



FREEDOM OF INFORMATION STATEMENT 2018

Prepared in accordance with Section 94

Freedom of Information Act 1992

**DEPARTMENT OF THE REGISTRAR,
WESTERN AUSTRALIAN
INDUSTRIAL RELATIONS COMMISSION**

A handwritten signature in black ink, appearing to read 'Susan Bastian'.

Susan Bastian
Chief Executive Officer
1 June 2018

This Information Statement was correct as at 1 June 2018

FREEDOM OF INFORMATION STATEMENT

DEPARTMENT OF THE REGISTRAR,
WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

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1. RIGHT TO ACCESS

The Western Australian *Freedom of Information Act 1992* (FOI Act) gives the public the legal right to access information held by Government agencies and local and public authorities that is not publicly available.

It is the aim of the Department of the Registrar, Western Australian Industrial Relations Commission (the Department) to make information available promptly and at the least possible cost.

Therefore, whenever possible, documents will be provided outside the FOI process.

If you are thinking of lodging an FOI application, it is recommended that you contact the Department before doing so. The information you are seeking may be available without the need to seek access through an FOI application. Contacts details can be found under 3.5. - Applications.

2. THE DEPARTMENT OF THE REGISTRAR, WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

2.1. Who We Are

The Department of the Registrar, Western Australian Industrial Relations Commission (the Department) is established under the *Public Sector Management Act 1994* and is responsible to the Minister for Commerce and Industrial Relations.

The primary responsibility of the Department is to provide administrative support and infrastructure to the Western Australian Industrial Relations Commission (WAIRC), a quasi-judicial independent tribunal established under the *Industrial Relations Act 1979*. The objects of the Act include the promotion of goodwill in industry and to encourage and provide means for conciliation, and hearing and determination, to prevent and settle industrial disputes.

The Department's structure because of its primary function of supporting the operations of the WAIRC, includes providing registry and support services for processing applications and documentation for matters before the WAIRC, the Industrial Magistrates Court of Western Australia and the Western Australian Industrial Appeal Court.

The Department also provides administrative and corporate support to the WAIRC including corporate administration, budget, finance, human resources, information technology, records and library services. The Department and the WAIRC are however, separate and distinct entities.

2.2. Strategic Direction and Organisational Structure

The Department's Strategic Plan 2016 – 2020 provides a framework for its activities and operations and outlines the strategic future directions of the Department until 2020. The plan outlines the Department's overall direction philosophy and purpose, sets longer term objectives and formulates strategies to achieve them.

The Strategic Plan together with the Department's Organisational Structure can be viewed on the Department's website at www.dotr.wairc.wa.gov.au.

2.3. Decision Making Functions

The Department reports directly to the Minister for Commerce and Industrial Relations. The Department adheres with Government policy and directives, relevant legislation including the *Public-Sector Management Act 1994* and associated guidelines, policies and instructions of the Public Sector Commissioner.

The *Industrial Relations Act 1979* (the IR Act) and the *Industrial Relations Commission Regulations 2005* (the IRC Regulations) prescribe the responsibilities and activities of the Registrar. These statutory responsibilities and activities determine the functions, objectives and strategic direction of the Department of the Registrar. The Chief Executive Officer of the Department is also appointed as the Registrar of the WAIRC.

While the Chief Executive Officer is ultimately accountable for all the Department's activities and operations, each division within the Department has autonomy in day-to-day decision making, allocation of resources and determination of divisional priorities. The divisions operate within the broad parameters of the Strategic Plan and business plans which are endorsed by the Senior Executive.

2.4. Public Participation in Policy Formulation & Performance of Departmental Functions

There are no formal committees or bodies administered by the Department which involve public participation in policy formulation and the performance of Departmental functions.

The Department is focused on achieving and maintaining high standards of service delivery using effective deployment of resources in a transparent and accountable manner. External and internal feedback is valuable to assist in developing specific strategies and plans to assist in achieving these outcomes. One such resource is the client satisfaction survey conducted annually by the Department.

