC received capital appropriations from the Government every year for asset replacement, being for investment and replacement of general office assets such as PCs, printers, copiers, shredders and servers. In 2007/08 the capitalisation threshold was increased from $1,000 to $5,000 which prohibited the OIC using those capital appropriations for assets under $5,000. This left an amount of $36,000 of unspent capital appropriation in the OIC's bank account.

On advice from the then Department of Treasury and Finance, the unspent capital was retained until required. For the 2019/20 reporting period, a new strategic asset plan was submitted, and approved, to reinstate $31,000 of capital to replace two fully depreciated assets: a document centre and a shredder. The submission also proposed to invest in a document management system.

The new document centre was ordered in February 2020, but delivery of the asset was delayed due to importation restrictions during the COVID-19 pandemic. The asset was received in July 2020.

Arrangements to purchase two other assets have also been delayed due to COVID-19.

Employment and industrial relations

Staff profile

	2020	2019
Full-time permanent	7	8
Full-time contract	1	3
Part-time measured on a FTE basis	2.2	2

Staff movements

The following staff appointments and changes were made during the year:

- The Acting Information Commissioner was permanently appointed from 16 July 2019 for a five year term.
- A six month contract appointment to the Paralegal role to temporarily cover the absence of the substantive occupant on unpaid leave, expired on 31 July 2019.
- The substantive occupant of the Paralegal position resigned, effective from 27 July 2019. This position remains vacant as of 30 June 2020 pending review and a recruitment process. In the meantime assistance is provided under a temporary staff contract.
- A recruitment process during 2018/19 resulted in a part-time permanent appointment to an Investigations/Legal Officer position on 22 July 2019. The officer commenced at 0.6 FTE equivalent, and increased to 0.8 FTE equivalent in February 2020.

- From 13 September 2019, the substantive occupant of the Principal Legal Officer position reduced their hours to 0.8 FTE equivalent (previously full-time).
- The substantive occupant of the Clerical Officer position commenced a 12 month secondment during 2018/19, during which the role was occupied by a redeployee. On 17 October 2019 the substantive occupant accepted permanency elsewhere in the public sector and resigned from the OIC. The redeployee was subsequently appointed to the position on a full-time permanent basis.
- The substantive occupant of the Information Services Manager position retired effective 1 November 2019. This position remains vacant as of 30 June 2020.
- From 15 May 2020, the substantive occupant of the Senior Legal Officer position increased their hours to full time (previously 0.8 FTE equivalent).
- In March 2020 a recruitment process for the appointment of two Investigations/Legal Officers was finalised. Due to restricted working arrangements in place as a result of COVID-19, the commencement of the appointments was postponed until July 2020.

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. During the period, over 30 events were attended by various staff members during the year. The increase in webinars and online training has provided greater opportunity for staff to attend more events.

In addition to seminars and workshops, when relevant, the OIC provides the opportunity for staff to achieve qualifications that promote skills development and career progress.

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.

Conflicts of interest

The OIC maintains a Conflicts of Interest Register. During the reporting period, two potential conflicts were registered by the officers concerned and appropriate measures were put in place to manage those potential conflicts.

Gifts register

The OIC has a gifts policy that has been modelled on the practice guide published by the Integrity Coordinating Group. This policy requires the maintenance of a gifts register, which is published on our website. Small 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.

During the reporting year, two gifts were registered as accepted.

Disability Access and Inclusion Plan

As required under the *Disability Services Act 1993*, the OIC publishes a Disability Access and Inclusion Plan (**DAIP**). The purpose of the DAIP is to ensure that people with a disability, their families, and carers are able to fully access the range of services and facilities of the OIC.

The DAIP outlines the seven desired outcomes the OIC has committed to achieving:

1. People with a disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with a disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with a disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with a disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with a disability have the same opportunities as other people to make complaints to a public authority.
6. People with a disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with a disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The OIC's DAIP also addresses the issue of people with a disability being able to exercise their rights under the FOI Act. The FOI Act requires that applications must be made in writing, and the OIC recognises this may present an obstacle for people with a disability. As FOI applications are made directly to the relevant State or local government agency, the

onus is on those agencies to ensure all applicants have the same opportunity to make an FOI application. This is encapsulated in sections 11(2) and 11(3) of the FOI Act, which require agencies to take reasonable steps to help applicants to make a valid FOI application.

A yearly progress report on the initiatives in the DAIP has been lodged with the Department of Communities. The majority of strategies are ongoing practices, such as maintaining access to premises and employment opportunities that may arise. Specific strategies that aim to improve current services and practices are focussed on updating the OIC's website to make it more accessible, such as by including audio links and translations.

The DAIP 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 Code**). 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.

After the Commissioner completed a CEO workshop on Accountability and Ethical Decision-making for accountable agency heads, OIC staff attended a similar workshop in October 2019, presented by the Public Sector Commission.

Complaints about the OIC

In October 2019 the OIC developed a policy document for dealing with a complaint about the actions or services of the Commissioner or OIC staff. The procedure encourages informal resolution and outlines the steps to initiate this as well as how to lodge a formal complaint.

The development of this policy was informed by the *Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014* and particularly by *Appendix* A of that Standard.

A copy of this procedure is available on the OIC's website.

Occupational safety, health and injury management

The OIC is committed to an occupational safety, health and injury management system which has been established 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 all staff are provided the opportunity to report any issues at the monthly staff meetings via a standing agenda item for this

purpose. There were no reported injuries or fatalities during the reporting period (see Table 14).

Due to the retirement of the previous OHS representative in November 2019, an election for a new representative was held and the nominated officer attended the required introductory training course for safety and health representatives in December 2019.

An assessment of the OIC's occupational safety and health management system was proposed for 2019/20, but has been deferred.

Risk management

The OIC has an established Risk Management Steering Committee (**RMSC**). In early 2020, changes were made to its membership and meetings were held regularly to discuss and manage the risks posed by the COVID-19 pandemic. As outlined earlier in this report, the RMSC oversaw the revision and implementation of Business Continuity Management Plans, action plans and other relevant processes to ensure safety of staff, the community and the OIC's infrastructure.

Records management

The OIC reviewed it's recordkeeping plan and provided it's report to the State Records Office in December 2019. The following planned actions were committed:

- conducting a formal evaluation of the recordkeeping system;
- developing a records disaster recovery plan separate from the current recordkeeping plan and business continuity plan;
- creating a separate vital records register and include mechanisms for review;
- implementing the disposal policy; and
- testing of performance indicators for comparison to prior testing.

A full review of the recordkeeping plan was also scheduled to be finalised by 30 June 2020. However, due to other priorities during the COVID-19 pandemic and with approval from the State Records Office, this deadline was extended to March 2021.

The OIC is also proposing to digitise it's recordkeeping practices and to include this change in the updated recordkeeping plan. Capital funds have been approved and set aside to purchase an electronic document management system for this project.

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 2020.

Catherine Fletcher
Information Commissioner

17 September 2020

Tony Pruyn
Manager Complaints

17 September 2020

OAG AUDITED 6

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 Key Performance Indicators (**the KPIs**) 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 KPIs and two Efficiency KPIs, which are summarised below:

Key Effectiveness 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.

Key Efficiency Indicators

4. Average cost of external reviews finalised.
5. Average cost of advisory services delivered per recipient.

Key effectiveness indicators

Satisfaction of parties with external review process

	2016	2017	2018	2019	2020
Target	80%	85%	85%	85%	85%
Outcome	86%	88%	80%	82%	78%

The above indicator shows the level of satisfaction with the external review process by the parties to each of the external reviews 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 OIC?
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 257 parties who participated in an external review process following finalisation of the review process. 109 participants returned a completed PRQ. 65 responses were received from agencies, 43 were received from complainants and one was received from a third party. The total response rate from all participants was 42%.

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 109 respondents, 85 (78%) 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

	2016	2017	2018	2019	2020
Target	98%	98%	98%	98%	98%
Outcome	99%	98%	99%	99%	98%

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 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 270 State and local government agencies and Ministers. Of the 270 surveys sent, 263 agencies (97.4%) responded by returning a completed survey. Of the 263 respondent agencies, 187 (71.1%) confirmed receiving advice and guidance from this office.

Of those 187 agencies that received advice, 184 agencies (98%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which external reviews (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 an external review cannot be resolved by conciliation between the parties, the Commissioner is required to make a formal determination.

This KPI is designed to represent the success rate of the preferred resolution method. Therefore, the KPI shows, as a percentage, those external reviews finalised by conciliation as opposed to those that required a decision by the Commissioner.

	2016	2017	2018	2019	2020
Target	60%	60%	60%	70%	70%
Outcome	70%	69%	77%	82%	64%

In total, 431 matters of all types were finalised by the OIC in 2019/20. However, of those 431 matters, only 148 were complaints (external reviews), as defined in section 65 of the FOI Act. Of the 148 external reviews resolved in 2019/20, 95 (64%) 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 had been increased from 60% to 70%.

Key efficiency indicators

The OIC delivers services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with external reviews (complaints) received under the FOI Act, approximately 68% of the OIC's resources are allocated to that 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 KPI are only those matters dealt with by the Resolution of Complaints section of the OIC in 2019/20 which were formal 'complaints' (see section 65 of the FOI Act) and applications that required a determination under the FOI Act rather than general administrative 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.

	2016	2017	2018	2019	2020
Budget	$11,133	$8,067	$9,190	$10,966	$7,206
Actual	$7,751	$8,844	$8,075	$7,414	$7,709

The table above reflects the costs incurred in resolving external reviews and applications (e.g. to lodge an external review out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of external reviews and applications resolved by the OIC in 2019/20 (195) into the "Total Cost of Services" for the Resolution of Complaints output.

Output 2 – Advice and Awareness Services Average cost of advisory services delivered per recipient

In calculating this KPI, the total output units delivered by the Advice and Awareness section of the OIC in 2019/20 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.

	2016	2017	2018	2019	2020
Budget	$208	$268	$240	$215	$364
Actual	$262	$251	$249	$316	$283

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 2019/20 (2,501) into “Total Cost of Services” for the Advice and Awareness output.

Financial Statements

Disclosures and Legal Compliance

FINANCIAL STATEMENTS
Certification of financial statements
For the reporting period ended 30 June 2020

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 2020 and the financial position as at 30 June 2020.

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

Catherine Fletcher
Information Commissioner
17 September 2020

Michelle Fitzgerald
Chief Finance Officer
17 September 2020

OAG AUDITED 6

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 2020, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, and Summary of Consolidated Account Appropriations 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 2020 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 Responsibility for the Audit of the Financial Statements section of my report. I am independent of the Information 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 entity'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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A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of my auditor's report.

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 2020.

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.

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 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 non-compliance 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 2020. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and 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 agency's performance and fairly represent indicated performance for the year ended 30 June 2020.

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 entity'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 2020 included on the Commissioner's website. The Information Commissioner's management is responsible for the integrity of the Information Commissioner's website. This audit does not provide assurance on the integrity of the Information 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 contact the entity to confirm the information contained in the 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
21 September 2020

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Statement of Comprehensive Income – 30 June 2020

Cost of services	Note	2020 $	2019 $
Expenses			
Employee benefits expense	2.1.1	1,505,817	1,481,521
Supplies and services	2.2	400,258	383,203
Depreciation expense	4.1.1	1,063	4,231
Accommodation expenses	2.2	201,222	231,758
Other expenses	2.2	102,476	112,504
Total cost of services		**2,210,835**	**2,213,217**
Income			
Revenue			
Other revenue	3.2	35,690	-
Total Revenue		**35,690**	-
Total income other than income from State Government		**35,690**	-
Net cost of services		**2,175,145**	**2,213,217**
Income from State Government			
Service appropriation	3.1	2,279,000	2,247,000
Services received free of charge	3.1	78,183	75,571
Total income from State Government		**2,357,183**	**2,322,571**
Surplus for the period		**182,038**	**109,354**
Other comprehensive income		-	-
Total comprehensive income for the period		**182,038**	**109,354**

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

Statement of Financial Position – 30 June 2020

Assets	Note	2020 $	2019 $
Current Assets			
Cash and cash equivalents	6.1	1,083,260	848,664
Receivables	5.1	19,499	16,454
Other current assets	5.3	33,870	31,356
Total Current Assets		**1,136,629**	**896,474**
Non-Current Assets			
Restricted cash and cash equivalents	6.1	17,982	13,081
Amounts receivable for services	5.2	36,000	36,000
Property, plant and equipment	4.1	0	1,063
Total Non-Current Assets		**53,892**	**50,144**
Total Assets		**1,190,611**	**946,618**
Liabilities			
Current Liabilities			
Payables	5.4	45,167	21,693
Employee related provisions	2.1.2	320,569	278,008
Total Current Liabilities		**365,736**	**299,701**
Non-Current Liabilities			
Employee related provisions	2.1.2	25,091	29,171
Total Non-Current Liabilities		**25,091**	**29,171**
Total Liabilities		**390,827**	**328,872**
Net Assets		**799,784**	**617,746**
Equity			
Contributed equity	8.8	37,000	37,000
Accumulated surplus/(deficit)	8.8	762,783	580,746
Total Equity		**799,784**	**617,746**

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

Statement of Changes in Equity – 30 June 2020

	Note	Contributed Equity $	Accumulated Surplus/ (deficit) $	Total Equity $
Balance at 1 July 2018		37,000	471,392	508,392
Changes in accounting policy or correction of prior period errors		-	-	-
Restated 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		37,000	580,746	617,746
Balance at 30 June 2019	8.8	**37,000**	**580,746**	**617,746**
Balance at 1 July 2019		37,000	580,746	617,746
Surplus/(Deficit)		-	182,038	182,038
Other comprehensive income			-	-
Total comprehensive income for the period		-	182,038	182,038
Balance at 30 June 2020	8.8	**37,000**	**762,784**	**799,784**

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

Statement of Cash Flows – 30 June 2020

	Note	2020 $	2019 $
Cash Flows from State Government			
Service appropriation		2,279,000	2,247,000
Net cash provided by State Government		**2,279,000**	**2,247,000**
Utilised as follows:			
Cash Flows from Operating Activities			
Payments			
Employee benefits		(1,456,410)	(1,432,477)
Supplies and services		(306,637)	(302,632)
Accommodation		(201,222)	(231,758)
GST payments on purchases		(61,267)	(64,382)
Other payments		(102,476)	(112,504)
Receipts			
GST receipts on sales		2,972	261
GST receipts from taxation authority		49,846	67,352
Other receipts		35,690	-
Net cash provided by/(used in) operating activities		**(2,039,503)**	**(2,076,140)**
Net increase/(decrease) in cash and cash equivalents		239,497	170,860
Cash and cash equivalents at the beginning of the period		861,745	690,885
Cash and cash equivalents at the end of the period	6.1	**1,101,242**	**861,745**

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

Summary of consolidated account appropriations – 30 June 2020

	2020 Budget Estimate ($000)	2020 Supplementary Funding ($000)	Revised Budget ($000)	2020 Actual ($000)	Variance ($000)
Delivery of Services					
Item 12 Net amount appropriated to deliver services	2,017	-	2,017	2,010	(7)
Amount authorised by other statutes		-			
- *Freedom of Information Act 1992*	278	-	278	269	(9)
Total appropriations provided to deliver services	**2,295**	**-**	**2,295**	**2,279**	**(16)**
Capital					
Capital appropriations	243	-	243	-	(243)
Grand Total	**2,538**	**-**	**2,538**	**2,279**	**(259)**

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

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 Commissioner on 17 September 2020.

