Western Australia

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 —

(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 it’s 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;

(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. Type of Fee $ |
| Application fee under section 12 (1) (e) of the Act (for an  application for non‑personal information)……………….. 30 |
| 2. Type of Charge $ |
| (a) Charge for time taken by staff dealing with the  application (per hour, or *pro rata* for a part of an hour)………………………………………………. 30 |
| (b) Charge for access time supervised by staff (per  hour, or *pro rata* 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 *pro rata* 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 *pro rata* 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. Advance Deposits |
| (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  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 |
| Office for Women’s Policy |
| Department for Planning and Infrastructure | 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 |
| 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/Manmanning 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 |
| 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 |
| 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 |
| 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 |
| 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 ‑ Tingledale Land Conservation District Committee |
| Waroona 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 |
| 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 |
| 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 |
| 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 Surveryors Qualifications Committee |
| Public Housing Review Panel |
| 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 *Criminal Injuries Compensation Act 1985* |
| Children’s Court of Western Australia |
| Coroner’s Court of Western Australia |
| Family Court of Western Australia |
| Gender Reassignment Board |
| Law Reporting Advisory Board |
| 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 |
| 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 *Environmental Protection Act 1986* |
| 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 (*Construction Industry Portable Paid Long Service Leave Act 1985*) |
| Board of Reference (*Industrial Relations Act 1979*) |
| Board of Reference (*Long Service Leave Act 1958*) |
| Department of the Registrar, Western Australian Industrial Relations Commission |
| 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** |
| --- | --- | --- |
| *Freedom of Information Regulations 1993* | 22 Oct 1993 p. 5800‑2 | 1 Nov 1993 (see r. 2 and *Gazette* 29 Oct 1993 p. 5881) |
| *Freedom of Information Amendment Regulations 1993* | 12 Nov 1993 p. 6202 | 12 Nov 1993 |
| *Freedom of Information Amendment Regulations 1994* | 30 Sep 1994 p. 4982‑94 | 30 Sep 1994 |
| *Freedom of Information Amendment Regulations 1996* | 27 Sep 1996 p. 4790‑1 | 27 Sep 1996 |
| *Freedom of Information Amendment Regulations 1997* | 2 Sep 1997 p. 4976‑7 | 2 Sep 1997 |
| *Freedom of Information Amendment Regulations 2006* | 22 Dec 2006 p. 5805-6 | 1 Jan 2007 (see r. 2 and *Gazette* 8 Dec 2006 p. 5369) |
| *Freedom of Information Amendment Regulations 2007* | 28 Dec 2007 p. 6414-23 | 28 Dec 2007 (see r. 2) |