The Department encourages feedback from clients, members of the public, community groups and organisations in relation to the Department's performance and policy formation. This type of information is valuable in assisting in the development and review of the Department's business operations, strategic direction and performance. Feedback may be provided by visiting our website on www.dotr.wairc.wa.gov.au or by calling (08) 9420 4444.

3. FREEDOM OF INFORMATION

3.1. Freedom of Information Legislation

The *Freedom of Information Act 1992* (the FOI Act) gives the public a right to access documents held by State and local government agencies. Members of the public may submit formal FOI applications for documents held by an agency which are not publicly available.

Significant information is however available on-line or may be accessible without having to lodge an FOI request. It is therefore recommended that prior to lodging a FOI application, contact should be made with the Department to determine whether the required information can be obtained outside of the FOI process.

- Department's Registry (08) 9420 4444
- FOI Co-ordinator – Deputy Registrar (08) 9420 4444
- Fax (08) 9420 4500
- Email registry@wairc.wa.gov.au

The FOI Act recognises two kinds of requests for access to information:

- personal information and
- non-personal information.

Personal information can be factual or routine information such as date of birth, length of employment or qualifications. It can also include opinions or evaluative material such as advice or recommendations of a third party eg records of interviews or material in personnel records. Non-personal information is information concerning people other than the FOI access applicant. This also includes, but is not limited to, information, opinions, contact details or genetic information.

The FOI Act enables members of the public to ensure that their personal information which is held by government agencies is accurate, complete, up to date and not misleading.

3.2. Definition of a “Document”

Although the FOI Act refers to information, its focus is on information contained in documents. For the purposes of the FOI Act, a document can be any record, part of record and any copy, reproduction or duplicate of a record. This includes letters, emails, maps, plans, photographs, tape recordings, films, video tapes and/or electronically-stored information as well as files, notes and any form of paper document.

3.3. Exemptions to Access

Some documents, or parts of documents, may be exempt from access. This includes personal information about another person, information provided in confidence, legal advice, matters revealing the deliberative processes of Government and business information of commercial value. The exemptions are outlined in https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html, *Schedule 1 – Exempt Matter of the Freedom of Information Act 1992*. A copy of the FOI Act can be viewed on the Western Australian Legislation website at www.legislation.wa.gov.au.

3.4. Requests for Amendment of Information

If you believe that personal information held by the Department is inaccurate, incomplete, out of date or misleading, you may apply to the Department requesting an amendment in accordance with section 46(1) of the FOI Act. This provision exists to ensure the Department does not unfairly harm the person referred to, misrepresent facts about them or does not give a misleading impression.

Applicants must provide details and, if necessary, documentation in support of their claim.

In addition, applicants must indicate how they want the amendment to be made within the options set out in the Act, including:

- altering information;
- striking out or deleting information;
- inserting information; and
- inserting a note in relation to information.

3.5. Applications

An application made under the FOI Act for access to documents, amendment or personal information or review of a decision must:

- be in writing;
- provide enough information to enable the requested documents to be identified;
- give an Australian postal address to which notices may be sent and;
- be lodged with the Department with any relevant application fee.

The application can be in the form of a letter or you can use our FOI Application Form (attached). This can also be accessed on our website.

Applications and enquiries should be addressed to:



By Post:

Attention: FOI Co-ordinator

Department of the Registrar,
Western Australian Industrial
Relations Commission
Locked Bag 1
Cloisters Square Post Office
Perth WA 6850



In Person

Department of the Registrar,
Western Australian Industrial
Relations Commission
Level 17, 111 St Georges Terrace
Perth WA 6000

Other Contact

FOI Co-ordinator
Telephone: 9420 4444
Facsimile: 9420 4500
Email: registry@wairc.wa.gov.au

3.6. Fees and Charges

Under the FOI Act, no fee or charge is payable for access to, or amendment of, personal information. However a fee is payable for FOI applications which request access to non-personal information. The following table outlines the fees and charges applicable under the FOI Act. Please note that other than the application fee for non-personal information, all charges are made at the discretion of the Department.