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 (**AASs**) - 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 AASs. Several AASs 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.

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	2020 $	2019 $
Employee benefits expense	2.1.1	1,505,817	1,481,521
Employee related provisions	2.1.2	345,660	307,179
Other expenditure	2.2	703,955	727,465

Note 2.1.1 Employee benefits expense

	2020 $	2019 $
Employee benefits	1,372,966	1,346,664
Superannuation - defined contribution plans	132,851	134,857
	1,505,817	**1,481,521**
Add: AASB 16 Non-monetary benefits	-	-
Less: Employee Contributions	-	-
	1,505,817	**1,481,521**

Employee Benefits: Include wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, profit-sharing and bonuses; and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

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.

AASB 16 Non-monetary benefits: Non-monetary employee benefits, that are employee benefits expenses, predominantly relate to the provision of vehicle and housing benefits are measured at the cost incurred by the agency.

Note 2.1.2 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.

	2020 $	2019 $
Current		
Employee benefits provision		
Annual leave [a]	130,478	97,135
Long service leave [b]	188,638	179,611
	319,116	**276,746**
Other provisions		
Employment on-costs [c]	1,453	1,262
	320,569	**278,008**
Non-current		
Employee benefits provision		
Long service leave [b]	24,978	29,039
Other provisions		
Employment on-costs [c]	113	132
	25,091	**29,171**
Total employee related provisions	**345,660**	**307,179**

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

	2020 $	2019 $
Employment on-cost provision		
Carrying amount at start of period	1,394	1,177
Additional/(reversals of) provisions recognised	172	217
Payments/other sacrifices of economic benefits	-	-
Unwinding of the discount	-	-
Carrying amount at the end of the period	**1,566**	**1,394**

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 reporting period.

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.

Note 2.2 Other expenditure

	2020 $	2019 $
Supplies and services		
Goods and supplies	49,187	24,434
Services and contracts	351,071	358,769
	400,258	**383,203**
Accommodation expenses		
Rental	201,222	231,758
	201,222	**231,758**
Other		
Communications	2,536	3,373
Printing and binding	6,517	2,524
Electricity	5,213	7,187
Insurance	12,786	12,790
Repairs and maintenance	-	198
Travel and accommodation	12,079	9,774
Software licenses	9,784	12,154

Professional development	8,075	14,722
Audit fees	27,375	36,170
Employment on-costs	1,024	1,344
Research and advertising	16,145	11,789
Other	663	477
	102,198	**112,504**
Total other expenditure	**703,678**	**727,465**

Supplies and services expenses 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.

Rental expenses include lease payments, recognised in the period in which the event or condition that triggers those payments occurs.

Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

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 staff and are recognised as expenses as incurred.

Audit fees includes 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-cost includes 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 2.1.2 *Employee related provisions*. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

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	2020 $	2019 $
Income from State Government	3.1	2,357,183	2,322,571
Other revenue	3.2	35,690	-

3.1 Income from State Government

	2020 $	2019 $
Appropriation received during the period:		
Service appropriations	2,010,000	1,969,000
Service appropriations - Other Statutes	269,000	278,000
	2,279,000	**2,247,000**
Services received free of charge from other State government agencies during the period		
Department of Finance - Building Management and Works	78,183	75,571
	78,183	**75,571**
	2,357,183	**2,322,571**

Service Appropriations are recognised as income at the fair value of consideration received in the period in which the agency gains control of the appropriated funds. The agency 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).

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 Other revenue

	2020 $	2019 $
Appropriation received during the period:		
Conference receipts	26,565	-
Leave liability recoups	3,691	-
Other recoups	5,433	-
Total other revenue	**35,690**	**-**

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

4. Key Assets

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:

Assets the OIC utilises for economic benefit or service potential

	Notes	2020 $	2019 $
Property, plant and equipment	4.1.1	-	1,063
Total key assets		**-**	**1,063**

4.1 Property, plant and equipment

	2020 $	2019 $
Office equipment and computers		
At cost	46,314	46,314
Accumulated depreciation	(46,314)	(45,251)
	-	**1,063**

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

	Office equipment and computers $
2020	
Carrying amount at start of period	1,063
Depreciation	(1,063)
Additions	-
Carrying amount at 30 June 2020	**-**
2019	
Carrying amount at start of period	5,294
Depreciation	(4,231)
Additions	-
Carrying amount at 30 June 2019	**1,063**

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.

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 asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Asset	**Useful life: years**
Office 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.

4.1.1 Depreciation and impairment charge for the period

	2020 $	2019 $
Depreciation		
Plant and equipment	1,063	4,231
	1,063	**4,231**

As at 30 June 2020 there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2020 have either been classified as assets held for sale or have been written-off.

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.

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	2020 $	2019 $
Receivables	5.1	19,499	16,454
Amounts receivable for services	5.2	36,000	36,000
Other assets	5.3	33,870	31,356
Payables	5.4	45,167	21,693

5.1 Receivables

	2020 $	2019 $
Current		
Trade receivables	109	2,289
GST receivable	19,390	14,165
Total receivables	**19,499**	**16,454**

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)

	2020 $	2019 $
Non-current	36,000	36,000
Balance at end of the period	**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

	2020 $	2019 $
Current		
Prepayments	33,870	31,356
Balance at the end of the period	**33,870**	**31,356**

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

	2020 $	2019 $
Current		
Trade payables	28,385	15,733
GST Payable	148	253
Accrued salaries	16,633	5,707
Balance at end of period	**45,167**	**21,693**

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 *Cash and cash equivalents*) consists of amounts paid annually, from office 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	2020 $	2019 $
Cash and cash equivalents	6.1	1,101,242	861,745

6.1 Cash and cash equivalents

	2020 $	2019 $
Cash and cash equivalents	1,083,260	848,664
Restricted cash and cash equivalents		
– Accrued salaries suspense account[(a)]	17,982	13,081
Balance at end of period	**1,101,242**	**861,745**

(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.

7. Financial instruments and contingencies

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

7.1 Financial Instruments

The carrying amounts of each of the following categories of financial assets and liabilities at the end of the reporting period are:

	2020 $	2019 $
Financial assets		
Cash and cash equivalents	1,101,242	861,745
Financial assets at amortised cost[(a)]	36,109	38,289
	1,137,351	**900,034**
Financial liabilities		
Financial liabilities at amortised cost	45,167	21,693
	45,167	**21,693**

(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 2020.

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

(a) AASB 15 Revenue from Contract with Customers and AASB 1058 Income of Not-for-Profit Entities.

AASB 15 Revenue from Contracts with Customers replaces *AASB 118 Revenue* and *AASB 111 Construction Contracts* for annual reporting periods on or after 1 January 2019. Under the new model, an entity shall recognise revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service and is based upon the transfer of control rather than transfer of risks and rewards.

AASB 15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from the contracts with customers. Revenue is recognised by applying the following five steps:

- identifying contracts with customers;
- identifying separate performance obligations;
- determining the transaction price of the contract;
- allocating the transaction price to each of the performance obligations; and
- recognising revenue as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and

any discounts or rebates in the contract price are allocated to the separate elements.

In addition, the OIC derives income from appropriations which are recognised under AASB 1058. AASB 1058 is applied to not-for-profit entities for recognising income that is not revenue from contracts with customers. Timing of income recognition under AASB 1058 depends on whether such a transaction gives rise to a liability or other performance obligation (a promise to transfer a good or service), or a contribution by owners, related to an asset (such as cash or another asset) recognised by an office.

The OIC adopts the modified retrospective approach on transition to AASB 15 and AASB 1058. No comparative information will be restated under this approach, and the OIC will recognise the cumulative effect of initially applying the standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application (1 January 2019).

Under this transition method, the OIC may elect to apply the Standard retrospectively only to contracts and transactions that are not completed contracts at the date of initial application.

Refer to Note 3.1 for the revenue and income accounting policies adopted from 1 January 2019.

There was no financial impact of adopting AASB 15 and AASB 1058.

(b) *AASB 16 Leases*

AASB 16 Leases supersedes *AASB 117 Leases* and related Interpretations. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of both lessees and lessors.

The OIC applies *AASB 16 Leases* from 1 July 2019 using the modified retrospective approach. As permitted under the specific transition provisions, comparatives are not restated. The cumulative effect of initially applying this Standard is recognised as an adjustment to the opening balance of accumulated surplus/(deficit).

The main changes introduced by this Standard include identification of lease within a contract and a new lease accounting model for lessees that require lessees to recognise all leases (operating and finance leases) on the Statement of Financial Position as right-of-use assets and lease liabilities, except for short term leases (lease terms of 12 months or less at commencement date) and low-value assets (where the underlying asset is valued less than $5,000). The operating lease and finance lease distinction for lessees no longer exists.

Under AASB 16, the OIC takes into consideration all operating leases that were off balance sheet under AASB 117 and recognises:

a) right-of-use assets and lease liabilities in the Statement of Financial Position, initially measured at the present value

of future lease payments, discounted using the incremental borrowing rate (2.5%) on 1 July 2019;

b) depreciation of right-of-use assets and interest on lease liabilities in the Statement of Comprehensive Income; and

c) the total amount of cash paid as principal amount, which is presented in the cash flows from financing activities, and interest paid, which is presented in the cash flows from operating activities, in the Statement of Cash Flows.

The OIC measures concessionary leases that are of low value terms and conditions at cost at inception. There is no financial impact as the OIC is not in possession of any concessionary leases at the date of transition.

The right-of-use assets are assessed for impairment at the date of transition and the OIC has not identified any impairments to its right-of-use assets.

On transition, the OIC has elected to apply the following practical expedients in the assessment of their leases that were previously classified as operating leases under AASB 117:

a) a single discount rate has been applied to a portfolio of leases with reasonably similar characteristics;

b) the OIC has relied on its assessment of whether existing leases were onerous in applying *AASB 137 Provisions, Contingent Liabilities and Contingent Assets* immediately before the date of initial application as an alternative to performing an impairment review. The OIC has adjusted the ROU asset at 1 July 2019 by the amount of any provisions included for onerous leases recognised in the statement of financial position at 30 June 2019;

c) where the lease term at initial application ended within 12 months, the OIC has accounted for these as short-term leases;

d) initial direct costs have been excluded from the measurement of the right-of-use asset;

e) hindsight has been used to determine if the contracts contained options to extend or terminate the lease.

The OIC has not reassessed whether existing contracts are, or contained a lease at 1 July 2019. The requirements of paragraphs 9-11 of AASB 16 are applied to contracts that came into existence post 1 July 2019.

There was no financial impact of adopting AASB 16.

8.3 Key management personnel

The OIC has determined key management personnel to include senior officers of the OIC. The OIC does not incur expenditures to compensate Ministers and those disclosures may be found in the Annual Report on State Finances.

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 ($)	2020	2019
$10,001 - $20,001	-	1
$290,001 - $300,000	-	1
$320,001 - $330,000	1	-

	2020 $	2019 $
Total compensation of senior officers	**322,170**	**317,237**

Total compensation includes the superannuation expense incurred by the OIC in respect of senior officers.

8.4 Related Party Transactions

The OIC is a wholly-owned public sector entity that is controlled by 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 agencies and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly owned public sector entities);
- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board.

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 reporting period is as follows:

	2020 $	2019 $
Auditing of accounts, financial statements and performance indicators	27,375	27,375
	27,375	**27,375**

8.8 Equity

	2020 $	2019 $
Contributed equity		
Balance at start of the period	37,000	37,000
Balance at end of the period	**37,000**	**37,000**

Accumulated surplus/(deficit)		
Balance at start of period	580,746	471,392
Result for period	182,038	109,354
Balance at end of period	**762,784**	**580,746**
Total equity	**799,784**	**617,746**

8.9 Supplementary financial information

(a) Write-offs

There were no write-offs during the previous or current reporting period.

(b) Losses through theft, defaults and other causes

There were no thefts, defaults or losses during the previous or current reporting period.

(c) Gifts of public property

There were no gifts of public property during the previous or current reporting period.

8.10 Explanatory statement

All variances between estimates (original budget) and actual results for 2020, and between the actual results for 2020 and 2019 for the Statements of Comprehensive Income, Financial Position and Cash Flows are shown in the following pages. The variances do not meet the threshold requiring explanation (greater than 10% and $1 million).

