



# ***Freedom of Information Statement 2008***

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**The Western Australian *Freedom of Information Act 1992* gives the right of access to information held in the Peel Development Commission.**

**This statement is made in accordance with the requirements of Section 94 of the Western Australian *Freedom of Information Act*.**

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Peel Development Commission

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**This document and any documents referred to in this statement are available in alternative formats for those unable to read it in its present state.**

**The Peel Development Commission is committed to Equal Opportunity.**

## INTRODUCTION

### **Freedom of Information**

The public has shown greater interest in accessing information on the proper functioning of government and the commercial interests of government organisations. As government is funded by the public, this right of access to the public has been acknowledged with the *Freedom of Information Act*.

Freedom of Information is designed to make State and Local Government more open and accountable to the public by creating a general right of access to documents held for the public.

However, there are matters that must be kept confidential as some operations and records of government require privacy, and therefore can not be accessed. The *Freedom of Information Act* also governs and protects the types of information that are to remain confidential.

Freedom of Information also gives individuals the right to see their own records and have them amended if they are inaccurate, incomplete, out of date or misleading.

### ***Freedom of Information Act***

The Act:

- Has unlimited retrospectivity, so access can be sought to any document regardless of its age;
- Has exemption provisions which protect from disclosure material, which if released, would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations;
- Requires full reasons for denying access to the applicant. The applicant is in a position to determine whether or not to challenge the decision; and
- Provides for an agency to review its decision at the request of the applicant.

If the applicant is still dissatisfied with the agency's decision on internal review then they may lodge a complaint with the Information Commissioner. The Agency does not have the final say.

## FREEDOM OF INFORMATION IN THE COMMISSION

The Commission requires a formal written application for information under the Western Australian *FOI Act*.

An application must be:

- Accompanied by a \$30 application fee for non-personal information; and
- Addressed to the FOI Coordinator C/- Peel Development Commission, 45 Mandurah Terrace, Mandurah WA 6210. Postal address PO Box 543, Mandurah WA 6210.

When seeking access to general information it is preferable to first discuss the issue with the Commission's Freedom Of Information Co-ordinator by telephoning 9535 0000.

### PROCESSING THE APPLICATION

Under the Western Australian *Freedom Of Information Act* the Commission is required to respond to applications for information (other than personal information) as soon as practical and in any event before the end of the "permitted period". The **permitted period** is 45 days after the access application is received for all applications. Where an application is for amendment of personal information, pursuant to Part 3 of the *FOI Act*, the permitted period is 30 days.

### FINANCIAL COSTS

- The following charges can be applied by the Commission when processing a Freedom Of Information application for non-personal information:
  - Charge for time taken dealing with the application - \$30 per hour;
  - Charge for access time supervised by staff - \$30 per hour;
  - Charges for photocopying - \$30 per hour, plus-20c per A4 copy
  - Charges for time taken by staff transcribing information from a tape or other device - \$30 per hour;
  - Charge for duplicating a tape, film or computer information - actual cost;
  - Charge for delivery, packaging and postage - actual cost.

### COST ESTIMATES

- In cases where charges are likely to be higher than \$25 the applicant can request details of the estimated charge as soon as possible after lodging their application.

### ADVANCED DEPOSITS

- The Commission reserves the right to request a deposit in advance for the work to be undertaken, of between 25-75% if required.

### REDUCTION OF COSTS

- A 25% reduction in charges may be sought in the case of genuine demonstrated financial hardship.

## **NOTICE OF DECISION**

- Within the 'permitted period' (45 days for non personal and 30 days for personal information) the Commission will provide the applicant with a notice of decision which will include:
  - The day on which the decision was made; and
  - The name and designation of the officer who made the decision.

## **REFUSAL OF ACCESS**

- While the Western Australian *FOI Act* encourages open government through the release of documents and information, there is provision under Section 23 of the *Freedom of Information Act*, to refuse access on a range of grounds, these include:
  - Exempt documents with an exemption certificate;
  - A document that does not belong to this Commission;
  - A document that where access would contravene a limitation (relates to private collections);
  - A document that is an edited copy;
  - A document containing personal information relating to child who has not turned 16; and
  - A document containing personal information relating to a person who is intellectually handicapped.
- Applicants have a right of appeal in these cases, initially internally and subsequently to the Information Commissioner. Information on the right of review and appeal, including procedures to be followed in exercising those rights will be provided to an applicant by the Commission. The FOI Co-ordinator is also pleased to explain your rights.