1. Fees	
Personal information about the application	No Fee
Application fee (for non-personal information)	\$30.00

2. Type of Charge	
Charge for staff time dealing with the application (per hour or pro rata)	\$30.00
Charge for access time supervised by staff (per hour or pro rata)	\$30.00
Photocopy staff time (per hour or pro rata)	\$30.00
Per photocopy	\$0.20
Transcribing from tape or other device (per hour or pro rata)	\$30.00
Duplicating tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost
3. Deposits	
For charges more than \$25, a deposit may be required to be paid. The Department will provide a notice of estimated Charges & seek further instruction from the applicant on their intention to proceed. Applicants must respond within 30 days of being provided with the estimate of charges. Advance deposit of the estimated charges	25%
Further advance deposit may be required to meet charges dealing with application	75%

A reduction in charges may be sought in cases of financial hardship.

3.7. Notice of Decision

Within 45 days of lodging your FOI application with the Department, you will be provided with a written Notice of Decision outlining our decision and the reasons for the decision. The Decision will include whether or not full access, partial (edited) access or refused access will be granted.

The Department will endeavour to reply as soon as possible or in any event, by the 45 calendar day deadline, unless an extension of time is granted. You can assist us in expediting your request by ensuring that it is specific and not so large in scope that additional liaison and resources are required to deal with it within the statutory timeframe.

3.8. Rights of Review

- Internal Right of Review

If you are refused access to information and you are not satisfied with this decision that has been made, you are entitled to request an internal review by the Department. The review is carried out by an officer of the Department who is equal or superior in rank to the initial decision maker. A request for an internal review should be made in writing within 30 days of receiving the Notice of Decision.

You will be notified of the outcome of the review within 15 days.

- External Right of Review

If you disagree with the result of the internal review, you may then apply to the Office of the Information Commissioner for an external review. A request for an external review should be submitted within 60 days of receiving the Notice of Decision (third parties have 30 days).

No fees or charges are applied to internal or external reviews.

3.9. Office of the Information Commissioner

Should you have any queries or require any further information about your review rights, or the FOI process generally, you may contact the Information Commissioner at:

Office of the Information Commissioner of Western Australia
Albert Facey House
469 Wellington Street
PERTH WA 6000 (entry off Forest Place)

Telephone: (08) 6551 7888 or Country Free call 1800 621 244
Facsimile: (08) 6551 7889
Email: info@foi.wa.gov.au
Web address www.foi.wa.gov.au

4. DOCUMENTS HELD BY THE DEPARTMENT

Access to Departmental documents by external individuals is most commonly through the Department's website at www.dotr.wa.gov.au. In addition, there are also other information sources available to ensure that information is accessible wherever possible, outside of the Freedom of Information provisions.

4.1. Department of the Registrar (DOTR) Website

The Department of the Registrar, Western Australian Industrial Relations Commission website provides information only in relation to the Department's functions and activities.

The Department's website includes, but is not limited to the following:

- Overview of Department and organisational structure
- Annual Reports
- Strategic Plan 2016 - 2020
- Freedom of Information
- Disability Access and Inclusion Plan 2018 – 2023
- Public Interest Disclosure
- Contact details

4.2. Library Resources

The Department's Library maintains general information related to the Department, as well as providing a comprehensive industrial relations and legislative resource. Library Services may be contacted on (08) 9420 5480, or email at library@wairc.wa.gov.au.

The Library information includes but is not limited to:

- Departmental publications and reports
- Annual Reports
- Relevant legislation
- Electronic industrial relations and employment related databases - state and federal decisions, legislation and case law
- Books, journals, newspaper information
- Government Gazettes
- Hansard Parliamentary debates
- Western Australian Industrial Gazette (WAIG)
- Industry bulletins and publications

4.3. Court Records

A significant proportion of the documents held by the Department relate to court records for various tribunals and courts including the:

- Western Australian Industrial Relations Commission, the Full Bench, the President and the Commission in Court Session;
- Public Service Arbitrator;
- Public Service Appeal Board;
- Road Freight Transport Industry Tribunal;
- Occupational Safety and Health Tribunal;
- Boards of Reference;
- Industrial Magistrates Court of Western Australia; and
- Western Australian Industrial Appeal Court.