8.10.1 Statement of comprehensive income variances

	Estimate 2020 ($000)	Actual 2020 ($000)	Actual 2019 ($000)	Variance between estimate and actual ($000)	Variance between actual results for 2020 and 2019 ($000)
Statement of Comprehensive Income					
Expenses					
Employee benefits expense	1,605	1,506	1,482	(99)	24
Services and supplies	339	400	383	61	17
Accommodation expenses	13	201	232	188	(31)
Depreciation expense	265	1	4	(264)	(3)
Finance and interest costs	32	-	-	(32)	-
Other expenses	163	102	113	(61)	(10)
Total cost of services	**2,417**	**2,211**	**2,213**	**(206)**	**(2)**
Income					
Revenue					
Other revenue	4	36	-	32	36
Total income other than income from State Government	**4**	**36**	**-**	**32**	**36**
Net cost of services	**2,413**	**2,175**	**2,213**	**(174)**	**(38)**
Income from State Government					
Service appropriation	2,295	2,279	2,247	(16)	32
Resources received free of charge	110	78	76	(32)	3
Total income from State Government	**2,405**	**2,357**	**2,323**	**(48)**	**35**
Surplus/(deficit) for the period	**(8)**	**182**	**109**	**(222)**	**(3)**
Total comprehensive income for the period	**(8)**	**182**	**109**	**(222)**	**(3)**

8.10.2 Statement of financial position variances

	Estimate 2020 ($000)	Actual 2020 ($000)	Actual 2019 ($000)	Variance between estimate and actual ($000)	Variance between actual results for 2020 and 2019 ($000)
Assets					
Current Assets					
Cash and cash equivalents	665	1,083	849	(418)	235
Receivables	17	19	16	(2)	3
Other Current Assets	45	34	31	11	3
Total Current Assets	**727**	**1,137**	**896**	**(410)**	**240**
Non-Current Assets					
Restricted cash and cash equivalents	10	18	13	(8)	5
Amounts receivable for services	264	36	36	228	-
Property, Plant and Equipment	812	-	1	812	(1)
Total non-current assets	**1,086**	**54**	**50**	**1,032**	**4**
Total assets	**1,813**	**1,191**	**947**	**622**	**244**
Liabilities					
Current Liabilities					
Payables	-	45	22	(45)	23
Provisions	212	321	278	(109)	43
Borrowings and leases	251	-	-	251	-
Other	21	-	-	21	-
Total Current Liabilities	**484**	**366**	**300**	**118**	**66**
Non-Current Liabilities					
Provisions	52	25	29	27	(4)
Borrowings and leases	541	-	-	541	-
Total Non-Current Liabilities	**593**	**25**	**29**	**568**	**(4)**
Total liabilities	**1,077**	**391**	**329**	**686**	**62**
Net assets/(liabilities)	**736**	**800**	**618**	**(64)**	**182**

Equity					
Contributed equity	280	37	37	243	-
Accumulated surplus/(deficiency)	456	763	581	(307)	182
Total equity	**736**	**800**	**618**	**(64)**	**182**

8.10.3 Statement of cash flow variances

	Estimate 2020 ($000)	Actual 2020 ($000)	Actual 2019 ($000)	Variance between estimate and actual ($000)	Variance between actual results for 2020 and 2019 ($000)
Cash flows from State Government					
Service appropriation	2,036	2,279	2,247	(243)	32
Capital appropriation	243	-	-	243	-
Holding account drawdowns	31	-	-	31	-
Net cash provided by State Government	**2,310**	**2,279**	**2,247**	**31**	**32**
Utilised as follows:					
Cash flows from operating activities					
Payments					
Employee benefits	(1,605)	(1,456)	(1,432)	(149)	(24)
Services and supplies	(311)	(307)	(303)	(4)	(4)
Accommodation	(13)	(201)	(232)	188	31
Other payments	(105)	(102)	(113)	(3)	10
GST payments on purchases	(30)	(61)	(64)	31	3
Finance and interest costs	(32)	-	-	(32)	-
Receipts					
Provision of services	-	-	-	-	-
GST receipts on sales	-	3	-	(3)	3
GST receipts from taxation authority	48	50	67	(2)	(18)
Other revenue	4	36	-	(32)	36
Net cash used in operating activities	**(2,044)**	**(2,040)**	**(2,076)**	**(4)**	**37**

Cash flows from investing activities					
Payments					
Purchase of non-current assets	(31)	-	-	(31)	-
Receipts				-	-
Proceeds from sale of non-current physical assets	-	-	-	-	-
Net cash provided by/(used in) investing activities	(31)	-	-	(31)	-
Cash flows from financing activities					
Payments					
Repayment of borrowings and leases	(243)	-	-	(243)	-
Net cash provided by/(used in) investing activities	**(243)**	**-**	**-**	**(243)**	**-**
Net increase/(decrease) in cash and cash equivalents	**(8)**	**239**	**171**	**(247)**	**69**
Cash and cash equivalents at the beginning of the period	**683**	**862**	**691**	**(179)**	**171**
Cash and cash equivalents at the end of the period	**675**	**1,101**	**862**	**(426)**	**239**

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 reporting period. 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 external review applications made to the Commissioner and the results of those applications;
- 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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2 Breakdown of valid external review applications
3 External review applications received
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Table 1: Applications received and dealt with by the Information Commissioner

APPLICATIONS RECEIVED AND DEALT WITH BY THE COMMISSIONER			RECEIVED	DEALT WITH
Complaints	-	valid	166	148
Complaints	-	informal / invalid	25	27
Section 66(6)	-	applications - no internal review	8	9
Section 66(4)	-	applications - out of time	2	2
Section 13(5)	-	applications for extension of time	3	3
Section 13(4)	-	applications for reduction of time	2	2
Section 35(1)		waiver of requirement to consult	3	3
Section 48(3)		request for destruction certificate	0	1
TOTAL			**209**	**195**

Table 2: Breakdown of valid external review applications made to the Information Commissioner

APPLICANT GROUP	#
Individual Citizen	128
Company	13
Member of Parliament	7
Not for Profit	4
Media	4
Prisoner	10
TOTAL	**166**

AGENCY GROUP	#
Department (ex. Police & Health)	45
Local Government	39
Police	29
Board, Committee, Commission, Authority, Corporation	28
Minister	13
Health-related	7
University	5
TOTAL	**166**

Table 3: External review applications received by the Information Commissioner

AGENCY	Valid	Invalid	Total
State Agencies:			
Acacia Prison	3	1	4
Communities, Department of	9	0	9
Edith Cowan University	2	0	2
Education, Department of	5	0	5
EMHS - Corporate Office	1	0	1
EMHS - Royal Perth Hospital	0	1	1
Forest Products Commission	1	0	1
Health, Department of	2	0	2
Insurance Commission of Western Australia	1	0	1
Justice, Department of	11	1	12
Legal Aid Western Australia	2	0	2
Legal Profession Complaints Committee	0	1	1
Local Government, Sport and Cultural Industries, Dept of	3	2	5
Lotteries Commission	1	0	1
Main Roads Western Australia	4	0	4
Mental Health Commission	1	0	1
Mines, Industry Regulation and Safety, Department of	7	0	7
NMHS - Mental Health	0	2	2
NMHS - Osborne Park Hospital	1	0	1
NMHS - PathWest Laboratory Medicine WA	1	0	1
Police, Western Australia	29	4	33
Premier and Cabinet, Department of the	1	0	1
Public Advocate, Office of the	2	0	2
Public Transport Authority	2	0	2
Public Trustee Western Australia	3	0	3
School Curriculum and Standards Authority	1	0	1
Solicitor General	1	0	1
State Administrative Tribunal	1	1	2
Transport, Department of	2	0	2
Treasury, Department of	1	0	1
University of Western Australia, The	3	0	3
WACHS - Goldfields	1	0	1
Water and Environmental Regulation, Department of	2	0	2
Water Corporation	9	1	10
WorkCover WA	1	0	1
Sub-total: State Agencies	*114*	*14*	*128*
Local Agencies:			
Augusta-Margaret River, Shire of	1	0	1
Bayswater, City of	0	2	2
Belmont, City of	1	0	1
Bunbury, City of	2	0	2
Busselton, City of	3	0	3
Cambridge, Town of	3	0	3
Canning, City of	4	1	5
Cue, Shire of	0	1	1
Dardanup, Shire of	1	0	1
Kalgoorlie-Boulder, City of	1	0	1
Karratha, City of	2	0	2
Melville, City of	3	0	3
Mundaring, Shire of	2	0	2
Port Hedland, Town of	1	0	1

AGENCY	Valid	Invalid	Total
South Perth, City of	2	0	2
Stirling, City of	1	1	2
Subiaco, City of	5	0	5
Swan, City of	1	0	1
Toodyay, Shire of	2	0	2
Victoria Park, Town of	2	1	3
Wanneroo, City of	2	0	3
Sub-total: Local Agencies	*39*	*6*	*45*
Ministers:			
Environment, Minister for	2	0	2
Fisheries, Minister for	1	0	1
Health, Minister for	1	0	1
Local Government, Minister for	1	0	1
Mines and Petroleum, Minister for	1	0	1
Planning, Minister for	1	0	1
Regional Development, Minister for	2	0	2
Tourism, Minister for	1	0	1
Transport, Minister for	3	0	3
Sub-total: Ministers	*13*	*0*	*13*
Agency unknown:	0	5	5
Sub-total: Unknown	*0*	*5*	*5*
TOTAL:	**166**	**25**	**191**

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)	WAIVER s.35(1)	REQUEST FOR DESTRUCTION CERTIFICATE s.48(3)	TOTAL
Armadale, City of	0	0	0	0	1	0	1
Communities, Department of	0	1	0	1	0	0	2
Finance, Department of	0	1	0	0	0	0	1
Melville, City of	0	0	2	0	0	0	2
Perth, City of	0	0	0	0	1	0	1
Police, Western Australia	2	2	0	0	0	0	4
Public Transport Authority	0	2	0	0	0	0	2
SMHS - Fiona Stanley Hospital	0	1	0	0	0	0	1
Swan, City of	0	0	0	0	1	0	1
Toodyay, Shire of	0	1	0	0	0	0	2
Water and Environmental Regulation, Department of	0	0	0	2	0	0	2
TOTAL	**2**	**8**	**2**	**3**	**3**	**0**	**19**

Table 5: Outcome of external reviews 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:						
Augusta-Margaret River, Shire of	1	0	0	0	0	1
Botanic Gardens and Parks Authority	1	0	0	0	0	1
C&AHS - Perth Children's Hospital	1	0	0	0	0	1
Communities, Department of	5	0	0	0	3	8
Curtin University	0	0	1	0	0	1
Edith Cowan University	1	0	0	0	0	1
Education, Department of	2	0	0	0	0	2
EMHS - Royal Perth Hospital	1	0	0	0	0	1
Forest Products Commission	1	0	0	0	0	1
Health, Department of	0	0	0	0	1	1
Insurance Commission of Western Australia	1	0	0	0	0	1
Justice, Department of	9	0	2	0	5	16
Legal Aid Western Australia	0	1	0	0	0	1
Local Government, Sport and Cultural Industries, Department of	1	1	0	0	3	5
Lotteries Commission	0	0	0	0	1	1
Main Roads Western Australia	0	1	0	0	3	4
Mental Health Commission	0	0	0	0	1	1
Mines, Industry Regulation and Safety, Department of	3	0	0	0	1	4
Murdoch University	1	1	0	0	0	2
NMHS - Mental Health	3	0	0	0	0	3
Planning, Lands and Heritage, Department of	1	0	0	0	0	1
Police, Western Australia	16	0	0	0	10	26

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		
Premier and Cabinet, Department of the	2	0	0	0	0	2
Primary Industries and Regional Development, Department of	1	0	0	0	0	1
State Administrative Tribunal	1	0	0	0	0	1
Transport, Department of	0	0	0	0	2	2
University of Western Australia, The	1	0	0	0	0	1
Water and Environmental Regulation, Department of	3	0	0	0	0	3
Water Corporation	3	1	0	0	3	7
WorkCover WA	2	0	0	0	0	2
Sub-total: State Agencies	*61*	*5*	*3*	*0*	*33*	*102*
*Percentage of agency group/**percentage of total***	*59.8%*	*4.9%*	*2.9%*	*0.0%*	*32.4%*	***68.9%***
Local Agencies:						
Bunbury, City of	0	0	0	0	1	1
Cambridge, Town of	1	0	0	0	0	1
Canning, City of	2	0	0	0	1	3
Fremantle, City of	1	0	0	0	0	1
Kalamunda, City of	1	0	0	0	0	1
Kalgoorlie-Boulder, City of	1	0	0	0	0	1
Karratha, City of	2	0	0	0	0	2
Melville, City of	7	0	0	0	4	11
Mundaring, Shire of	2	0	0	0	0	2
Perth, City of	1	0	0	0	0	1
Subiaco, City of	2	0	0	0	0	2
Swan, City of	1	0	0	0	0	1
Toodyay, Shire of	2	0	1	0	0	3
Victoria Park, Town of	1	0	0	0	0	1
Vincent, City of	1	0	0	0	0	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	0	0	0	1	1
York, Shire of	1	0	0	0	0	1
Sub-total: Local Agencies	*26*	*0*	*1*	*0*	*7*	*34*
*Percentage of agency group/**percentage of total***	*76.5%*	*0.0%*	*2.9%*	*0.0%*	*20.6%*	***23.0%***
Ministers:						
Education and Training, Minister for	1	0	0	0	0	1
Environment, Minister for	1	0	0	0	1	2
Fisheries, Minister for	1	0	0	0	0	1
Planning, Minister for	1	0	0	0	0	1
Regional Development, Minister for	1	0	0	0	1	2
Tourism, Minister for	0	0	0	0	1	1
Transport, Minister for	3	0	0	0	1	4
Sub-total: Ministers	*8*	*0*	*0*	*0*	*4*	*12*
*Percentage of agency group/**percentage of total***	*66.7%*	*0.0%*	*0.0%*	*0.0%*	*33.3%*	***8.1%***
TOTAL COUNT	**95**	**5**	**4**	**0**	**44**	**148**
TOTAL PERCENTAGE	**64.2%**	**3.4%**	**2.7%**	**0.0%**	**29.7%**	**100%**