## **WHERE TO INSPECT DOCUMENTS**

- Arrangements for access are negotiable and will be as considered appropriate and acceptable to both the Commission and the applicant.
- Access will usually be available between 8.00am and 5.00pm, Monday to Friday at the Commission's office, 45 Mandurah Terrace, Mandurah WA 6210. However, prior arrangements should be made with the FOI Co-ordinator before visiting the offices with a view to inspecting information. This is to ensure that all requested information is assembled for viewing. Some may have to be retrieved from archives. Any enquiries concerning access to documents or other matters relating to Freedom of Information should be directed to the Freedom of Information Co-ordinator, Peel Development Commission.

## **RETENTION OF PERSONAL INFORMATION**

- Employee details with respect to both personal (eg next of kin) and employment (eg leave details) information are retained on the Commission's on-line human resource management system as well as on individual personal files.
- The on-line recording system is security protected, personal files are retained with the Manager of Corporate Services and locked daily.
- Access to the on-line recording system is restricted to Human Resource Staff. An individual wishing to access his or her own personal file can do so only under the direct supervision of the Manager Corporate Services.

## **MAKING AN APPLICATION FOR PERSONAL INFORMATION (INCLUDING AMENDMENT OF SAME)**

- No fee or charge is payable in respect of an application for amendment of personal information or a request for a notation or attachment disputing the accuracy of information which the Commission has decided not to amend.
- All applications relating to personal information should be in writing.
- Personal information can be factual or routine information, eg date of birth, length of employment, names of dependent, opinions or evaluative material such as advice or recommendations of a third party, eg records of interviews, material in personal records.
- Applications will be dealt with as quickly as possible and in any case within 30 days of receipt.

## **AMENDMENT OF PERSONAL INFORMATION**

- The right to amend personal information in a document held by the Commission exists to ensure that personal information which may be used by the Commission does not unfairly harm the person referred to, does not misrepresent facts about him or her or does not give a misleading impression.
- Applicants must provide details and, if necessary, documentation in support of their claim that the information they seek to have amended is inaccurate, incomplete, out of date or misleading. In addition, applicants must indicate how they wish the amendment to be made within the options set out in the *Act*, for example:
  - Altering information;
  - Striking out or deleting information;
  - Inserting information;
  - Inserting a note in relation to information.

## **NOTICE OF DECISION**

- On reaching a decision, the Commission will, within 45 days of receipt of the application, give the applicant written notice of its decision. Where a decision is made to amend the information, the notice will give details of the amendment, and where practical will include a copy of the amended documents.
- If the decision is not to amend the information, the notice will inform the applicant of the reason/s for the decision, along with details of an applicant's right of review and/or appeal, and the right to request that a notation be added to the document, disputing the accuracy of the information.
- Any enquiries concerning personal information should be directed to the Freedom of Information Coordinator, Peel Development Commission.

## THE PEEL DEVELOPMENT COMMISSION

In accordance with the *Freedom of Information Act*, the following information is included within this statement to help people outside of the Commission understand how the Commission operates and performs its duties, and why.

### THE ROLE OF THE COMMISSION

The Peel Development Commission was established under the *Regional Development Commissions Act 1993*. The *Act* provides the Commission with objectives and functions with which the Commission implements to achieve its designated program of 'Regional and Economic Development of the Peel Region'.

The Commission has developed a Strategic Plan which directly supports our program, and includes information such as our Vision, Mission, Values, and related strategies and activities. The Strategic Plan is freely available from the Commission.

### POWERS OF THE COMMISSION

Subject to Section 24 of the *Regional Development Commissions Act 1993*, the Commission has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

In performing its functions the Commission may act in conjunction with any person or any department of the Public Sector or other instrumentality of the State or Commonwealth.

### OUTSIDE PARTICIPATION

The Commission regularly facilitates meetings with government and community members on various projects or issues. The Commission welcomes views and comments from members of the public and bodies outside the Western Australian Government with the formulation and performing of its projects, activities and policies.

General participation is possible in the following way:

- Making oral or written representations to the Commission;
- Putting submissions to the Board on matters chaired by the Commission; and
- Providing expert or specialist advice on matters in an 'ad hoc' basis.