The Department is responsible for the custody and management of these court records. Many court documents are part of the public record and therefore readily accessible to the public. However, there are also legislative provisions which enable the tribunals and courts to determine, limit or prevent access to some court record in certain circumstances.

For further information about accessing court records, please phone (08) 9420 4444 or email registry@wairc.wa.gov.au.

4.4. Transcript of Court Hearings

Transcript is the written record of a hearing and the official copy of the proceedings before a tribunal or court. Transcripts are in most instances public documents. However, in some cases, there may be conditions limiting or preventing access to documents.

Requests can be made to view transcript. There is no cost when inspecting transcript in the Department's Registry. However there are fees if obtaining hard copy or electronic copies. For transcript enquiries, please phone (08) 9420 4444 or email registry@wairc.wa.gov.au.

4.5. Non-Public Information Held by the Department

The Department also holds the following information that is not available to the public:

- administrative and operational information;
- staff or human resource information; and
- contract information.

4.6. Alternative Sources of Information

There are separate websites which provide information relating to the activities, operation and decisions of the Western Australian Industrial Relations Commission (WAIRC) at www.wairc.wa.gov.au and the Industrial Magistrates Court of Western Australia (IMC) at www.imc.wa.gov.au .

As part of its support functions, the Department maintains these websites, in consultation with the WAIRC and the IMC.

4.6.1. WA Industrial Relations Commission (WAIRC) Website

The Western Australian Industrial Relations Commission (WAIRC) website (www.wairc.wa.gov.au) provides a comprehensive range of information related to the activities and functioning of the WAIRC as an independent, quasi-judicial industrial relations tribunal.

The WAIRC website includes, but is not limited to the following:

- Awards and Agreements;
- Decisions and Orders, including those of:
 - Western Australian Industrial Relations Commission, Full Bench, President, Commission in Court Session;
 - Public Service Arbitrator;
 - Public Service Appeal Board;
 - Road Freight Transport Industry Tribunal;
 - Occupational Safety and Health Tribunal;
 - Boards of Reference;
 - Industrial Magistrates Court of Western Australia; and
 - Western Australian Industrial Appeal Court.
- General Orders;
- Hearing lists of matters before the WAIRC;
- Guides and procedures;
- Frequently asked questions;
- Applications & Forms (including on line lodgement);
- Registered organisations (union and employer organisations);
- Registered rules (union and employer organisations);
- Right of entry card holders - registered organisations;
- Registered Industrial Agents;
- General Notices;

- Annual Reports - Chief Commissioner of the WAIRC;
- Discussion Papers;
- History and structure of the WAIRC; and
- Contact Details.

4.6.2. Industrial Magistrates Court (IMC) Website & Decisions

The Industrial Magistrates Court of Western Australia is a Court of law established under the *Industrial Relations Act 1979* and constituted by an Industrial Magistrate. Industrial Magistrates exercise both general jurisdiction powers and prosecution powers.

Access to IMC records is determined by the provisions of the *Industrial Relations Act 1979* or the *Magistrates Court Act 2004*, depending on which jurisdictional power is being exercised. Access may also vary depending if the person seeking access is or is not a party to particular proceedings.

Information in relation to the IMC can be found at www.imc.wa.gov.au. This website includes information such as:

- Online lodgement;
- Forms;
- Fees and charges;
- Information for making a claim;
- Frequently asked questions; and
- About the IMC.

All decisions and published reasons for decision of the IMC are published in the Western Australian Industrial Gazette (WAIG) and on the WAIRC's website at www.wairc.wa.gov.au.