Table 6: Invalid applications for external review finalised

AGENCY	#No
Acacia Prison	1
EMHS - Royal Perth Hospital	2
Justice, Department of	1
Legal Profession Complaints Committee	1
Local Government, Sport and Cultural Industries, Dep't of	2
NMHS – King Edward Memorial Hospital	1
NMHS - Mental Health	2
Police, Western Australia	4
State Administrative Tribunal	1
Water Corporation	1
Sub-total: State Agencies	*16*
Bayswater, City of	2
Canning, City of	1
Cue, Shire of	1
Stirling, City of	1
Victoria Park, Town of	1
Sub-total: Local Agencies	*6*
Agency unknown:	5
Sub-total: Agency Unknown	*5*
TOTAL:	**27**

Table 7: Published decisions

Decision No.	Complainant	Agency	Decision Date
D0012020	Rawet	Main Roads Western Australia	13/02/2020
D0022020	Toodyay Progress Association Inc.	Shire of Toodyay	12/03/2020
D0032020	'V'	Curtin University	18/03/2020
D0042020	'W'	Department of Local Government, Sport and Cultural Industries	1/05/2020
D0052020	National Tertiary Education Industry Union	Murdoch University	20/05/2020
D0062020	Dickens	Water Corporation	28/05/2020
D0072020	Lee	Department of Justice	26/06/2020
D0082020	'X'	Legal Aid Western Australia	26/06/2020

Table 8: Outcome of other applications finalised

AGENCY	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)	WAIVER TO CONSULT s.35(1)	WAIVER TO CONSULT s.35(1)	REQUST FOR DESTRUCTION CERTIFICATE s.48(3)	TOTAL
	Refused	Refused	Withdrawn	Refused	Allowed	Refused	Refused	Conciliated	Conciliated	
State Agencies:										
Communities, Department of	0	1	0	1	0	0	0	0	0	2
Finance, Department of	0	1	0	0	0	0	0	0	0	1
Mines, Industry Regulation and Safety, Dept of	0	0	1	0	0	0	0	0	0	1
Police, Western Australia	2	2	0	0	0	0	0	0	0	4
Public Transport Authority	0	2	0	0	0	0	0	0	0	2
SMHS - Fiona Stanley Hospital	0	1	0	0	0	0	0	0	0	1
SMHS - Rockingham Peel Group	0	0	0	0	0	0	0	0	1	1
Water and Environmental Regulation, Dept of	0	0	0	1	1	0	0	0	0	2
Sub-total: State Agencies	*2*	*7*	*1*	*2*	*1*	*0*	*0*	*0*	*1*	*14*
Local Agencies:										
Armadale, City of	0	0	0	0	0	0	0	1	0	1
Melville, City of	0	0	0	0	0	2	0	0	0	2
Perth, City of	0	0	0	0	0	0	1	0	0	1
Swan, City of	0	0	0	0	0	0	1	0	0	1
Toodyay, Shire of	0	1	0	0	0	0	0	0	0	1
Sub-total: Local Agencies	*0*	*1*	*0*	*0*	*0*	*2*	*2*	*1*	*0*	*6*
TOTAL	**2**	**8**	**1**	**2**	**1**	**2**	**2**	**1**	**1**	**20**

Table 9: Formal training and presentations

DATE	PRESENTATION STYLE	TYPE
11/07/2019	FOI Decision Writing Workshop – DWW-2019-2	D
07/08/2019	FOI Coordinators Workshop – FCW-2019-5	C
12/09/2019	FOI Coordinators Workshop – FCW-2019-6	C
18/09/2019	WA Country Health Service Wheatbelt – Combined FOI and ROI presentation	A
2/10/2019	FOI Decision Writing Workshop – DWW-2019-3	D
18/10/2019	Training for Department of Justice	A
18/10/2019	FOI in WA Briefing – Objective	B
18/10/2019	Piddington Society – FOI and Open Government	S
30/10/2019	FOI Coordinators Workshop – FCW-2019-7	C
31/10/2019	City of Rockingham	A
31/10/2019	City of Rockingham	D
21/11/2019	FOI in WA Conference	E
3/12/2019	FOI Coordinators Workshop – FCW-2019-8	C
16/12/2019	Minerals Research Industry of WA	A
29/01/2020	FOI Decision Writing Workshop – DWW-2020-1	D
04/02/2020	RE: Government accountability – Law and Practice Unit	S
20/02/2020	FOI Coordinators Workshop – FCW-2020-1	C
24/02/2020	FOI Briefing for Health Consumer Council	B
18/03/2020	FOI Coordinators Workshop – FCW-2020-2	C

A = Agency briefing
B =Community briefing
C = FOI Coordinators training
D = Decision-makers training
E = Event
S = Speaking engagement

Table 10: Attendees at presentations

TRAINING SESSIONS (No.)	STATE GOVERNMENT	LOCAL GOVERNMENT	COMMUNITY	TOTAL
FOI Coordinators workshops (6)	69	31	0	100
Decision Writing workshops (4)	35	46	0	81
Sub-total:	*104*	*77*	*0*	*181*
BRIEFINGS (No.)				**TOTAL**
Agency briefings (4)	33	65	0	98
Community briefings (2)	0	0	69	69
Other FOI related speaking engagements (2)	0	0	81	81
Sub-total:	*33*	*65*	*150*	*248*
EVENTS (No.)				**TOTAL**
FOI in WA Conference (1)	245	76	0	321
Sub-total:	*245*	*76*	*0*	*321*
GRAND TOTAL	**382**	**218**	**150**	**750**

Table 11: Misdirected applications 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
2019/2020	10	8	17	35
TOTAL	**97**	**144**	**246**	**487**
PERCENTAGE	**20%**	**30%**	**51%**	**100%**

* Includes Acacia Prison and Melaleuca Remand & Reintegration Facility

Table 12: OIC publications

Information Sheets for Members of the Public	Information Sheets for Agency officers
Applying for documents during the COVID-19 pandemic*	Amendment of personal information
Amendment of personal information	Calculating charges
Can I get everything I want under FOI?	Consulting third parties
Can others access information about me or my business?	Flowchart - Dealing with an FOI application
Can the agency refuse to deal with my application?	Key FOI principles for agencies
Children and people with intellectual difficulties	Key questions for decision-makers to consider
How long should it take to deal with an access application?	How long should it take to deal with an access application?
How much does it cost?	Information Statements and other required publications
Is FOI my best option?	Large, complex or time-consuming applications
Requirements for a valid access application	Making submissions to the Information Commissioner
Review of agency decisions	Releasing documents that may be technically exempt
Role of the Information Commissioner	Repeated requests and unreasonable conduct
Steps for access applicants	The exemptions
The public interest	Thinking outside the FOI box
What documents can I ask for?	Training for agencies
What happens in an external review?	What if the documents cannot be found?
What if the agency says it doesn't have the documents?	What if there are many third parties to consult?
What if the agency delays making a decision	What is personal information?
What is personal information?	What happens in an external review?
Who do I contact to ask for documents?	Writing a notice of decision

**New publication in 2019/20*

Information about the External Review Process	Information about the FOI Process	Guides to Exemptions under the FOI Act
External review procedure – guide for parties	COVID-19 Managing FOI timeframes and potential office closures *	Clause 4(2) – Information that has a commercial value
Producing documents to the Information Commissioner – guide for agencies	Accessing Government documents in Western Australia	Clause 4(3) – Business, professional, commercial or financial affairs
Documents that cannot be found or do not exist – guide for access applicants *	Third parties and their rights - guide for the public	Clause 6 – Deliberative processes of Government
Preparing for a conciliation conference - guide for parties	Calculating time and days guide	Clause 7 – Legal professional privilege
Understanding the conciliation process - guide for parties	Dealing with personal information about an officer of an agency	Clause 8 – Confidential communications
Consulting with third parties during external review - guide for agencies	FOI Coordinators Manual	**Other publications**
Decisions of the Information Commissioner – guide for access applicants	Dealing with requests for documents related to an 'exempt agency'	Information Statement Guidelines
Decisions of the Information Commissioner – guide for agencies		OIC Newsletter
Decisions of the Information Commissioner – guide for third parties		

**New publication in 2019/20*

Table 13: FOI in WA Conference program

Welcome, Keynote Speech and Panel Discussion	
8:45 - 9:00	**Conference Opening** – Catherine Fletcher, Information Commissioner
9:00 - 9:40	**Keynote speech** - Emeritus Professor Geoff Gallop AC
9:40 - 10:30	**Panel Discussion** - **The role and challenges of FOI and open government in the current environment** Catherine Fletcher, Information Commissioner; Geoff Gallop; Caroline Spencer, the Auditor General; Joanne Kummrow, Public Access Deputy Commissioner at the Office of the Victorian Information Commissioner and Ian Cowie, CEO of the City of Gosnells
Concurrent Session One - 11:00 to 11:40	
Freedom of information and protection of privacy - balancing rights and managing conflicts State Solicitors Office	
Skills for effective communication in the FOI process Office of the Information Commissioner	
Dealing with applications 'on behalf of' Office of the Information Commissioner	
Concurrent Session Two - 11:50 to 12:30	
Seeking the views of third parties Office of the Information Commissioner	
What happens on internal and external review? Office of the Information Commissioner	
FOI in WA - how we fare and compare Information Commissioner	

How to remain effective and healthy in a high pressured environment Fiona Stanley Fremantle Hospitals Group	
Concurrent Session Three - 1:20 to 2:00	
I want my records and I want them now State Records Office	
Panel Discussion – Proactive disclosure of digital information Office of the Information Commissioner, City of Perth and City of Vincent	
Key recent decisions of the Information Commissioner Office of the Information Commissioner	
How to remain effective and healthy in a high pressured environment Fiona Stanley Fremantle Hospitals Group	
Concurrent Session Four - 2:10 to 2:50	
Open By Design: Building a Culture of Openness – and Making it Real Objective Corp Ltd	
Dealing with documents related to Ministers Department of the Premier and Cabinet	
FOI and dogs, disputes and discontent Office of the Information Commissioner	
Seeking the views of third parties Office of the Information Commissioner	
3:15 - 4:00	**Closing session and Q & A session with the Information Commissioner and staff of the OIC**

Table 14: Injury management targets

Measure	Actual		Results against target	
	2018/19	2019/20	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 reporting period. 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.

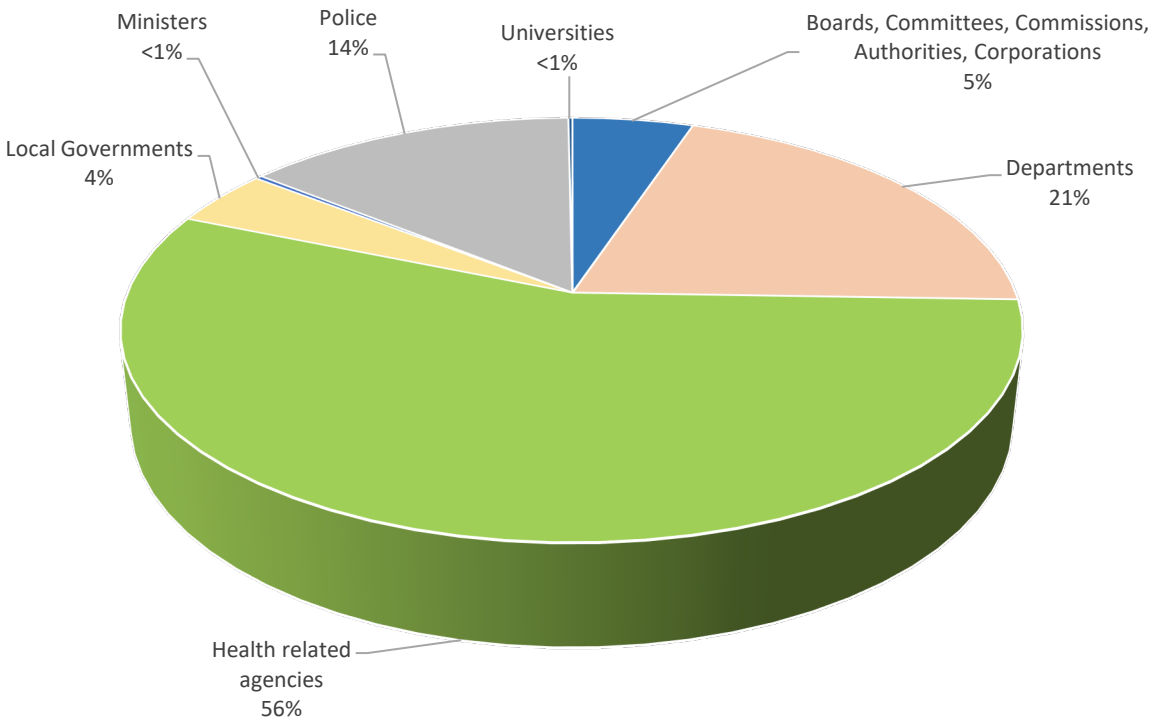
At the completion of each reporting period, the OIC provides an electronic form to all agencies in order that they may provide this information. The results from the collated data for 2019/20 are outlined in the following tables.

An overview of is outlined in the FOI in the Sector chapter of this report.

