

Western Australia

Freedom of Information Regulations 1993

As at 28 Dec 2007

Version 00-f0-03

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Freedom of Information Regulations 1993

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Western Australia

FREEDOM OF INFORMATION ACT 1992

INTERPRETATION ACT 1984

Freedom of Information Regulations 1993

Made by the deputy of the Governor in Executive Council under section 112 of the *Freedom of Information Act 1992* and section 25 of the *Interpretation Act 1984*.

1. Citation

These regulations may be cited as the *Freedom of Information Regulations 1993*.

2. Commencement

These regulations come into operation on the day on which section 10 of the *Freedom of Information Act 1992** comes into operation.

[* Act No. 76 of 1992.]

2A. Interpretation

In these regulations —

“non-personal information” means information that is not personal information about the applicant.

[Regulation 2A inserted by Gazette 30 September 1994 p.4983.]

3. General provisions relating to charges

For an applicant who is —

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- (a) impecunious, in the opinion of the agency to whom the application is made; or
- (b) the holder of a currently valid pensioner concession card issued on behalf of the Commonwealth to that person, or any other card which may be prescribed as being a pensioner concession card under the *Rates and Charges (Rebates and Deferments) Act 1992*,

the charge payable under regulation 5 is reduced by 25%.

4. Application fee (section 12 (1) (e))

The fee in column 2 of item 1 of Schedule 1 is prescribed as the application fee payable under section 12 (1) (e) of the Act, for an application for non-personal information.

[Regulation 4 amended by Gazette 12 November 1993 p.6202; 30 September 1994 p.4983.]

5. Charges (section 16 (1))

The charges set out in column 2 of item 2 of Schedule 1 are prescribed as payable under section 16 (1) of the Act for the purposes set out opposite those charges in column 1 of that item.

[Regulation 5 amended by Gazette 30 September 1994 p.4983.]

6. Advance deposits (section 18 (1) and (4))

The amount or rate set out in column 2 of item 3 of Schedule 1 is prescribed as the amount or rate of an advanced deposit which may be payable under section 18 of the Act in the circumstances set out opposite those amounts or rates in column 1 of that item.

[Regulation 6 amended by Gazette 30 September 1994 p.4983.]

7. “Suitably qualified person” defined (section 28)

For the purposes of section 28 of the Act —

“suitably qualified person” means a medical practitioner within the meaning of the *Medical Act 1894*.

8. Information or details to be included in a complaint (section 66 (1) (d))

For the purposes of section 66 (1) (d) of the Act, a complaint made against an agency's decision under section 65 (1) of the Act is to be accompanied by a copy of the agency's notice of its decision, unless the decision complained of is the result of the non-receipt of a decision under section 13 (2) of the Act.

9. Prescribed personal details (Schedule 1, clause 3 of the Act)

- (1) In relation to a person who is or has been an officer of an agency, details of —
- (a) the person's name;
 - (b) any qualifications held by the person relevant to the person's position in the agency;
 - (c) the position held by the person in the agency;
 - (d) the functions and duties of the person, as described in any job description document for the position held by the person; or
 - (e) anything done by the person in the course of performing or purporting to perform the person's functions or duties as an officer as described in any job description document for the position held by the person,

are prescribed details for the purposes of Schedule 1, clause 3 (3) of the Act.

- (2) In relation to a person who performs or has performed services for an agency under a contract for services, details of —
- (a) the person's name;
 - (b) any qualifications held by the person relevant to the person's position or the services provided or to be provided pursuant to the contract;
 - (c) the title of the position set out in the contract;

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- (d) the nature of services to be provided and described in the contract;
- (e) the functions and duties of the position or the details of the services to be provided under the contract, as described in the contract or otherwise conveyed to the person pursuant to the contract; or
- (f) anything done by the person in the course of performing or purporting to perform the person's functions or duties or services, as described in the contract or otherwise conveyed to the person pursuant to the contract,

are prescribed details for the purposes of Schedule 1, clause 3 (4) of the Act.

