

Policy	COM05: Freedom of Information Statement
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Endorsed by	ARC 15 August 2023 MWDC Board 13 October 2023
Last updated	12 May 2023
Next review	30 June 2024

Introduction

This Freedom of Information (FOI) Statement is provided in accordance with sections 96 and 97 of the *Freedom of Information Act 1992* (WA) (FOI Act).

The purpose of the FOI Statement is to ensure that information concerning the structure and functions of the Mid West Development Commission (Commission) and types of documents held by the Commission is available to the public. Comprehensive information regarding the operations of the Commission may be found on our [website](#).

The FOI Act provides the public with the right to access information held by State and local governments not routinely available to the public. It also assists the public to ensure that personal information held by these authorities is accurate, complete, up to date, and not misleading.

The Commission is committed to assist the public to obtain prompt access to documents at the lowest reasonable cost as per the FOI Act, to ensure openness, transparency, and accountability as a government agency.

Functions

The Commission is one of nine Regional Development Commissions established under the *Regional Development Commissions Act 1993* (RDC Act) and operates as a statutory authority. The Commission is governed by a board and is accountable to the Minister for Regional Development. It provides the regional link between government policy and planning and regional aspirations and needs.

Legislation Administered

The Commission was established under the RDC Act and it is listed as a statutory authority on Schedule 1 of the *Financial Management Act 2006*. The RDC Act established Regional Development Commissions in each of Western Australia's nine regions to coordinate and promote economic development to maximise prosperity and wellbeing for the regions, and for Western Australia.

The objectives of the Commission under the RDC Act are:

- maximising job creation and improving career opportunities in the region;
- developing and broadening the economic base of the region;
- identifying infrastructure services to promote economic and social development within the region;
- providing information and advice to promote business development within the region;

- seeking to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- taking steps to encourage, promote, facilitate and monitor the economic development in the region.

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.

Constitutions Acts Amendment Act 1899

An Act to amend the Constitutions Act 1889, and to amend and consolidate the Acts amending the same.

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.

Workers Compensation and Rehabilitation Act 1981

An Act to provide legislative framework for Workers Compensation and Rehabilitation.

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.

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.

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.

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.

Minimum Conditions of Employment Act 1993

An Act to provide for minimum conditions of employment for employees in Western Australia and for related purposes.

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.

State Records Act 2000

An Act to provide for the keeping of State records 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.

Procurement Act 2020

An Act to modernise the processes for Government procurement of goods, services and works.

Work Health and Safety Act 2020

An Act to make provision about, and in connection with the health and safety of workers, at workplaces and risks to health and safety arising from work.

Structure

The Commission reports to the Minister for Regional Development (Minister). The Minister has the power to direct the Commission, either generally or with respect to a particular matter, on the exercise and performance of its powers, functions and duties under the RDC Act. The Commission must give effect to such directions.