Index to tables

15 Requests received by agencies
16 Decisions made - outcome
17 Exemption clauses claimed by agencies
18 Internal review outcomes of access applications
19 Requests for amendment of personal information
20 Internal Review of amendment applications
21 Fees and charges
22 Reduction of charges

Table 15: Requests received by agencies



AGENCY NAME	No.
Group: Boards, Committees, Commissions, Authorities, Corporations	
Acacia Prison	392
Animal Resources Authority	0
Bunbury Water Board (Aqwest)	0
Burswood Park Board	0
Busselton Water	0
Chemistry Centre Western Australia	0

AGENCY NAME	No.
Commissioner for Children & Young People, Office of the	0
Construction Industry Long Service Leave Payments Board	2
Construction Training Fund	0
Court Security & Custodial Services	0
DevelopmentWA	8
Economic Regulation Authority	0
Electoral Commission, Western Australian	1

AGENCY NAME	No.
Energy Policy Western Australia	0
Equal Opportunity Commission	4
Forest Products Commission	5
Fremantle Ports Authority	2
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	2
Industrial Relations Commission, Western Australian	0
Infrastructure Western Australia	0
Insurance Commission of Western Australia	177
Kimberley Development Commission	1
Kimberley Ports Authority	1
Land Information Authority (Landgate), Western Australian	4
Law Reform Commission	0
Legal Aid Western Australia	11
Legal Practice Board of Western Australia, The	4
Legal Profession Complaints Committee	1
Lotteries Commission	5
Melaleuca Remand & Reintegration Facility (up to 3/4/2020)	2
Metropolitan Cemeteries Board	1
Mid West Development Commission	0
Mid West Ports Authority	0
Minerals Research Institute of Western Australia	0
National Trust of Australia (Western Australia)	0
Peel Development Commission	2

AGENCY NAME	No.
Pilbara Development Commission	0
Pilbara Ports Authority	3
Public Advocate, Office of the	8
Public Sector Commission	13
Public Transport Authority	40
Public Trust Office	0
Racing & Wagering Western Australia	6
Small Business Development Corporation	0
South West Development Commission	0
Southern Ports Authority	1
Sports Centre Trust (VenuesWest), Western Australian	2
State Administrative Tribunal	8
Treasury Corporation, Western Australian	1
Trotting Association, Western Australian	0
Water Corporation	59
Western Power	43
Wheatbelt Development Commission	0
WorkCover Western Australia Authority (WorkCover WA)	129
Sub-Total: Boards, Committees, Commissions, Authorities, Corporations	*941*
Group: Departments (except Police and Health related agencies)	
Biodiversity, Conservation & Attractions, Department of	27
Communities, Department of	548
Education, Department of	4
Finance, Department of	37
Fire and Emergency Services, Department of	191
Jobs, Tourism, Science & Innovation, Department of	11
Justice, Department of	967
Local Government, Sport & Cultural Industries, Department of	55
Main Roads Western Australia	58

AGENCY NAME	No.
Mines, Industry Regulation & Safety, Department of	894
North Metropolitan TAFE	18
North Regional TAFE	1
Planning, Lands & Heritage, Department of	149
Premier & Cabinet , Department of the	34
Primary Industries & Regional Development, Department of	78
South Metropolitan TAFE	0
South Regional TAFE	1
Training & Workforce Development, Department of	3
Transport, Department of	324
Treasury, Department of	7
Water & Environmental Regulation, Department of	345
Sub-Total: Departments	*3,752*
Group: Health Related Agencies	
East Metropolitan Health Services (EMHS)	
C&AHS - Perth Children's Hospital	299
Chief Psychiatrist, Office of the	2
Dental Health Services	4
EMHS - Armadale Kalamunda Group	675
EMHS - Bentley Health Service	359
EMHS - Corporate Office	12
EMHS - Royal Perth Hospital	2,264
Sub-total: EMHS	*3,615*
North Metropolitan Health Services (NMHS)	
Health, Department of	39
Health and Disability Services Complaints Office	2
Health Promotion Foundation Western Australia (Healthway)	0
Mental Health Commission	3
NMHS - Mental Health	421

AGENCY NAME	No.
NMHS - Osborne Park Hospital	69
NMHS - PathWest Laboratory Medicine WA	16
NMHS - Sir Charles Gairdner Hospital	755
NMHS - Women & Newborn Health Service	212
Sub-total: NMHS	*1,517*
South Metropolitan Health Services (SMHS)	
SMHS - Corporate Office	0
SMHS - Fiona Stanley Fremantle Hospitals Group	1501
SMHS - Rockingham Peel Group	531
Sub-total: SMHS	*2,032*
Western Australia Country Health Services (WACHS)	
WACHS - Central Office	3
WACHS - Goldfields	300
WACHS - Great Southern	254
WACHS - Kimberley	588
WACHS - Midwest	345
WACHS - Pilbara	339
WACHS - South West	665
WACHS - Wheatbelt	595
Sub-total: WACHS	*3,089*
Sub-Total: Health Related Agencies	*10,253*
Group: Local Governments	
Armadale, City of	18
Ashburton, Shire of	4
Augusta-Margaret River, Shire of	10
Bassendean, Town of	3
Bayswater, City of	20
Belmont, City of	20
Beverley, Shire of	0

AGENCY NAME	No.
Boyup Brook, Shire of	0
Bridgetown-Greenbushes, Shire of	2
Brookton, Shire of	0
Broome, Shire of	11
Broomehill-Tambellup, Shire of	0
Bruce Rock, Shire of	0
Bunbury, City of	16
Busselton, City of	12
Cambridge, Town of	20
Canning, City of	21
Capel, Shire of	10
Carnamah, Shire of	0
Carnarvon, Shire of	5
Chapman Valley, Shire of	0
Chittering, Shire of	6
Claremont, Town of	4
Cockburn, City of	23
Collie, Shire of	3
Coolgardie, Shire of	2
Coorow, Shire of	0
Corrigin, Shire of	0
Cottesloe, Town of	9
Cranbrook, Shire of	0
Cuballing, Shire of	0
Cue, Shire of	0
Cunderdin, Shire of	0
Dalwallinu, Shire of	0
Dandaragan, Shire of	0
Dardanup, Shire of	3

AGENCY NAME	No.
Denmark, Shire of	4
Derby-West Kimberley, Shire of	1
Donnybrook-Balingup, Shire of	5
Dowerin, Shire of	0
Dumbleyung, Shire of	0
Dundas, Shire of	0
East Fremantle, Town of	3
East Pilbara, Shire of	0
Esperance, Shire of	4
Exmouth, Shire of	1
Fremantle, City of	12
Gingin, Shire of	3
Gnowangerup, Shire of	1
Goomalling, Shire of	1
Gosnells, City of	21
Greater Geraldton, City of	14
Halls Creek, Shire of	1
Harvey, Shire of	7
Irwin, Shire of	1
Jerramungup, Shire of	0
Joondalup, City of	60
Kalamunda, City of	22
Kalgoorlie-Boulder, City of	9
Karratha, City of	16
Katanning, Shire of	2
Kellerberrin, Shire of	0
Kent, Shire of	0
Kojonup, Shire of	0
Kondinin, Shire of	0

AGENCY NAME	No.
Koorda, Shire of	0
Kulin, Shire of	0
Kwinana, City of	6
Lake Grace, Shire of	0
Laverton, Shire of	0
Leonora, Shire of	0
Mandurah, City of	2
Manjimup, Shire of	3
Meekatharra, Shire of	0
Melville, City of	40
Menzies, Shire of	0
Merredin, Shire of	0
Mingenew, Shire of	0
Moora, Shire of	0
Morawa, Shire of	0
Mosman Park, Town of	7
Mount Magnet, Shire of	0
Mount Marshall, Shire of	0
Mukinbudin, Shire of	0
Mundaring, Shire of	13
Murchison, Shire of	0
Murray, Shire of	7
Nannup, Shire of	0
Narembeen, Shire of	0
Narrogin, Shire of	0
Nedlands, City of	20
Ngaanyatjarraku, Shire of	0
Northam, Shire of	7
Northampton, Shire of	0

AGENCY NAME	No.
Nungarin, Shire of	0
Peppermint Grove, Shire of	1
Perenjori, Shire of	0
Perth, City of	37
Pingelly, Shire of	0
Plantagenet, Shire of	0
Port Hedland, Town of	8
Quairading, Shire of	0
Ravensthorpe, Shire of	2
Rockingham, City of	23
Sandstone, Shire of	0
Serpentine Jarrahdale, Shire of	4
Shark Bay, Shire of	0
South Perth, City of	19
Stirling, City of	53
Subiaco, City of	13
Swan, City of	48
Tammin, Shire of	0
Three Springs, Shire of	0
Toodyay, Shire of	8
Trayning, Shire of	0
Upper Gascoyne, Shire of	0
Victoria Park, Town of	13
Vincent, City of	12
Wagin, Shire of	0
Wandering, Shire of	0
Wanneroo, City of	25
Waroona, Shire of	3
West Arthur, Shire of	1

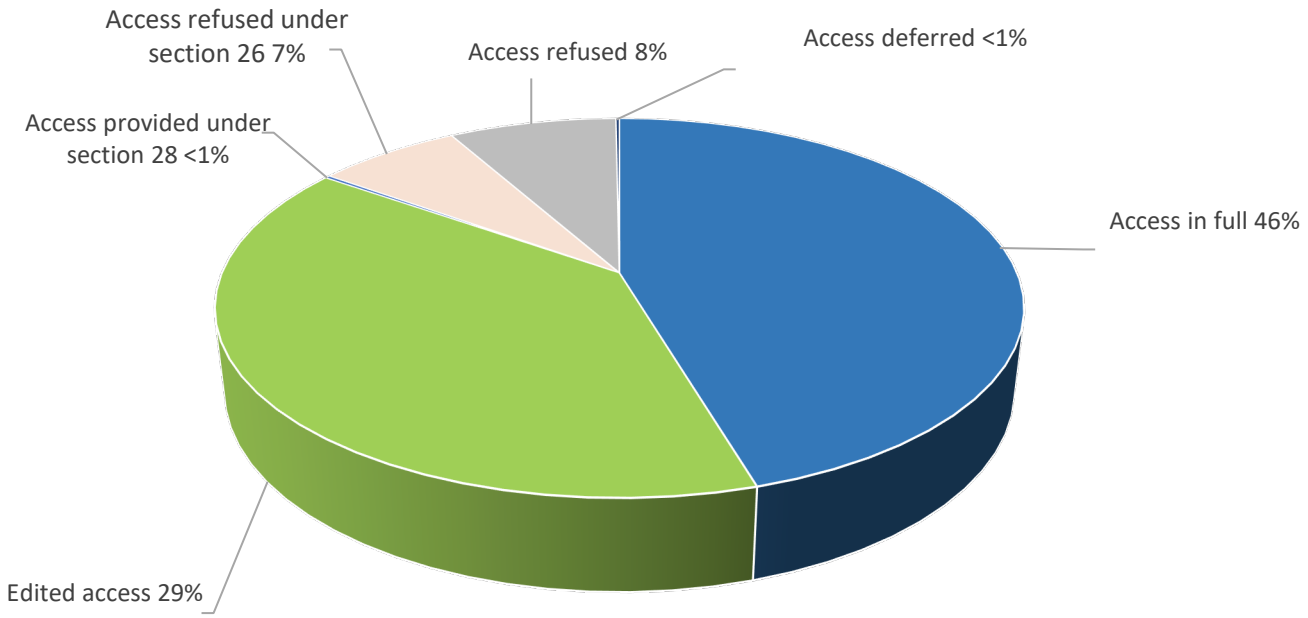
AGENCY NAME	No.
Westonia, Shire of	0
Wickepin, Shire of	0
Williams, Shire of	0
Wiluna, Shire of	0
Wongan-Ballidu, Shire of	0
Woodanilling, Shire of	0
Wyalkatchem, Shire of	0
Wyndham-East Kimberley, Shire of	4
Yalgoo, Shire of	0
Yilgarn, Shire of	0
York, Shire of	1
Sub-Total: Local Governments	*790*
Group: Ministers	
Cook MLA, Hon R H	9
Dawson MLC, Hon S N	10
Ellery MLC, Hon S M	0
Johnston MLA, Hon W J	4
Kelly MLA, Hon D J	3
Logan MLA, Hon F M	1
MacTiernan MLC, Hon A	5
McGurk MLA, Hon S F	0
Murray MLA, Hon M P	1
Papalia MLA, Hon P	3
Quigley MLA, Hon J R	0
Roberts MLA, Hon M H	0
Saffioti MLA, Hon R	7
Templeman MLA, Hon D A	2
Tinley MLA, Hon P C	1
Wyatt MLA, Hon B S	4
Sub-Total: Ministers	*50*
Group: WA Police	
Police, Western Australia	2,574
Sub-Total: Police	*2,574*
Group: Universities	
Curtin University of Technology	8
Edith Cowan University	8
Murdoch University	5
University of Western Australia, The	11
Sub-Total: Universities	*32*
TOTAL	**18,392**

SUMMARY	No.
Boards, Committees, Commissions, Authorities, Corporations	941
Departments (except Police and Health related agencies)	3,752
Health Related Agencies	10,253
Local Governments	790
Ministers	50
Police	2,574
Universities	32
TOTAL	**18,392**

Notes:

1. This table reflects the total number of access 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 16: Decisions made – outcome



AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Group: Boards, Committees, Commissions, Authorities, Corporations						
Acacia Prison	241 (59.8)	156 (38.7)	0 (0.0)	0 (0.0)	5 (1.2)	1 (0.2)
Construction Industry Long Service Leave Payments Board	0 (0.0)	1 (50.0)	0 (0.0)	0 (0.0)	1 (50.0)	0 (0.0)
DevelopmentWA	0 (0.0)	6 (85.7)	0 (0.0)	0 (0.0)	1 (14.3)	0 (0.0)
Electoral Commission, Western Australian	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Equal Opportunity Commission	1 (33.3)	1 (33.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (33.3)
Forest Products Commission	0 (0.0)	5 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Fremantle Ports Authority	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (50.0)	0 (0.0)
Government Employees Superannuation Board	0 (0.0)	2 (66.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (33.3)
Horizon Power	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Insurance Commission of Western Australia	0 (0.0)	135 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Kimberley Development Commission	0 (0.0)	1 (100.0)	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 Information Authority (Landgate), Western Australian	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Legal Aid Western Australia	3 (42.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	4 (57.1)
Legal Practice Board of Western Australia, The	0 (0.0)	4 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Legal Profession Complaints Committee	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Lotteries Commission	3 (50.0)	2 (33.3)	0 (0.0)	0 (0.0)	1 (16.6)	0 (0.0)
Melaleuca Remand & Reintegration Facility (up to 3/4/2020)	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Metropolitan Cemeteries Board	0 (0.0)	1 (100)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Peel Development Commission	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Pilbara Ports Authority	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Public Advocate, Office of the	0 (0.0)	7 (87.5)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)
Public Sector Commission	0 (0.0)	7 (87.5)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)
Public Transport Authority	8 (20.0)	17 (42.5)	0 (0.0)	0 (0.0)	11 (27.5)	4 (10.0)
Racing & Wagering Western Australia	3 (60.0)	2 (40.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Southern Ports Authority	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Sports Centre Trust (VenuesWest), Western Australian	0 (0.0)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (50.0)
State Administrative Tribunal	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	8 (100.0)
Treasury Corporation, Western Australian	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (100.0)
Water Corporation	14 (26.4)	33 (62.3)	0 (0.0)	0 (0.0)	5 (9.4)	1 (1.9)
Western Power	4 (9.8)	37 (90.2)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
WorkCover Western Australia Authority (WorkCover WA)	5 (4.1)	91 (74.6)	2 (1.6)	0 (0.0)	18 (14.8)	6 (5.0)
Sub-total: Boards, Committees, Commissions, Authorities, Corporations	*287 (32.5)*	*520 (59.0)*	*2 (0.2)*	*0 (0.0)*	*43 (4.9)*	*30 (3.4)*
Group: Departments (except Police and Health related agencies)						
Biodiversity, Conservation & Attractions, Department of	3 (11.1)	24 (88.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Communities, Department of	118 (17.9)	440 (66.9)	0 (0.0)	0 (0.0)	85 (12.9)	15 (2.3)
Education, Department of	0 (0.0)	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Finance, Department of	19 (61.3)	5 (16.1)	0 (0.0)	0 (0.0)	4 (12.9)	3 (9.7)
Fire & Emergency Services, Department of	1 (0.5)	167 (89.3)	12 (6.4)	0 (0.0)	6 (3.2)	1 (0.5)
Jobs, Tourism, Science & Innovation, Department of	2 (25.0)	2 (25.0)	0 (0.0)	0 (0.0)	3 (37.5)	1 (12.5)
Justice, Department of	119 (13.3)	619 (69.2)	0 (0.0)	0 (0.0)	46 (5.1)	111 (12.4)
Local Government, Sport & Cultural Industries, Department of	21 (44.7)	16 (34.0)	0 (0.0)	0 (0.0)	3 (6.4)	7 (14.9)