[Regulation 9 inserted by Gazette 30 September 1994 pp.4983-84.]

10. Specified bodies, etc., to be regarded as part of other agencies

Under Schedule 2, clause 2 (4) of the Act, it is declared that the office or body set out in column 2 of Schedule 2 to these regulations is not to be regarded as a separate agency, but is to be regarded as a part of the agency set out opposite that office or body in column 1 of Schedule 2 to these regulations.

[Regulation 10 inserted by Gazette 30 September 1994 p.4984.]

Schedule 1

[Heading amended by Gazette 30 September 1994 p.4984.]

[regulation 4, 5 and 6]

Column 1	Column 2
1. <u>Type of Fee</u>	\$
Application fee under section 12 (1) (e) of the Act (for an application for non-personal information).....	30
2. <u>Type of Charge</u>	\$
(a) Charge for time taken by staff dealing with the application (per hour, or <i>pro rata</i> for a part of an hour).....	30
(b) Charge for access time supervised by staff (per hour, or <i>pro rata</i> for a part of an hour).....	30
plus the actual additional cost to the agency of any special arrangements (eg. hire of facilities or equipment).	
(c) Charges for photocopying —	
(i) per hour, or <i>pro rata</i> for a part of an hour of staff time;.....	30
and	
(ii) per copy	0.20
(d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or <i>pro rata</i> for a part of an hour)	30
(e) Charge for duplicating a tape, film or computer information.....	Actual
Cost	
(f) Charge for delivery, packaging and postage.....	Actual
Cost	
3. <u>Advance Deposits</u>	
(a) Advance deposit which may be required by an agency under section 18 (1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee....	25%
(b) Further advance deposit which may be required	

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Schedule 1

by an agency under section 18 (4) of the Act,
expressed as a percentage of the estimated
charges which will be payable in excess of the
application fee..... 75%

*[Schedule amended in Gazettes 12 Nov 1993 p. 6202; 30 Sep 1994
p. 4984.]*

Schedule 2 — Offices and bodies to be regarded as part of other agencies

[r. 10]

[Heading inserted in Gazette 28 Dec 2007 p. 6415.]

Column 1 Agency	Column 2 Office or body
Department for Child Protection	Adoption Applications Committee
	Case Review Panel
Department for Communities	Care for Children and Young People Advisory Committee
	Office for Children and Youth
	Office of Multicultural Interests
	Office for Seniors Interests and Volunteering
Department for Planning and Infrastructure	Office for Women's Policy
	Araluen Botanic Park Board
	Government Domain Reserve Board
	Pastoral Lands Board
	Swan Valley Planning Committee
	WA Bicycle Committee (WABC)
	Walking WA Committee
	Western Australian Coastal Shipping Commission (Stateships)
	Western Australian Marine Act Manning Committee
	Western Australian Mercantile Marine Disciplinary Appeal Tribunal
Western Australian Planning Commission	

Column 1 Agency	Column 2 Office or body
Department of Agriculture and Food	Agricultural Practices Board
	Agricultural Produce Commission
	Agriculture Protection Board of Western Australia
	Albany Zone Control Authority
	Artificial Breeding Board
	Ashburton Land Conservation District Committee
	Beverley Land Conservation District Committee

Freedom of Information Regulations 1993**Schedule 2** Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	Binnu Land Conservation District Committee
	Boyup Brook Land Conservation District Committee
	Bridgetown - Greenbushes Land Conservation District Committee
	Brookton Land Conservation District Committee
	Broome Land Conservation District Committee
	Broomehill Land Conservation District Committee
	Bruce Rock Land Conservation District Committee
	Bunbury Zone Control Authority
	Buntine West Wubin Land Conservation District Committee
	Burakin - Bunketch Land Conservation District Committee
	Cadoux/Mannamanning Land Conservation District Committee
	Capel Land Conservation District Committee
	Carlecatup Land Conservation District Committee
	Carnamah Land Conservation District Committee
	Carnarvon Land Conservation District Committee
	Carnarvon Zone Control Authority
	Cattle Industry Compensation Act Research Fund Advisory Committee
	Chapman Valley Land Conservation District Committee
	Chicken Meat Industry Committee
	Chittering Valley Land Conservation District Committee
	Collie Land Conservation District Committee
	Coolup Land Conservation District Committee
	Cuballing Land Conservation District Committee
	Cue Land Conservation District Committee
	Cunderdin Land Conservation District Committee
	Dardanup Land Conservation District Committee
	Denmark Land Conservation District Committee
	Dowerin Land Conservation District Committee
	Dumbleyung Land Conservation District Committee
	East Ballidu Land Conservation District Committee
	East Gillingarra Land Conservation District Committee