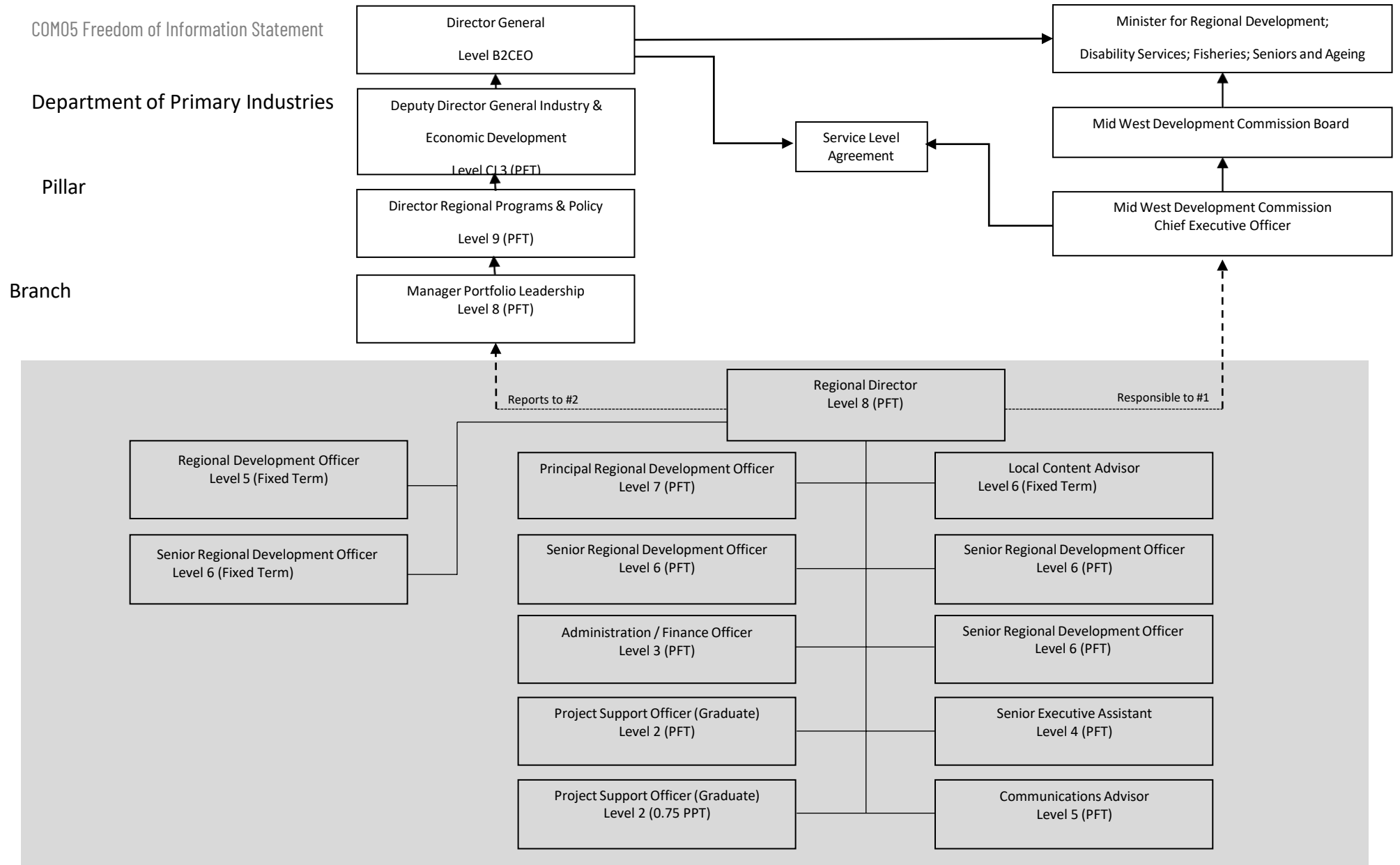
The Commission is governed by a Board of Management that meets regularly to consider matters of economic and social importance to the Mid West, to formulate advice to the Minister on appropriate matters, to set policy directions for the Commission and to formulate budget priorities. The Board is comprised of six members and the Chief Executive Officer (CEO), who is a member of the Board by virtue of office. Under the RDC Act, the Minister is provided with the authority to appoint Board members, including the Chair, the Deputy Chair and the Chief Executive Officer (CEO) of the Commission, who is responsible for the day-to-day operations of the Commission.

With the exception of the CEO, all members are appointed for a period of up to three years with one third of the members being residents of the Mid West community, one third being nominated by Local Government and one third appointed at the Minister's discretion.

The Department of Primary Industries and Regional Development (DPIRD) supports the Commission and is the employing agency for staff working for the Commission and responsible to the CEO.

Further information about the Commission's Board and staff is available on the Commission's [website](#).

The Commission's approved establishment structure as at 1 January 2023 i



Functions Affecting Members of the Public

The effect that the work of the Commission will have on the public stems from the Objectives and Functions as described in the *Regional Development Commissions Act 1993* Part 3 Division 2 Clause 23 and the Strategic Plan 2023-26.

Decisions may be made at Ministerial, Board, CEO level or in consultation with DPIRD or other State Government agencies; decision making processes for projects and initiatives that the Commission may be involved in depend on their individual circumstances and selection criteria, if relevant.

