

Freedom of Information Statement

Document type, availability and accessibility

Looking after all our water needs

Department of Water

December 2012

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December 2012

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ISBN 978-1-921736-06-3 (online)

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Preface

The Information Statement is a reporting requirement under sections 94–96 of the *Freedom of Information Act 1992* (FOI Act). It has been prepared as a guide to the public about information held by Department of Water (the department).

The Information Statement also includes guidance to the public in relation to the department's:

- legislation
- organisational structure and decision-making functions and processes
- the availability and accessibility of information that the department holds.

Maree De Lacey

DIRECTOR GENERAL

December 2012

1 Responsibilities of Minister and department

The Department of Water (the department) was established to replace the Water and River Commission as lead agency in the water portfolio in order to assist the Minister for Water in the administration of the following Acts and associated subsidiary legislation:

- *Busselton Water Board (Supply of Water to Dunsborough) Act 2009*
- *Country Areas Water Supply Act 1947*
- *Country Towns Sewerage Act 1948*
- *Land Drainage Act 1925*
- *Land Drainage (Validation) Act 1996*
- *Metropolitan Water Authority Act 1982*
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
- *Rights in Water and Irrigation Act 1914*
- *Water Agencies (Powers) Act 1984*
- *Water Boards Act 1904*
- *Water Efficiency Labelling and Standards Act 2006*
- *Water Resources Legislation Amendment Act 2007*
- *Water Services Licensing Act 1995* (except Part 5A which is administered by the Department of Commerce)
- *Waterways Conservation Act 1976*

The recently enacted *Water Services Legislation Amendment and Repeal Act 2012* will, upon proclamation of the relevant provisions, repeal the *Busselton Water Board (Supply of Water to Dunsborough) Act*, the *Country Towns Sewerage Act*, the *Land Drainage Act*, the *Land Drainage (Validation) Act* and the *Water Boards Act*; and will amend the remaining Acts listed above (except the *Water Efficiency Labelling and Standards Act*, the *Water Resources Legislation Amendment Act* and the *Waterways Conservation Act*). The repealed Acts will be replaced by the *Water Services Act 2012*.

1.1 Functions of the Minister

The department currently supports the Minister's functions, under the following laws:

Country Areas Water Supply Act 1947

- Under Part II, may make by-laws for the protection of water sources in catchment areas or water reserves.
- Under Part IIA, administers a scheme for clearing licences on certain land and, where a licence is rejected, for payment of compensation.

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

- Under Part IV, may make by-laws for the prevention of pollution in catchment areas or water reserves.
- Under Part VI may make by-laws for underground water pollution control areas in the metropolitan area, and is responsible for licensing wells in public water supply areas in the metropolitan area.

Part IX of the Metropolitan Water Authority Act 1982

- Planning for the administration of arterial drainage and for the declaration of drainage courses.

Part III of the Rights in Water and Irrigation Act 1914

- Licensing, or giving directions as to the use of surface waters.
- Licensing artesian wells and, in proclaimed areas and irrigation districts, non-artesian wells.

Waterways Conservation Act 1976

- Conservation and resource management functions, and associated powers, in respect of waterways and adjoining land in management areas under the Act.

Water Services Licensing Act 1995

- Develop policy for water services provision and administer the Act.

Water Agencies (Powers) Act 1984

- Conserving, protecting and managing water resources.
- Assessing water resources.
- Promoting the efficient use of water resources.
- Promoting the efficient provision of water services.
- Developing plans for and providing advice on flood management.

General Duties:

- Planning for the use of water resources.
- Promoting the efficient use of water resources.
- Undertaking, coordinating, managing, and providing practical and financial assistance to, activities and projects for the conservation, management or use of water resources.
- Developing plans for and providing advice on flood management.
- Carrying out, collaborating in or procuring research or investigations relating to water resources.

1.2 Functions of the department

The department is responsible for supporting the Minister in respect of core functions (refer s9 *Water Agencies (Powers) Act 1984*). In doing so, it supports the State's growth and development by managing the availability and quality of water sustainably. The department's core functions include issuing licences to take water, regulating water use, protecting the quality of water resources, collecting and analysing water resources information, and preparing policies and water allocation plans.