Column 1 Agency	Column 2 Office or body
	East Pilbara Land Conservation District Committee
	East Yornaning Land Conservation District Committee
	Esperance Land Conservation District Committee
	Esperance Zone Control Authority

Column 1 Agency	Column 2 Office or body
	Frankland Below Gordon Land Conservation District Committee
	Fruit Growing Industry Trust Fund Committee
	Gascoyne Ashburton Head Waters Land Conservation District Committee
	Gascoyne/Wooramel Land Conservation District Committee
	Geraldton Zone Control Authority
	Gingin Land Conservation District Committee
	Gnowangerup Land Conservation District Committee
	Goomalling Land Conservation District Committee
	Grain Licensing Authority
	Halls Creek - East Kimberley Land Conservation District Committee
	Hay River Land Conservation District Committee
	Irwin Land Conservation District Committee
	Jerramungup Land Conservation District Committee
	Jerramungup Zone Control Authority
	Kalannie/Goodlands Land Conservation District Committee
	Kalgan Land Conservation District Committee
	Kalgoorlie Land Conservation District Committee
	Kalgoorlie Zone Control Authority
	Katanning Land Conservation District Committee
	Katanning Zone Control Authority
	Kellerberrin Land Conservation District Committee
	Kent River Land Conservation District Committee
	Kimberley Zone Control Authority

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Schedule 2 Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	Kojonup Land Conservation District Committee
	Koorda Land Conservation District Committee
	Kulin Land Conservation District Committee
	Lake Grace Zone Control Authority
	Lower Blackwood Land Conservation District Committee
	Lyndon Land Conservation District Committee
	Manjimup Land Conservation District Committee
	Manjimup Zone Control Authority
	Manypeaks Land Conservation District Committee
	Meekatharra Land Conservation District Committee
	Meekatharra Zone Control Authority
	Merredin Land Conservation District Committee
	Merredin Zone Control Authority
	Midland Zone Control Authority
	Miling Land Conservation District Committee
	Mingenew Land Conservation District Committee
	Minyulo/Dandaragan Land Conservation District Committee
	Mobrup Land Conservation District Committee
	Mogumber Land Conservation District Committee
	Moora Zone Control Authority
	Morawa Land Conservation District Committee
	Mount Magnet Land Conservation District Committee
	Mount Marshall Land Conservation District Committee
	Mukinbudin Land Conservation District Committee
	Mullewa Land Conservation District Committee
	Murchison Land Conservation District Committee

Column 1 Agency	Column 2 Office or body
	Napier River Land Conservation District Committee
	Narembeen Land Conservation District Committee
	Narrogin Land Conservation District Committee
	Narrogin Zone Control Authority