Enquiries in regard to accessing documents related to Industrial Magistrates Court matters should be made to:

Industrial Magistrates Clerk

Telephone: (08) 9420 4467

Facsimile: (08) 9420 4500

Email: Registry@wairc.wa.gov.au

4.6.3. Western Australian Industrial Appeal Court (IAC)

The Western Australian Industrial Appeal Court (IAC) is constituted in accordance the *Industrial Relations Act 1979*. It is a court of appeal, within the Supreme Court of Western Australia.

The IAC hears and determines appeals against decisions of the President of the WAIRC, the Full Bench, or a Commission in Court Session. It can also hear appeals against a decision of the Industrial Magistrates Court, in certain circumstances.

The IAC sits at the Supreme Court and the Registry of the Supreme Court receives and processes documents lodged to the IAC for filing.

The Department also provides a Registry service and certain administrative support services to the IAC. The Department is also the primary custodian of IAC court records and documents.

While the IAC is not part of the WAIRC, the Registrar is required to publish decisions and published reasons for decision of the IAC in the Western Australian Industrial Gazette (WAIG). These are also available on the WAIRC's website at www.wairc.wa.gov.au.

Enquiries regarding accessing documents associated with Industrial Appeal Court matters should be made to the:

Registry Services Manager

Telephone: (08) 9420 4412

Facsimile: (08) 9420 4500

Email: Registry@wairc.wa.gov.au

FREEDOM OF INFORMATION (FOI) APPLICATION FORM

Application for access to documents held by the Department of the Registrar,
Western Australian Industrial Relations Commission
(*Freedom of Information Act 1992, Section 12*)

1. Personal Details of Applicant

Preferred Title: Hon Dr Mr Mrs Ms Miss Other: _____

Surname	
Given Name(s)	
Australian Postal Address & postcode	
Telephone number(s)	
Email	
Fax	

2. Type of FOI Application

I am seeking access to personal information	<input type="checkbox"/>
I am seeking access to non-personal information	<input type="checkbox"/>
I am applying on behalf of a business/organisation	<input type="checkbox"/>
If applying on behalf of a business/organisation please provide the name below:	

3. FOI Access Request

I am applying for access to documents(s) concerning:

--

Date range for document search (if applicable):

From:/...../..... to:/...../.....

Please provide enough information to enable the requested document(s) to be identified. Attach additional pages, if required.

4. Fees and Charges

If you are applying for access to non-personal information (information other than that about yourself), an application fee of \$30 applies. This fee must be paid upon submission of an FOI application.

In some cases, fees and charges may be reduced on the basis of financial disadvantage. If you think you may qualify, please request it in the *Applicant Declaration* section and attach a copy of your Australian pension/concession card(s) or other supporting documentation.

5. Applicant Declaration

I have attached the \$30 fee for access to non-personal information together with my FOI application and understand that I may be required to pay further processing charges in respect of this application. Should processing charges be incurred, I understand that I will be provided with a statement of charges.

I am requesting a reduction in the charges (attach relevant documentation in support of this request, including proof of Australian pension/concession card(s)).

Signature: **Date:**

6. Lodgement of FOI Application

- Post** Attention: FOI Co-ordinator, Department of the Registrar,
Western Australian Industrial Relations Commission
Locked Bag No 1
Cloisters Square
Perth WA 6850
- In Person** Department of the Registrar, Western Australian Industrial
Relations Commission
Level 17, 111 St Georges Terrace Perth WA
- Email** registry@wairc.wa.gov.au (mark "Attention: FOI Co-ordinator")
- Fax** 08 9420 4500 (mark "Attention: FOI Co-ordinator")

An acknowledgement of receipt of this application will be forwarded to the applicant.

7. Further Information

If you require further information, please contact the FOI Co-ordinator on 9420 4444 or refer to the Department's FOI Statement. The FOI Statement can be accessed at www.dotr.wa.gov.au under the Publications tab.

This document is available in alternative formats to people with disability upon request.