Public Participation

The Commission does not administer or operate any formal committees or bodies for public participation in the formulation of its policy and performance of its functions. However, as part of its role as a facilitator, enabler and partner, the Commission leads and participates in various working groups and advisory committees.

The Commission is responsible for identifying key strategic issues and direction in the regional development sector and providing pro-active, informed and timely advice to industry, government and community bodies to achieve regional development outcomes for the Mid West. Non-State Government organisations with whom the Commission works to develop policy positions and projects include but are not limited to:

- The sixteen local government authorities in the Mid West;
- Chambers of commerce and other business organisations in the Mid West;
- Industry organisations;
- Community groups;
- Not-for-profit organisations including social enterprises; and
- Aboriginal corporations.

The Commission promotes community participation by encouraging members of the public to participate in targeted communication opportunities such as surveys, functions, presentations, online communication forums and subscriptions to its communications.

The Commission welcomes feedback and comments from members of the public and bodies outside the Western Australian Government on the formulation and performance of its projects, activities and policies. General participation is possible by:

- Writing to the Commission or by personal contact with its senior officers in the first instance;
- Putting submissions to the Board on matters chaired by the Commission; and
- Providing expert or specialist advice on matters on an 'ad hoc' basis.

The Commission also recognises the importance of frank feedback to assist it to improve its services and provides details of its complaints process on its [website](#).

There are also two community appointments on the Commission Board available to people who are residents in the region. Expressions of interest for nomination to the Board are advertised from time to time as appointments expire and positions become available.

Documents held by the Commission

Under the *State Records Act 2000* the Commission is required to have an approved recordkeeping plan. This plan sets out how records are created, managed, and for what period of time the Commission is required to retain

records before they are destroyed. The Commission's Recordkeeping Plan was approved by the State Records Commission and is updated in accordance with Section 28(5) of the Act.

The Commission provides a wide range of documents available to download for free from the [Commission's website](#) without an FOI application required. These include but are not limited to:

- Annual reports;
- Strategic plan;
- Economic snapshots;
- Housing and land and commercial property data;
- Economic and community development strategies and analyses;
- Project-specific information;
- Media releases;
- Information relating to State Government grants;
- Newsletter articles; and
- Photographs and other images.
- Strategic Development Plans
- Tender and quotation responses.

Members of the public seeking further information of the types listed above are encouraged to contact the Commission by calling 08 9956 8593, emailing info@mwdc.wa.gov.au or visiting its offices in Geraldton.

Other documents held by the Commission which are available – subject to exemptions outlined in the FOI Act – and may be accessed under a FOI application include those records created in the line of day-to-day operation and management of the Commission. These include but are not limited to:

- Email and other correspondence;
- Draft documents;
- Internal memorandums;
- Presentations;
- Contracts and agreements;
- Policies and procedures;
- Minutes and agendas;
- Records relating to administrative operations;
- Strategic development plans; and
- Tender and quotation responses.

Personal information collected by the Commission is managed in accordance with the *Australian Privacy Principles* as contained in Schedule 3 of the *Commonwealth Privacy Act 1988*. The Commission's policy framework details procedures in place to prevent the misuse of personal information within or by the Commission, with specific procedures relating to each business area that obtains, uses and stores personal information.

Freedom of Information

The FOI Act is designed to promote openness and transparency by providing a general right of access to documents held by State and local government agencies.

It is the aim of the Commission to make information available promptly and at the least possible cost and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading. Whenever possible documents will be provided outside the FOI process.

The Freedom of Information Policy outlines the Commission's governing processes for dealing with applications made under the FOI Act and the Commission encourages anyone considering submitting an FOI application to first discuss the issue with the Commission's Freedom of Information Coordinator by telephoning 08 9956 8593. Many requests for information held by the Commission can be easily satisfied by a phone call or personal visit to the Commission's offices, located in Geraldton, or by emailing info@mwdc.wa.gov.au.