Column 1 Agency	Column 2 Office or body
	Newdegate Land Conservation District Committee
	Ninan Land Conservation District Committee
	North Eastern Goldfields Land Conservation District Committee
	North Kimberley Land Conservation District Committee
	North Stirlings Land Conservation District Committee
	Northam Land Conservation District Committee
	Northam Zone Control Authority
	Nugadong West Land Conservation District Committee
	Nullarbor/Eyre Highway Land Conservation District Committee
	Nungarin Land Conservation District Committee
	Nyabing/Pingrup Land Conservation District Committee
	Perenjori Land Conservation District Committee
	Piawaning - Yerecoin Land Conservation District Committee
	Pilbara Zone Control Authority
	Pingaring Land Conservation District Committee
	Pingelly Land Conservation District Committee
	Pithara - Dalwallinu Land Conservation District Committee
	Potato Marketing Corporation of Western Australia
	Quairading Land Conservation District Committee
	Quairading Soil Conservation District Advisory Committee
	Ravensthorpe Land Conservation District Committee
	Roebourne - Port Hedland Land Conservation District Committee
	Rural Business Development Corporation
	Sandstone Land Conservation District Committee
	Serpentine/Jarrahdale Land Conservation District Committee
	Shark Bay Land Conservation District Committee
	South Mogumber Land Conservation District Committee
	Stirling Land Conservation District Committee
	Sussex Land Conservation District Committee
	Tambellup Land Conservation District Committee

Freedom of Information Regulations 1993**Schedule 2** Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	Tammin Land Conservation District Committee
	Three Springs Land Conservation District Committee
	Three Springs Zone Control Authority
	Toodyay Land Conservation District Committee
	Trayning Land Conservation District Committee
	Tunney Land Conservation District Committee
	Upper Gascoyne Land Conservation Committee
	Vasse - Wonnerup Land Conservation District Committee
	Veterinary Surgeons Board

Column 1 Agency	Column 2 Office or body
	Waddi Forest Land Conservation District Committee
	Wagin Land Conservation District Committee
	Walpole - Tingle Dale Land Conservation District Committee
	Waroon Zone Control Authority
	Watheroo - Coomberdale Land Conservation District Committee
	Wellesley Land Conservation District Committee
	Wellstead Land Conservation District Committee
	West Arthur Land Conservation District Committee
	West Ballidu Land Conservation District Committee
	West Kimberley Land Conservation District Committee
	West Koojan Gillingarra Land Conservation District Committee
	West Maya Land Conservation District Committee
	West Mount Barker Land Conservation District Committee
	Western Australian Meat Industry Authority
	Westonia Land Conservation District Committee
	Wickepin Land Conservation District Committee
	Wiluna Land Conservation District Committee
	Woodanilling Land Conservation District Committee
	Wooroloo Land Conservation Committee

Column 1 Agency	Column 2 Office or body
	Wyalkatchem Land Conservation District Committee
	Yalgoo Land Conservation District Committee
	Yallingup Land Conservation District Committee
	Yilgarn Land Conservation District Committee
	York Land Conservation District Committee

Column 1 Agency	Column 2 Office or body
Department of Consumer and Employment Protection	Board of Examiners (Coal Mining)
	Board of Examiners (Mine Managers and Underground Supervisors)
	Board of Examiners (Quarry Managers)
	Charitable Collections Advisory Committee
	Coal Industry Tribunal of Western Australia
	Commission for Occupational Safety and Health
	Consumer Products Safety Committee
	Electrical Licensing Board
	Land Valuers Licensing Board
	Mines Survey Board
	Mining Industry Advisory Committee
	Motor Vehicle Industry Board
	Plumbers Licensing Board
	Retail Shops Advisory Committee
WorkSafe	
Department of Corrective Services	Prison Officers Appeal Tribunal
Department of Culture and the Arts	Art Gallery Board of Western Australia
	Art Gallery Foundation
	Art Gallery of Western Australia
	ArtsWA Peer Assessment Panel – Designer Fashion
	ArtsWA Peer Assessment Panels – Arts Development
	ArtsWA Peer Assessment Panels – Contemporary Music
	ArtsWA Peer Assessment Panels – Indigenous Arts

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Schedule 2 Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	ArtsWA Peer Assessment Panels – Young People and the Arts
	Community Cultural and Arts Facilities Fund Assessment Panel
	Library Board of Western Australia
	Perth Theatre Trust
	Perth Theatre Trust Board
	Screen West
	Screen West Board
	State Library of Western Australia
	State Records Advisory Committee (SRAC)
	State Records Commission
	State Records Office
	Swan Bells Foundation
	Western Australian Museum
	Western Australian Museum Board
Western Australian Museum Foundation	