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Main Roads Western Australia	5 (11.9)	32 (76.2)	0 (0.0)	0 (0.0)	0 (0.0)	5 (11.9)
Mines, Industry Regulation & Safety, Department of	170 (20.7)	271 (33.0)	0 (0.0)	0 (0.0)	357 (43.5)	23 (2.8)
North Metropolitan TAFE	15 (83.3)	2 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (5.6)
North Regional TAFE	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Planning, Lands & Heritage, Department of	0 (0.0)	100 (80.0)	1 (0.8)	0 (0.0)	22 (17.6)	2 (1.6)
Premier & Cabinet , Department of the	5 (13.5)	22 (59.4)	0 (0.0)	0 (0.0)	4 (10.8)	6 (16.2)
Primary Industries & Regional Development, Department of	2 (2.8)	54 (76.0)	0 (0.0)	0 (0.0)	8 (11.3)	7 (9.8)
South Regional TAFE	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (100.0)
Training & Workforce Development, Department of	1 (33.3)	2 (66.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Transport, Department of	149 (46.0)	127 (39.2)	1 (0.3)	0 (0.0)	13 (4.0)	34 (10.5)
Treasury, Department of	1 (16.6)	1 (16.6)	0 (0.0)	0 (0.0)	1 (16.6)	3 (50.0)
Water & Environmental Regulation, Department of	108 (31.9)	32 (9.4)	12 (3.5)	0 (0.0)	168 (49.6)	19 (5.6)
Sub-total: Departments (except Police and Health related agencies)	*740 (20.3)*	*1,918 (52.6)*	*26 (0.7)*	*0 (0.0)*	*720 (19.8)*	*239 (6.6)*
Group: Health Related Agencies						
C&AHS - Perth Children's Hospital	5 (2.0)	176 (70.4)	0 (0.0)	24 (9.6)	16 (6.4)	29 (11.6)
Chief Psychiatrist, Office of the	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Dental Health Services	3 (75.0)	1 (25.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
EMHS - Armadale Kalamunda Group	65 (8.9)	631 (86.3)	0 (0.0)	0 (0.0)	28 (3.8)	7 (0.9)
EMHS - Bentley Health Service	39 (11.9)	266 (81.0)	0 (0.0)	2 (0.6)	18 (5.5)	3 (0.9)
EMHS - Corporate Office	5 (55.5)	2 (22.2)	0 (0.0)	0 (0.0)	1 (11.1)	1 (11.1)
EMHS - Royal Perth Hospital	2,095 (95.2)	7 (0.3)	0 (0.0)	0 (0.0)	1 (0.0)	1 (0.0)
Health, Department of	16 (47.0)	16 (47.0)	0 (0.0)	0 (0.0)	1 (2.9)	1 (2.9)
Health & Disability Services Complaints Office	1 (50.0)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Mental Health Commission	0 (0.0)	2 (66.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (33.3)
NMHS - Mental Health	334 (81.9)	62 (15.2)	0 (0.0)	0 (0.0)	12 (2.9)	0 (0.0)
NMHS - Osborne Park Hospital	65 (94.2)	3 (4.3)	0 (0.0)	0 (0.0)	1 (1.4)	0 (0.0)
NMHS - PathWest Laboratory Medicine WA	7 (41.2)	4 (23.5)	0 (0.0)	0 (0.0)	4 (23.5)	2 (11.8)
NMHS - Sir Charles Gairdner Hospital	552 (85.0)	60 (9.2)	0 (0.0)	1 (0.1)	30 (8.6)	6 (0.9)
NMHS - Women & Newborn Health Service	178 (78.4)	38 (16.7)	0 (0.0)	8 (3.5)	3 (1.3)	0 (0.0)
SMHS - Fiona Stanley Fremantle Hospitals Group	1,377 (94.4)	13 (0.9)	0 (0.0)	0 (0.0)	62 (4.25)	6 (0.4)
SMHS - Rockingham Peel Group	312 (59.3)	186 (35.4)	0 (0.0)	0 (0.0)	28 (5.3)	0 (0.0)

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
WACHS - Central Office	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
WACHS - Goldfields	8 (2.6)	297 (96.1)	0 (0.0)	0 (0.0)	4 (1.3)	0 (0.0)
WACHS - Great Southern	236 (94.8)	2 (0.8)	0 (0.0)	0 (0.0)	9 (3.6)	2 (0.8)
WACHS - Kimberley	192 (34.0)	353 (62.5)	0 (0.0)	0 (0.0)	0 (0.0)	20 (3.5)
WACHS - Midwest	9 (2.7)	302 (89.1)	0 (0.0)	0 (0.0)	26 (7.7)	2 (0.6)
WACHS - Pilbara	153 (48.4)	156 (49.4)	0 (0.0)	0 (0.0)	7 (2.2)	0 (0.0)
WACHS - South West	466 (75.5)	122 (19.8)	0 (0.0)	5 (0.8)	22 (3.6)	2 (0.3)
WACHS - Wheatbelt	192 (31.3)	400 (65.3)	0 (0.0)	0 (0.0)	21 (3.4)	0 (0.0)
Sub-total: Health Related Agencies	*6,312 (64.2)*	*3,103 (31.6)*	*0 (0.0)*	*40 (0.4)*	*294 (3.0)*	*83 (0.8)*
Group: Local Governments						
Armadale, City of	1 (7.7)	12 (92.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Ashburton, Shire of	3 (75.0)	1 (25.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Augusta-Margaret River, Shire of	0 (0.0)	10 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Bassendean, Town of	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Bayswater, City of	0 (0.0)	16 (80.0)	0 (0.0)	0 (0.0)	3 (15.0)	1 (5.0)
Belmont, City of	5 (33.3)	9 (60.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (6.6)
Bridgetown-Greenbushes, Shire of	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Broome, Shire of	8 (88.8)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Bunbury, City of	2 (12.5)	8 (50.0)	0 (0.0)	0 (0.0)	6 (37.5)	0 (0.0)
Busselton, City of	0 (0.0)	7 (70.0)	0 (0.0)	0 (0.0)	1 (10.0)	2 (20.0)
Cambridge, Town of	2 (11.1)	13 (72.2)	0 (0.0)	0 (0.0)	1 (5.5)	2 (11.1)
Canning, City of	2 (14.3)	5 (35.7)	0 (0.0)	0 (0.0)	2 (14.3)	5 (35.7)
Capel, Shire of	0 (0.0)	8 (80.0)	0 (0.0)	0 (0.0)	2 (20.0)	0 (0.0)
Carnarvon, Shire of	5 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Chittering, Shire of	0 (0.0)	3 (75.0)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)
Claremont, Town of	0 (0.0)	5 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Cockburn, City of	0 (0.0)	22 (95.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (4.3)
Collie, Shire of	0 (0.0)	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Coolgardie, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Cottesloe, Town of	0 (0.0)	8 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Dardanup, Shire of	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Denmark, Shire of	0 (0.0)	4 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Derby-West Kimberley, Shire of	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Donnybrook-Balingup, Shire of	0 (0.0)	4 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
East Fremantle, Town of	2 (66.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (33.3)
Esperance, Shire of	1 (33.3)	2 (66.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Exmouth, Shire of	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Fremantle, City of	2 (18.2)	9 (81.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Gingin, Shire of	0 (0.0)	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Gnowangerup, Shire of	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Goomalling, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Gosnells, City of	0 (0.0)	18 (94.7)	0 (0.0)	0 (0.0)	1 (5.3)	0 (0.0)
Greater Geraldton, City of	5 (41.6)	1 (8.3)	0 (0.0)	0 (0.0)	5 (41.6)	1 (8.3)
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	6 (85.7)	1 (14.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Irwin, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Joondalup, City of	2 (3.5)	50 (87.7)	0 (0.0)	0 (0.0)	5 (8.8)	0 (0.0)
Kalamunda, City of	3 (13.6)	18 (81.8)	0 (0.0)	0 (0.0)	0 (0.0)	1 (4.5)
Kalgoorlie-Boulder, City of	0 (0.0)	7 (77.7)	0 (0.0)	0 (0.0)	1 (11.1)	1 (11.1)
Karratha, City of	1 (11.1)	8 (88.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
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 (16.6)	3 (50.0)	0 (0.0)	0 (0.0)	1 (16.6)	1 (16.6)
Lake Grace, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Mandurah, City of	1 (50.0)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Manjimup, Shire of	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (50.0)	1 (50.0)
Melville, City of	7 (17.9)	30 (76.9)	0 (0.0)	0 (0.0)	0 (0.0)	2 (5.1)
Mosman Park, Town of	0 (0.0)	6 (85.7)	0 (0.0)	0 (0.0)	1 (14.3)	0 (0.0)
Mundaring, Shire of	4 (30.8)	9 (69.2)	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)
Nedlands, City of	0 (0.0)	14 (93.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (6.6)
Northam, Shire of	2 (28.6)	5 (71.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Peppermint Grove, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Perth, City of	11 (29.7)	22 (59.5)	0 (0.0)	0 (0.0)	1 (2.7)	3 (8.1)
Port Hedland, Town of	0 (0.0)	4 (80.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (20.0)
Ravensthorpe, Shire of	0 (0.0)	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Rockingham, City of	1 (5.9)	15 (88.2)	0 (0.0)	0 (0.0)	1 (5.9)	0 (0.0)

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Serpentine Jarrahdale, Shire of	0 (0.0)	2 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
South Perth, City of	0 (0.0)	11 (73.3)	0 (0.0)	0 (0.0)	3 (20.0)	1 (6.6)
Stirling, City of	0 (0.0)	40 (97.6)	0 (0.0)	0 (0.0)	1 (2.4)	0 (0.0)
Subiaco, City of	0 (0.0)	10 (76.9)	0 (0.0)	0 (0.0)	2 (15.4)	1 (7.7)
Swan, City of	2 (5.0)	35 (87.5)	0 (0.0)	0 (0.0)	1 (2.5)	2 (5.0)
Toodyay, Shire of	2 (28.6)	1 (14.3)	0 (0.0)	0 (0.0)	3 (42.8)	1 (14.3)
Victoria Park, Town of	1 (7.7)	10 (76.9)	0 (0.0)	0 (0.0)	2 (15.4)	0 (0.0)
Vincent, City of	1 (9.1)	9 (81.8)	0 (0.0)	0 (0.0)	0 (0.0)	1 (9.1)
Wanneroo, City of	5 (22.7)	14 (63.6)	1 (4.5)	0 (0.0)	0 (0.0)	2 (9.1)
Waroona, Shire of	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
West Arthur, Shire of	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Wyndham-East Kimberley, Shire of	0 (0.0)	4 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
York, Shire of	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Sub-total: Local Governments	*103 (14.8)*	*514 (73.9)*	*1 (0.1)*	*0 (0.0)*	*45 (6.5)*	*33 (4.7)*
Group: Ministers						
Cook MLA, Hon R H	0 (0.0)	5 (71.4)	0 (0.0)	0 (0.0)	0 (0.0)	2 (28.6)
Dawson MLC, Hon S N	1 (9.1)	6 (54.5)	0 (0.0)	0 (0.0)	2 (18.2)	2 (18.2)
Johnston MLA, Hon W J	0 (0.0)	1 (33.3)	0 (0.0)	0 (0.0)	2 (66.6)	0 (0.0)
Kelly MLA, Hon D J	2 (28.6)	5 (71.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Logan MLA, Hon F M	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
MacTiernan MLC, Hon A	0 (0.0)	5 (83.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (16.6)
Murray MLA, Hon M P	0 (0.0)	1 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Papalia MLA, Hon P	1 (50.0)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Saffioti MLA, Hon R	4 (36.4)	4 (36.4)	0 (0.0)	0 (0.0)	2 (18.2)	1 (9.1)
Templeman MLA, Hon D A	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Tinley MLA, Hon P C	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (100.0)	0 (0.0)
Wyatt MLA, Hon B S	0 (0.0)	3 (100.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Sub-total: Ministers	*8 (14.3)*	*35 (62.5)*	*0 (0.0)*	*0 (0.0)*	*7 (12.5)*	*6 (10.7)*
Group: Police						
Police, Western Australia	318 (16.2)	618 (31.4)	0 (0.0)	0 (0.0)	64 (3.3)	969 (49.2)
Sub-total: Police	*318 (16.2)*	*618 (31.4)*	*0 (0.0)*	*0 (0.0)*	*64 (3.3)*	*969 (49.2)*