### PUBLIC PARTICIPATION

The Board is the Peel Development Commission's governing body and provides policy direction. It is comprised of a Chairperson, Deputy Chairperson, the Chief Executive Officer (ex-officio) and seven other members.

With the exception of the CEO, all members are appointed by the Minister for Peel, for a period of up to three years. Subject to the *Regional Development Commissions Act 1993* the Board may determine its own procedures.

The Board meets regularly to set policy directions for the Commission, to formulate budget priorities, consider matters of economic and social importance to the Region and to formulate advice to the Minister for Peel on appropriate matters.

## **STRUCTURE OF THE COMMISSION**

The structure of the Commission consists of 11 full time and 3 part time positions employed in various roles.

## **ENABLING LEGISLATION**

Peel Development Commission was established under Section 21 of the *Public Service Act 1978* on January 1, 1993. This Commission became a Statutory Authority upon proclamation of the *Regional Development Commissions Act 1993* on April 8, 1994.

The following legislation applies to the Commission's operations:

- *Regional Development Commissions Act 1993*  
An Act to establish Regional Development Commissions to coordinate and promote the economic development of regions of Western Australia, to provide for the establishment of Regional Development Advisory Committees, to establish a Regional Development Council, to continue existing regional development bodies as commissions under this *Act*, to repeal certain Acts and for related purposes.
- *Financial Administration Act 2006*  
An Act to make provision for the administration of the public authorities and other bodies, to provide for annual reporting by departments and statutory authorities and to authorise and regulate the investment of certain public moneys.
- *Public Sector Management Act 1994*  
An Act to provide for the administration of the Public Sector of Western Australia and the management of the Public Service and of other public sector employment, to repeal the *Public Service Act 1978*; and to provide for related matters.
- *Equal Opportunity Act 1984*  
An Act to promote equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, family responsibilities, race, religious or political conviction or involving sexual harassment.
- *Freedom of Information Act 1992*  
An Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.
- *Government Employees Superannuation Act 1987*  
An Act to provide superannuation schemes for employees of the Government and certain other persons; to constitute the Government Employees Superannuation Board; to constitute and provide for the administration and investment of the Government Employees Superannuation Fund and for connected purposes.

- *Occupational Health, Safety and Welfare Act 1985*  
An Act to promote and improve standards for occupational health, safety and welfare, to establish the Occupational Health, Safety and Welfare Commission, to facilitate the coordination of the administration of the laws relating to occupational health, safety and welfare and for incidental and other purposes.
- *Workers Compensation and Rehabilitation Act 1981*  
An Act to provide legislative framework for Workers Compensation and Rehabilitation.
- *Industrial Relations Act 1979*  
An Act to consolidate and amend the law relating to the prevention and resolution of conflict in respect of industrial matters, the mutual rights and duties of employers and employees, the rights and duties of organisations of employers and employees, and for related purposes.
- *State Supply Commission Act 1991*  
An Act to provide a legislative framework for public sector supply management, establish clear responsibility for the coordination of supply policy across the “whole of government”, improve the effectiveness and efficiency of government supply activities through enhanced coordination and accountability and provide the means of devolving the operational aspects of supply to public authorities.
- *Disabilities Services Act 1993*  
An Act for the establishment of the Disability Services Commission and the Advisory Council for Disability Services, for the furthering of principles applicable to people with disabilities, for the funding and provision of services to such people that meet certain objectives, for the resolution of complaints by such people, and for related purposes.
- *Workplace Agreements Act 1993*  
An Act to provide for the making of agreements between employers and employees as to their respective rights and obligations, for the registration of such agreements by a public official, for the effect of such agreements, and for their enforcement, to confer qualified immunity for certain industrial action relating to such agreements, and to provide for related matters.
- *Constitutions Acts Amendment Act 1899*  
An Act to amend the Constitutions Act 1889, and to amend and consolidate the Acts amending the same.
- *Library Board of Western Australia Act 1951*  
An Act to provide for the constitution and functions of a library board and for other related purposes.
- *Minimum Conditions of Employment Act 1993*  
An Act to provide for minimum conditions of employment for employees in Western Australia and for related purposes.

## **FURTHER INFORMATION**

If you require further information or have a query, please contact our Freedom of Information Coordinator on (08) 9535 0000, or visit our office personally at 45 Mandurah Terrace, Mandurah WA 6210.