Column 1 Agency	Column 2 Office or body
Department of Education and Training	Aboriginal Education and Training Council
	Country High Schools Hostels Authority
	Division of Industrial Training
	Non-Government Schools Planning Advisory Committee
	Public Education Endowment Trust (PEET)
	Rural and Remote Education Advisory Council
	State Training Board
	Training Accreditation Council
	Western Australian Higher Education Council
Department of Environment and Conservation	Cockburn Sound Management Council
	Conservation Commission of Western Australia
	Contaminated Sites Committee
	Environmental Protection Authority
	Keep Australia Beautiful Council

Column 1 Agency	Column 2 Office or body
	Marine Parks and Reserves Authority
	Marine Parks and Reserves Scientific Committee
	Office of the Appeals Convenor
	Swan River Trust
	Waste Management (WA)
	Waste Management Board
Department of Fisheries	Abrolhos Islands Management Advisory Committee
	Aquaculture Development Council
	Pearling Industry Advisory Committee
	Recreational Fishing Advisory Committee
	Rock Lobster Industry Advisory Committee
Department of Health	Aged Care Advisory Panel
	Anaesthetic Morality Committee
	Dental Charges Committee
	Dental Prosthetists Advisory Committee
	Fluoridation of Public Water Supplies Advisory Committee
	Food Advisory Committee
	Local Health Authorities Analytical Committee
	Maternal Mortality Committee
	Perinatal and Infant Mortality Committee
	Pesticides Advisory Committee
	Western Australian Reproductive Technology Foundation

Column 1 Agency	Column 2 Office or body
Department of Housing and Works	Aboriginal Housing and Infrastructure Council
	Architects Board of Western Australia
	Building and Construction Advisory Council
	Building Regulations Advisory Committee
	Country Housing Authority
	Keystart Board of Directors
	Municipal Building Surveyors Qualifications Committee
Public Housing Review Panel	

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Schedule 2 Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	Regional Appeals Committee
	Western Australian Building Management Authority
Department of Indigenous Affairs	Aboriginal Cultural Material Committee
	Aboriginal Lands Trust
Department of Industry and Resources	Centre of Excellence State Funding Advisory Committee
	Coal Miners Accident Relief Fund Trust
	Coal Miners Welfare Board
	Miners Phthisis Board
	Office of Science, Technology and Innovation
	Oil and Gas Industry Advisory Council
	Western Australian Manufacturing Industry Council
Department of Local Government and Regional Development	Caravan Parks and Camping Grounds Advisory Committee
	Control of Vehicles (Off-road Areas) Act Advisory Committee
	Local Government Advisory Board
	Regional Development Council
	Rural, Remote and Regional Women's Network
	WA Local Government Grants Commission
	WA Telecentre Advisory Board
	Western Australian Local Government Grants Commission
Department of Racing, Gaming and Liquor	Gaming and Wagering Commission of Western Australia
	Gaming Community Trust
	Problem Gambling Support Services Committee
	Racing Penalties Appeal Tribunal
Department of Sport & Recreation	Premier's Physical Activity Taskforce
Department of the Attorney General	Appeals Costs Board
	Chief Assessor and Assessors under the <i>Criminal Injuries Compensation Act 1985</i>
	Children's Court of Western Australia
	Coroner's Court of Western Australia
	Family Court of Western Australia
	Gender Reassignment Board
	Law Reporting Advisory Board

Column 1 Agency	Column 2 Office or body
	Magistrates Court
	Mentally Impaired Accused Review Board
	Professional Standards Council
	Supreme Court of Western Australia
	The District Court of Western Australia