AGENCY	ACCESS PROVIDED					
	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Group: Universities						
Curtin University of Technology	1 (14.3)	6 (85.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Edith Cowan University	0 (0.0)	6 (75.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (25.0)
Murdoch University	0 (0.0)	1 (20.0)	0 (0.0)	0 (0.0)	0 (0.0)	4 (80.0)
University of Western Australia, The	0 (0.0)	10 (90.9)	0 (0.0)	0 (0.0)	0 (0.0)	1 (9.1)
Sub-total: Universities	*1 (3.2)*	*23 (74.2)*	*0 (0.0)*	*0 (0.0)*	*0 (0.0)*	*7 (22.6)*
TOTAL	**7,769**	**6,731**	**29**	**40**	**1,173**	**1,367**
Percentage	**45.41%**	**39.34%**	**0.17%**	**0.23%**	**6.86%**	**7.99%**
GRAND TOTAL	**17,109**					

SUMMARY	In Full No. (%)	Edited No. (%)	Deferred No. (%)	s.28 No. (%)	s.26 No. (%)	Refused No. (%)
Boards, Committees, Commissions, Authorities, Corporations	287 (32.5)	520 (59.0)	2 (0.2)	0 (0.0)	43 (4.9)	30 (3.4)
Departments (except Police and Health related agencies)	740 (20.3)	1,918 (52.6)	26 (0.7)	0 (0.0)	720 (19.8)	239 (6.6)
Health Related Agencies	6,312 (64.2)	3,103 (31.6)	0 (0.0)	40 (0.4)	294 (3.0)	83 (0.8)
Local Governments	103 (14.8)	514 (73.9)	1 (0.1)	0 (0.0)	45 (6.5)	33 (4.7)
Ministers	8 (14.3)	35 (62.5)	0 (0.0)	0 (0.0)	7 (12.5)	6 (10.7)
Police	318 (16.2)	618 (31.4)	0 (0.0)	0 (0.0)	64 (3.3)	969 (49.2)
Universities	1 (3.2)	23 (74.2)	0 (0.0)	0 (0.0)	0 (0.0)	7 (22.6)
TOTAL	**7,769**	**6,731**	**29**	**40**	**1,173**	**1,367**
Percentage	**45.41%**	**39.34%**	**0.17%**	**0.23%**	**6.86%**	**7.99%**
GRAND TOTAL	**17,109**					

Note:
(1) This table reflects decisions made by agencies.
(2) Those agencies which did not decide any applications in 2019/20 are not listed.
(3) In addition to this data; 1,510 applications were withdrawn by the applicant prior to a decision being made by the agency.

Table 17: 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	136	0	0	5	0	0	0	0	0	0	0	0	0	0
Construction Industry Long Service Leave Payments Board	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
DevelopmentWA	0	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0
Equal Opportunity Commission	0	0	0	0	0	0	1	1	1	0	0	0	0	0	1	0
Forest Products Commission	0	0	4	2	0	0	1	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
Horizon Power	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0
Insurance Commission of Western Australia	0	0	137	1	0	0	28	15	0	0	0	0	0	0	0	0
Kimberley Development Commission	2	0	12	2	0	0	3	0	0	0	0	0	0	0	0	0
Kimberley Ports Authority	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Information Authority (Landgate), Western Australian	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Legal Aid Western Australia	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Legal Practice Board of Western Australia, The	0	0	2	2	0	2	4	3	0	0	0	0	0	0	0	0
Lotteries Commission	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Metropolitan Cemeteries Board	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
Peel Development Commission	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Pilbara Ports Authority	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Advocate, Office of the	0	0	8	0	0	0	0	0	7	0	0	0	0	0	0	0
Public Sector Commission	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Transport Authority	0	0	19	4	0	0	0	0	1	0	0	0	1	0	0	0
Racing & Wagering Western Australia	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Southern Ports Authority	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0
Sports Centre Trust (VenuesWest), Western Australian	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0
Treasury Corporation, Western Australian	0	0	1	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
Water Corporation	0	0	27	2	0	0	1	0	2	2	1	0	0	0	0	0
Western Power	0	0	37	1	0	0	1	5	3	0	0	1	0	0	0	0
WorkCover Western Australia Authority (WorkCover WA)	0	0	47	0	0	0	1	0	0	0	0	0	0	0	0	0
Sub-total: Boards, Committees, Commissions, Authorities, Corporations	*2*	*0*	*465*	*17*	*0*	*7*	*42*	*27*	*16*	*2*	*2*	*1*	*1*	*0*	*1*	*0*
Group: Departments, (except Police and Health related agencies)																
Biodiversity, Conservation & Attractions, Department of	1	0	21	3	0	6	1	3	0	0	0	0	3	0	0	0
Communities, Department of	0	0	441	4	0	24	6	2	7	0	0	3	1	1	111	0
Education, Department of	0	0	1	0	0	1	0	0	0	0	0	2	0	0	0	0
Finance, Department of	1	0	4	0	0	1	0	0	0	0	1	0	0	0	0	0
Fire & Emergency Services, Department of	0	0	177	34	0	1	0	0	1	0	0	0	0	0	0	0
Jobs, Tourism, Science & Innovation, Department of	0	0	2	2	0	0	0	0	1	0	0	0	0	0	0	0
Justice, Department of	3	0	620	1	0	40	14	1	3	0	0	124	0	0	3	0
Local Government, Sport & Cultural Industries, Department of	3	0	22	4	0	2	0	1	0	0	0	0	0	0	0	0
Main Roads Western Australia	0	0	33	5	0	0	2	1	0	0	0	0	2	0	0	0
Mines, Industry Regulation & Safety, Department of	1	1	255	62	0	20	3	24	13	1	0	1	0	0	0	0
North Metropolitan TAFE	0	0	0	0	0	0	0	0	3	0	0	3	0	0	0	0
Planning, Lands & Heritage, Department of	0	0	0	6	0	2	1	6	3	0	0	0	1	0	0	0
Premier & Cabinet , Department of the	7	0	19	2	0	5	1	3	3	0	2	0	4	0	0	0
Primary Industries & Regional Development, Department of	0	0	50	2	0	1	1	0	1	0	0	0	0	0	0	0
South Regional TAFE	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Training & Workforce Development, Department of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Transport, Department of	4	0	143	2	0	3	7	4	4	0	0	2	0	0	0	0
Treasury, Department of	5	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Water & Environmental Regulation, Department of	1	0	0	0	0	6	1	0	1	0	0	0	0	0	0	0
Sub-total: Departments (Except Police and Health related agencies)	*26*	*1*	*1791*	*127*	*0*	*112*	*37*	*46*	*41*	*1*	*3*	*135*	*11*	*1*	*114*	*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
Group: Health Related Agencies																
C&AHS - Perth Children's Hospital	0	0	195	2	0	0	0	0	0	0	0	0	0	0	0	0
Dental Health Services	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Armadale Kalamunda Group	0	0	638	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Bentley Health Service	0	0	268	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Corporate Office	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
EMHS - Royal Perth Hospital	0	0	41	0	0	0	0	0	1	0	0	0	0	0	0	0
Health, Department of	0	0	16	1	0	0	0	2	1	0	0	0	0	0	0	0
Health & Disability Services Complaints Office	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Mental Health Commission	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - Mental Health	0	0	62	0	0	0	0	0	1	0	0	1	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 WA	0	0	7	0	0	0	0	0	2	0	0	0	0	0	0	0
NMHS - Sir Charles Gairdner Hospital	0	0	63	0	0	0	0	0	0	0	0	0	0	0	0	0
NMHS - Women & Newborn Health Service	0	0	39	0	0	0	0	0	0	0	0	0	0	0	0	0
SMHS - Fiona Stanley Fremantle Hospitals Group	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0
SMHS - Rockingham Peel Group	0	0	185	0	0	0	0	0	2	0	0	0	0	0	0	0
WACHS - Central Office	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Goldfields	0	0	297	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Great Southern	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - Midwest	0	0	305	1	0	0	0	0	0	0	0	0	0	0	0	0
WACHS - South West	0	0	122	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-total: Health Related Agencies	*0*	*0*	*2270*	*5*	*0*	*0*	*0*	*2*	*7*	*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
Group: Local Governments																
Armadale, City of	0	0	11	0	0	0	0	1	0	0	0	0	0	0	0	0
Ashburton, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Augusta-Margaret River, Shire of	0	0	10	2	0	0	0	0	0	0	0	0	0	0	0	0
Bayswater, City of	0	0	17	0	0	1	0	0	0	0	0	0	0	0	0	0
Belmont, City of	0	0	8	1	0	0	0	0	0	0	0	0	0	0	0	0
Broome, Shire of	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0
Bunbury, City of	0	0	10	0	0	0	0	0	1	0	0	0	0	0	0	0
Busselton, City of	0	0	6	1	0	0	1	0	0	0	0	0	0	0	0	0
Cambridge, Town of	0	0	14	0	0	3	0	1	2	0	0	0	0	0	0	0
Canning, City of	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0
Capel, Shire of	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Chittering, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Claremont, Town of	0	0	5	2	0	0	0	1	0	0	0	0	0	0	0	0
Cockburn, City of	0	0	4	1	0	0	0	0	0	0	0	0	0	0	0	0
Dardanup, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Denmark, Shire of	0	0	4	0	0	0	0	0	1	0	0	0	0	0	0	0
East Fremantle, Town of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Esperance, Shire of	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Fremantle, City of	0	0	9	0	0	2	0	0	0	0	0	0	0	0	0	0
Gingin, Shire of	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Gnowangerup, Shire of	0	0	0	0	0	1	1	0	1	0	0	1	0	0	0	0
Gosnells, City of	0	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Greater Geraldton, City of	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
Joondalup, City of	0	0	47	0	0	10	1	1	1	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
Kalamunda, City of	0	0	20	2	0	1	0	0	0	0	0	0	0	0	0	0
Kalgoorlie-Boulder, City of	0	0	7	1	0	0	0	0	0	0	0	0	0	0	0	0
Karratha, City of	0	0	10	1	0	0	0	1	0	0	0	0	0	0	0	0
Kwinana, City of	0	0	3	0	0	0	2	0	0	0	1	0	0	0	0	0
Mandurah, City of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Manjimup, Shire of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Melville, City of	0	0	23	0	0	0	0	5	0	0	0	0	0	0	0	0
Mundaring, Shire of	0	0	8	1	0	0	0	1	0	0	0	0	0	0	0	0
Murray, Shire of	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Nedlands, City of	0	0	15	5	0	0	0	0	0	0	0	0	0	0	0	0
Perth, City of	0	0	23	2	0	0	1	3	1	0	1	0	0	0	0	0
Port Hedland, Town of	0	0	4	2	0	0	0	0	2	0	0	0	0	0	0	0
Ravensthorpe, Shire of	0	0	2	1	0	0	0	1	1	0	0	1	0	0	0	0
Rockingham, City of	0	0	14	0	0	1	0	0	0	0	0	0	0	0	0	0
Serpentine Jarrahdale, Shire of	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
South Perth, City of	0	0	10	0	0	2	0	1	0	0	0	0	0	0	0	0
Stirling, City of	0	0	40	2	0	0	0	2	0	0	0	0	0	0	0	0
Subiaco, City of	0	0	9	2	0	4	0	0	0	0	1	0	0	0	0	0
Swan, City of	0	0	36	4	0	1	0	1	0	0	0	0	0	0	0	0
Toodyay, Shire of	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0
Victoria Park, Town of	0	0	10	0	0	2	1	2	1	0	0	0	0	0	0	0
Vincent, City of	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Wanneroo, City of	0	0	14	0	0	1	0	1	0	0	0	0	0	0	0	0
York, Shire of	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub-total: Local Governments	*1*	*0*	*444*	*36*	*0*	*29*	*7*	*27*	*11*	*0*	*3*	*2*	*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
Group: Ministers																
Cook MLA, Hon R H	3	0	3	1	0	2	0	1	0	0	2	0	3	0	0	0
Dawson MLC, Hon S N	0	0	2	0	0	1	0	0	1	0	0	0	1	0	0	0
Johnston MLA, Hon W J	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Kelly MLA, Hon D J	1	0	5	0	0	0	0	1	1	0	0	0	3	0	0	0
Logan MLA, Hon F M	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
MacTiernan MLC, Hon A	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Murray MLA, Hon M P	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Papalia MLA, Hon P	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Saffioti MLA, Hon R	1	0	2	0	0	0	0	0	0	0	1	0	2	0	0	0
Templeman MLA, Hon D A	2	0	4	1	0	0	0	0	0	0	0	0	1	0	0	0
Tinley MLA, Hon P C	1	0	5	1	0	0	1	1	0	0	0	0	5	0	0	0
Wyatt MLA, Hon B S	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Sub-total: Ministers	*8*	*0*	*26*	*3*	*0*	*5*	*1*	*3*	*2*	*0*	*3*	*0*	*15*	*0*	*0*	*0*
Group: Police																
Police, Western Australia	2	0	708	0	0	89	6	6	0	0	0	3	3	0	0	0
Sub-total: Police	*2*	*0*	*708*	*0*	*0*	*89*	*6*	*6*	*0*	*0*	*0*	*3*	*3*	*0*	*0*	*0*
Group: Universities																
Curtin University of Technology	0	0	6	0	0	1	0	5	1	0	0	0	0	0	0	0
Edith Cowan University	0	0	7	0	0	1	1	1	0	0	0	0	0	0	0	0
Murdoch University	0	0	3	0	0	0	0	1	1	0	0	0	0	0	0	0
University of Western Australia, The	0	0	6	4	0	0	1	2	3	0	1	0	0	0	0	0
Sub-total: Universities	*0*	*0*	*22*	*4*	*0*	*2*	*2*	*9*	*5*	*0*	*1*	*0*	*0*	*0*	*0*	*0*
TOTAL	**39**	**269**	**5458**	**192**	**0**	**244**	**95**	**120**	**82**	**3**	**12**	**142**	**30**	**1**	**115**	**0**