Access Applications

An application submitted under the FOI Act must:

- Be in writing addressed to the Freedom of Information Officer, Mid West Development Commission, 20 Gregory Street, Geraldton WA 6530, by hand (to the Geraldton office) or emailing info@mwdc.wa.gov.au;
- Be accompanied by a \$30 application fee for non-personal information;
- Give enough information so that the documents requested can be identified;
- Give an Australian address to which notices can be sent; and
- Indicate what kind of access is required.

Download the Commission's FOI Application form from the Commission website.

Applications will be acknowledged in writing and you will be notified of the decision within 45 calendar days.

Fees and charges

A scale of fees and charges are set out in the FOI Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary.

No fees or charges apply for applications that are limited to requests for access to personal information about the applicant only.

Type of fee	Charge
Personal information about the applicant	No fee
Application fee (for non-personal information)	\$30.00

If an application is likely to divert a substantial and unreasonable portion of the Commission's resources away from its other operations, the Commission may decide to impose charges. Charges that may be imposed, include:

Type of fee	Charge
Charge for time dealing with the application (per hour or pro rata)	\$30.00
Access time supervised by staff (per hour or pro rata)	\$30.00
Photocopying staff time (per hour or pro rata)	\$30.00

Type of fee	Charge
Transcribing from tape, film or computer	\$30.00
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%. The Commission reserves the right to request a deposit of between 25-75% in advance for the work to be undertaken.

Processing the Application

Under the FOI 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.

Access Arrangements

An applicant may be entitled to access documents in electronic or hardcopy form, or by way of inspection. Arrangements for access are negotiable and will be as considered appropriate and acceptable to both the Commission and the applicant.

Physical access will usually be available between 8.30am and 4.30pm, Monday to Friday at the Commission's offices in Geraldton. However, prior arrangements should be made with the FOI Coordinator before visiting the offices with a view to inspecting information. This is to ensure that all requested information is assembled for viewing. Some documents 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 Coordinator, Mid West Development Commission.

Notice of Decision

Following the lodgement of a valid application, the Commission is required to issue a notice of its decision as soon as practicable but, in any case, within 45 days. A notice of decision will include:

- The date the decision was made.
- The name and the position of the Decision Maker.
- If the document contains exempt information, reasons for classifying the matter exempt and the type of access provided to a document.
- Information outlining the right to review and the procedures to be followed to exercise those rights.

Rights of Review

Applicants who are dissatisfied with a decision made by the Commission are entitled to ask for an internal review. Applications for internal review must be made in writing within 30 days of receiving the notice of decision. Applicants will be notified of the outcome of the review within 15 days.

The Internal Review will be carried out by the CEO. There is no charge for an internal review.

If an applicant disagrees with the internal review decision they may then apply to the Information Commissioner for an external review.

An applicant may lodge a complaint with the Information Commissioner to request an external review of the internal review decision if not satisfied with the outcome. A complaint to the Information Commissioner's office must be lodged within 60 days of receiving the notice.

A complaint to the Information Commissioner must:

- Be in writing
- Include a copy of the Commission's decision
- Provide an Australian address

There is no charge for lodging a complaint with the Information Commissioner's Office.

For queries or further information about an applicant's review rights, please contact the Office of the Information Commissioner:

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
Perth WA 6000 (entry off Forrest Place)

Phone: (08) 6551 7888

Country Callers: 1800 621 244 (WA only)

Email: info@foi.wa.gov.au

Website: foi.wa.gov.au

Amendment of Personal Information

The FOI Act provides the right to apply for the amendment of personal information held by the Commission if the information is inaccurate, incomplete, out-of-date or misleading.

Applications for the amendment of personal information must:

- Be in writing.
- Provide sufficient details to enable the document that contains the personal information to be identified.
- Provide details of the information that is inaccurate, incomplete, out of date or misleading.
- Provide reasons for holding that belief.
- Provide details of the amendments requested for example:
 - Altering information;
 - Striking out or deleting information;
 - Inserting information;
 - Inserting a note in relation to information.

Personal information must be about the applicant and proof of identity is required before the Commission can begin to process the application.

On reaching a decision, the Commission will, within 30 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.