Column 1 Agency	Column 2 Office or body
Department of the Premier and Cabinet	Completed Royal Commissions
	Constitutional Centre
	Constitutional Centre of Western Australia Advisory Board
	European, North Asia and Middle East Offices
	Office of e-Government
	Office of Road Safety
	Office of the Premier
	State Law Publisher
Department of Treasury and Finance	Anzac Day Trust
	Office of Shared Services
Department of Water	Avon Waterways Committee
	Broome Groundwater Advisory Committee
	Canning – Wungong – Southern River Irrigation Advisory Committee
	Carnarvon Water Allocation Advisory Committee
	Cockburn Sound Management Council
	Collie Salinity Catchment Recovery Committee
	Engineering Evaluation Initiative Steering Committee
	Flood Warning Consultative Committee
	Flood Warning Operations Group
	Geographe Bay Catchment Council (GeoCatch)
	Gingin Water Resources Advisory Committee
	Gnangara Coordinating Committee
	Kent Recovery Committee

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Schedule 2 Offices and bodies to be regarded as part of other agencies

Column 1 Agency	Column 2 Office or body
	Leschenault Catchment Council
	Peel Inlet Management Council
	Premier's Water Foundation
	South West Coastal Groundwater Advisory Committee
	South West Water Forum
	Swan Groundwater Advisory Committee
	Wanneroo Groundwater Advisory Committee
	Warren Salinity Catchment Recovery Team
	Warren Water Management Area Advisory Committee
	Water Resource Allocation Committee
	Whicher Water Resource Management Group
Disability Services Commission	Advisory Council for Disability Services
Minister for the Environment	Appeals Convenor for the <i>Environmental Protection Act 1986</i>
Office of Energy	Aboriginal and Remote Communities Power Supply Steering Committee
	Advisory Committee for Wind-up of the Perth International Centre for the Application of Solar Energy
	Ministerial Advisory Committee on Electricity Supply
	Perth International Centre for Application of Solar Energy
	State Underground Power Steering Committee
Public Transport Authority of Western Australia	Railway Appeal Board

Column 1 Agency	Column 2 Office or body
Western Australia Industrial Relations Commission	Board of Reference (<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>)
	Board of Reference (<i>Industrial Relations Act 1979</i>)
	Board of Reference (<i>Long Service Leave Act 1958</i>)
	Department of the Registrar, Western Australian Industrial Relations Commission

Column 1 Agency	Column 2 Office or body
	Industrial Magistrates Court
	Occupational Safety and Health Tribunal
	Public Service Appeal Board
	Public Service Arbitrator
	Railways Classification Board
	Special Board of Reference (Long Service Leave Standard Provisions)
	WA Industrial Appeal Court
Western Australia Police	Community Safety and Crime Prevention Council
	Police Appeal Board
	Western Australian Police Historical Society
Western Australian Land Information Authority (Landgate)	Geographic Names Committee
	Land Board
	Land Surveyors Development Board
	Land Surveyors Licensing Board
	Pastoral Board
Valuer General's Office	
WorkCover Western Australia Authority (Workcover WA)	Dispute Resolution Directorate

[Schedule 2 inserted in Gazette 28 Dec 2007 p. 6415-23.]

Notes

- ^{1.} This is a compilation of the *Freedom of Information Regulations 1993* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Freedom of Information Regulations 1993</i>	22 Oct 1993 p. 5800-2	1 Nov 1993 (see r. 2 and <i>Gazette</i> 29 Oct 1993 p. 5881)
<i>Freedom of Information Amendment Regulations 1993</i>	12 Nov 1993 p. 6202	12 Nov 1993
<i>Freedom of Information Amendment Regulations 1994</i>	30 Sep 1994 p. 4982-94	30 Sep 1994
<i>Freedom of Information Amendment Regulations 1996</i>	27 Sep 1996 p. 4790-1	27 Sep 1996
<i>Freedom of Information Amendment Regulations 1997</i>	2 Sep 1997 p. 4976-7	2 Sep 1997
<i>Freedom of Information Amendment Regulations 2006</i>	22 Dec 2006 p. 5805-6	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Freedom of Information Amendment Regulations 2007</i>	28 Dec 2007 p. 6414-23	28 Dec 2007 (see r. 2)