Note: *Agencies which did not cite exemptions are omitted.*

Table 18: Outcome of requests for internal review

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Group: Boards, Committees, Commissions, Authorities, Corporations					
Acacia Prison	3	3	0	0	0
DevelopmentWA	1	0	1	0	0
Forest Products Commission	2	1	0	0	1
Fremantle Ports Authority	1	1	0	0	0
Horizon Power	1	0	1	0	0
Insurance Commission of Western Australia	3	1	2	0	0
Kimberley Development Commission	1	0	1	0	0
Legal Aid Western Australia	1	1	0	0	0
Legal Practice Board of Western Australia, The	1	0	1	0	0
Lotteries Commission	1	1	0	0	0
Public Advocate, Office of the	2	1	1	0	0
Public Sector Commission	3	3	0	0	0
Public Transport Authority	5	4	1	0	0
Sports Centre Trust (VenuesWest), Western Australian	1	0	0	0	1
Water Corporation	19	15	4	0	0
Western Power	3	1	2	0	0
WorkCover Western Australia Authority (WorkCover WA)	1	1	0	0	0
Sub-total: Boards, Committees, Commissions, Authorities, Corporations	*49*	*33*	*14*	*0*	*2*
Group: Departments (except Police and Health related agencies)					
Biodiversity, Conservation & Attractions, Department of	2	1	1	0	0
Communities, Department of	20	11	8	1	0
Education, Department of	1	1	1	0	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Finance, Department of	1	1	0	0	0
Fire & Emergency Services, Department of	2	1	0	0	0
Jobs, Tourism, Science & Innovation, Department of	1	0	0	1	0
Justice, Department of	22	17	9	0	0
Local Government, Sport & Cultural Industries, Department of	3	3	0	0	0
Main Roads Western Australia	6	2	3	0	1
Mines, Industry Regulation & Safety, Department of	17	7	4	3	2
North Metropolitan TAFE	1	1	0	0	0
Planning, Lands & Heritage, Department of	2	2	0	0	0
Primary Industries & Regional Development, Department of	3	3	0	0	0
South Regional TAFE	1	1	0	0	0
Transport, Department of	12	7	5	0	0
Treasury, Department of	1	1	0	0	0
Water & Environmental Regulation, Department of	12	10	2	0	0
Sub-total: Departments (except Police and Health related agencies)	*107*	*69*	*33*	*5*	*3*
Group: Health Related Agencies					
C&AHS - Perth Children's Hospital	2	0	2	0	0
EMHS - Armadale Kalamunda Group	1	0	0	0	0
EMHS – Corporate Office	2	2	0	0	0
EMHS - Royal Perth Hospital	10	8	2	0	0
Health, Department of	2	1	1	0	0
NMHS - Mental Health	5	2	2	1	0
NMHS - Osborne Park Hospital	1	1	0	0	0
NMHS - PathWest Laboratory Medicine WA	2	1	1	0	0
SMHS - Fiona Stanley Fremantle Hospitals Group	2	2	0	0	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
WACHS - Central Office	1	0	0	0	1
WACHS - Pilbara	1	1	0	0	0
Sub-total: Health Related Agencies	*29*	*18*	*8*	*1*	*1*
Group: Local Governments					
Bayswater, City of	2	0	2	0	0
Belmont, City of	2	1	1	0	0
Bunbury, City of	2	1	1	0	0
Busselton, City of	2	0	2	0	0
Cambridge, Town of	2	2	0	0	0
Dardanup, Shire of	1	0	0	0	0
Esperance, Shire of	1	0	1	0	0
Gnowangerup, Shire of	1	0	1	0	0
Joondalup, City of	2	0	2	0	0
Kalamunda, City of	2	0	2	0	0
Kalgoorlie-Boulder, City of	1	1	0	0	0
Karratha, City of	1	0	1	0	0
Kwinana, City of	1	1	0	0	0
Manjimup, Shire of	1	0	1	0	0
Melville, City of	4	2	1	0	0
Mundaring, Shire of	2	2	0	0	0
Murray, Shire of	1	0	0	1	0
Port Hedland, Town of	2	1	1	0	0
Ravensthorpe, Shire of	1	1	0	0	0
South Perth, City of	2	2	0	0	0
Stirling, City of	2	1	0	1	0

AGENCY	OUTCOME				
	Requests Received	Decision Confirmed	Decision Varied	Decision Reversed	Withdrawn
Subiaco, City of	3	2	1	0	0
Swan, City of	3	2	1	0	0
Toodyay, Shire of	2	2	0	0	0
Victoria Park, Town of	2	2	0	0	0
Vincent, City of	1	1	0	0	0
Wanneroo, City of	2	1	1	0	0
York, Shire of	1	0	0	1	0
Sub-total: Local Governments	*49*	*25*	*19*	*3*	*0*
Group: Police					
Police, Western Australia	76	44	18	9	1
Sub-total: Police	*76*	*44*	*18*	*9*	*1*
Group: Universities					
Curtin University of Technology	2	1	0	0	0
Edith Cowan University	2	1	1	0	0
Murdoch University	1	1	0	0	0
University of Western Australia, The	4	2	1	0	1
Sub-total: Universities	*9*	*5*	*2*	*0*	*1*
TOTAL	**319**	**194**	**94**	**18**	**8**

Table 19: Requests for amendment of personal information

AGENCY	Applications received	DECISIONS			
		Amended	Not Amended	Amended (not as requested)	Withdrawn
Acacia Prison	1	0	0	1	0
Justice, Department of	2	0	1	0	0
Curtin University of Technology	1	0	0	0	0
C&AHS - Perth Children's Hospital	3	0	0	0	0
EMHS - Armadale Kalamunda Group	2	1	0	0	0
NMHS - Mental Health	2	0	1	1	0
SMHS - Fiona Stanley Fremantle Hospital Group	2	2	0	0	0
NMHS - Sir Charles Gairdner Hospital	2	0	0	0	1
SMHS - Rockingham Peel Group	2	0	1	1	0
Police Force, Western Australia	3	0	3	0	0
TOTAL	**20**	**3**	**6**	**3**	**1**

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

Table 18: Internal review re: amendment of personal information

AGENCY	Applications	Confirmed	Varied	Reversed	Withdrawn
Acacia Prison	1	1	0	0	0
Curtin University of Technology	1	0	0	0	0
Police Force, Western Australia	1	1	0	0	0
TOTAL	**3**	**2**	**0**	**0**	**0**

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

Table 20: 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	210	0	0
DevelopmentWA	240	0	0
Electoral Commission, Western Australian	30	30	0
Forest Products Commission	180	390	0
Government Employees Superannuation Board	30	0	0
Horizon Power	60	0	0
Insurance Commission of Western Australia	4,050	0	0
Kimberley Development Commission	30	0	0
Kimberley Ports Authority	30	0	0
Land Information Authority (Landgate), Western Australian	120	0	0
Legal Practice Board of Western Australia, The	30	0	0
Lotteries Commission	30	0	0
Metropolitan Cemeteries Board	30	0	0
Peel Development Commission	30	0	0
Pilbara Ports Authority	90	0	0
Public Advocate, Office of the	30	0	7
Public Sector Commission	240	0	0
Public Transport Authority	1,020	0	22.5
Racing & Wagering Western Australia	180	0	0
Southern Ports Authority	30	0	120
Sports Centre Trust (VenuesWest), Western Australian	30	0	0
State Administrative Tribunal	240	0	0
Treasury Corporation, Western Australian	30	0	0

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Water Corporation	1,590	6	1
Western Power	1,290	2,205	0
WorkCover Western Australia Authority (WorkCover WA)	2,250	0	0
Sub-total: Boards, Committees, Commissions, Authorities, Corporations	*12,120*	*2,631*	*150.50*
Group: Departments (except Police and Health related agencies)			
Biodiversity, Conservation & Attractions, Department of	780	0	0
Communities, Department of	3,570	1,927.5	0
Education, Department of	90	0	0
Finance, Department of	1,050	0	0
Fire and Emergency Services, Department of	5,670	2,841	3,680
Jobs, Tourism, Science & Innovation, Department of	270	0	0
Justice, Department of	1,950	334.60	105
Local Government, Sport & Cultural Industries, Department of	1,020	0	0
Main Roads Western Australia	1,230	0	0
Mines, Industry Regulation & Safety, Department of	25,890	3,978	1,371.8
North Metropolitan TAFE	150	0	0
Planning, Lands & Heritage, Department of	3,750	0	0
Premier & Cabinet, Department of the	990	0	0
Primary Industries & Regional Development, Department of	2,370	0	0
South Regional TAFE	0	0	1
Training & Workforce Development, Department of	90	0	0
Transport, Department of	5,910	0	0
Treasury, Department of	210	0	1
Water & Environmental Regulation, Department of	10,350	90	0
Sub-total: Departments (except Police and Health related agencies)	*65,340*	*9,081.10*	*5,157.80*

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Group: Health Related Agencies			
Chief Psychiatrist, Office of the	0	0	2
EMHS - Bentley Health Service	300	0	0
C&AHS - Perth Children's Hospital	270	0	0
EMHS - Armadale Kalamunda Group	5,760	0	0
EMHS - Corporate Office	150	0	0
EMHS - Royal Perth Hospital	11,220	0	0
Health, Department of	900	0	0
NMHS - Mental Health	630	0	0
NMHS - PathWest Laboratory Medicine WA	60	0	0
SMHS - Fiona Stanley Fremantle Hospital Group	7,110	0	0
NMHS - Sir Charles Gairdner Hospital	4,950	0	0
WACHS - Central Office	30	0	0
WACHS - Pilbarra	1,200	0	0
SMHS - Rockingham Peel Group	1,530	1,905	0
WACHS - Goldfields	0	0	12
WACHS - Great Southern	270	0	0
WACHS - Midwest	240	60	30
WACHS - South West	2,970	1,980	1,980
Sub-total: Health Related Agencies	*37,590*	*3,945*	*2,024*
Group: Local Governments			
Armadale, City of	450	0	720
Ashburton, Shire of	120	166	30
Augusta-Margaret River, Shire of	300	875	0
Bassendean, Town of	90	65.2	0
Bayswater, City of	600	0	0
Belmont, City of	600	975	1

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Bridgetown-Greenbushes, Shire of	60	0	0
Broome, Shire of	180	0	0
Bunbury, City of	450	183.7	0
Busselton, City of	360	1,983.3	39.1
Cambridge, Town of	540	0	0
Canning, City of	570	210	0
Capel, Shire of	300	322.5	63
Carnarvon, Shire of	120	120	30
Chittering, Shire of	180	102	0
Claremont, Town of	120	2,676.8	0
Cockburn, City of	660	1,040	30
Collie, Shire of	90	5	0
Cottesloe, Town of	210	150	0
Dardanup, Shire of	90	0	0
Denmark, Shire of	120	940	0
Derby-West Kimberley, Shire of	30	150	0
Donnybrook-Balingup, Shire of	120	30	0
East Fremantle, Town of	60	0	0
Esperance, Shire of	120	0	0
Exmouth, Shire of	30	0	0
Fremantle, City of	330	0	459.4
Gingin, Shire of	60	188	0
Gnowangerup, Shire of	30	0	0
Goomalling, Shire of	30	150	0
Gosnells, City of	540	540	0
Greater Geraldton, City of	420	0	0
Halls Creek, Shire of	30	30	0

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Harvey, Shire of	210	111.8	0
Irwin, Shire of	30	0	0
Joondalup, City of	1,170	258	0
Kalamunda, City of	600	566.6	3,738
Kalgoorlie-Boulder, City of	270	881.2	646.4
Karratha, City of	300	2,736.5	0
Katanning, Shire of	60	120	0
Kwinana, City of	180	0	0
Lake Grace, Shire of	30	0	0
Mandurah, City of	60	0	0
Manjimup, Shire of	90	0	0
Melville, City of	1,080	0	0
Mosman Park, Town of	210	258.48	0
Mundaring, Shire of	390	0	0
Murray, Shire of	180	0	0
Nedlands, City of	600	120	0
Northam, Shire of	150	0	0
Peppermint Grove, Shire of	30	0	0
Perth, City of	1,170	2,201	15
Port Hedland, Town of	240	0	0
Ravensthorpe, Shire of	60	0	0
Rockingham, City of	690	2361.4	166.6
Serpentine Jarrahdale, Shire of	120	0	0
South Perth, City of	570	292	0
Stirling, City of	1,530	390	0
Subiaco, City of	240	502.5	67.5
Swan, City of	1,380	367.2	97.8

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Toodyay, Shire of	240	0	0
Victoria Park, Town of	360	0	0
Vincent, City of	270	502.9	0
Wanneroo, City of	600	0	0
Waroona, Shire of	90	0	0
West Arthur, Shire of	30	0	0
Wyndham-East Kimberley, Shire of	90	0	461
York, Shire of	30	0	0
Sub-total: Local Governments	*21,360*	*22,572.08*	*6,624.80*
Group: Ministers			
Cook MLA, Hon R H	270	0	0
Dawson MLC, Hon S N	270	0	0
Johnston MLA, Hon W J	150	0	0
Kelly MLA, Hon D J	90	0	0
Logan MLA, Hon F M	30	0	0
MacTiernan MLC, Hon A	120	0	0
Murray MLA, Hon M P	60	0	0
Papalia MLA, Hon P	90	0	0
Saffioti MLA, Hon R	210	0	0
Templeman MLA, Hon D A	90	0	0
Tinley MLA, Hon P C	30	0	0
Wyatt MLA, Hon B S	120	0	0
Sub-total: Ministers	*1,530*	*0*	*0*
Group: Police			
Police, Western Australia	45,150	0	0
Sub-total: Police	*45,150*	*0*	*0*
Group: Universities			

AGENCY	Application Fees Collected ($)	AMOUNT OF CHARGES	
		Collected ($)	Reduced or Waived ($)
Curtin University of Technology	210	0	0
Edith Cowan University	60	0	0
Murdoch University	60	0	0
University of Western Australia, The	240	0	0
Sub-total: Universities	*570*	*0*	*0*
TOTAL	**$194,895**	**$17,586**	**$13,957**

Table 21: Reasons for reduction of charges

REASONS FOR REDUCTION	No.	%
Impecunious	19	6.57
Pensioner	5	1.73
Other	265	91.70
TOTAL	**289**	**100.00**