Responsibilities also include:

- providing water information to the Bureau of Meteorology under the *Water Act 2007 (Commonwealth)*;
- providing guidance to the Government, and to the Economic Regulatory Authority, (an independent agency which administers the licensing of suppliers of water services under the *Water Services Licensing Act 1995*).

Organisational structure

The department was restructured in 2011, and the new [organisational structure](#) is provided on the website. If the link is broken or the website is unavailable then this should be communicated to the department via email (helpdesk@water.wa.gov.au) or by phone on 08 6364 6666.

1.3 Legislation Reform

The *Water Services Act 2012* was given Royal Assent on 3 September 2012, but only Part 1 of the Act has commenced. The substantive provisions of the Act are awaiting proclamation. The Act will govern licensing and operation of all water service providers in Western Australia, and confer oversight on the Minister of arrangements for water supply, sewerage, irrigation and drainage.

The *Water Services Legislation Amendment and Repeal Act 2012* also received Royal Assent on 3 September 2012 and its substantive amendment and repeal provisions are awaiting proclamation. This Act amends and repeals legislation relevantly referring to water services. The *Busselton Water Board (Supply of Water to Dunsborough) Act*, the *Country Towns Sewerage Act* and the *Land Drainage Acts* will be completely repealed and the *Country*

Areas Water Supply Act will be subsequently amended. As a consequence, the Busselton and Bunbury Water Boards will become statutory corporations like the Water Corporation.

Legislation that the Department of Water administers:

Act	Regulations	By-Laws
<i>Busselton Water Board (Supply of Water to Dunsborough) Act 2009</i>		
<i>Country Areas Water Supply Act 1947</i>	<i>Country Areas Water Supply (Clearing Licence) Regulations 1981</i>	<i>Country Areas Water Supply By-Laws 1957</i>
<i>Country Towns Sewerage Act 1948</i>		<i>Country Towns Sewerage By-Laws 1952</i>
<i>Land Drainage Act 1925</i>	<i>Land Drainage Regulations 1978</i>	<i>Land Drainage By-Laws 1986</i>
<i>Land Drainage (Validation) Act 1996</i>		
<i>Metropolitan Water Authority Act 1982</i> <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i>		<i>Metropolitan Water Authority (Miscellaneous) By-Laws 1982</i> <i>Metropolitan Water Supply, Sewerage and Drainage By-Laws 1981</i>
<i>Rights in Water and Irrigation Act 1914</i>	<i>Rights in Water and Irrigation Regulations 2000</i>	<i>Carnarvon Irrigation District By-Laws 1962</i>
		<i>Harvey, Waroona and Collie River Irrigation Districts By-Laws 1975</i>
		<i>Ord Irrigation District By-Laws 1963</i>
		<i>Water Agencies (Preston Valley Irrigation Services) By-Laws 1969</i>
<i>Water Boards Act 1904</i>	<i>Water Boards (Bunbury) Regulations 1997</i>	<i>Bunbury Water Board By-Laws</i>
	<i>Water Boards (Busselton) Regulations 2002</i>	<i>Busselton Water Area By-laws</i>

Act	Regulations	By-Laws
<i>Waterways Conservation Act 1976</i>	<i>Waterways Conservation Regulations 1981</i>	
<i>Water Agencies (Powers) Act 1984</i>	<i>Water Agencies (Entry Warrant) Regulations 1985</i>	<i>Water Agencies (Water Use) By-laws 2010</i>
	<i>Water Agencies (Infringements) Regulations 1994</i>	<i>Water Agencies (Charges) By-laws 1987</i>
<i>Water Efficiency Labelling and Standards Act 2006</i>		
<i>Water Resources Legislation Amendment Act 2007</i>		
<i>Water Services Licensing Act 1995 (except Part 5A which is administered by the Department of Commerce)</i>	<i>Water Services Coordination Regulations 1996</i>	
	<i>Water Services Licensing (Extension of Enactments) Regulations 1997</i>	

2 Key decision-making functions

2.1 Water allocation licensing

Water allocation is governed by the *Rights in Water and Irrigation Act 1914* (WA) (RIWI Act) and the *Rights in Water and Irrigation Regulations 2000* (RIWI regulations). The main decision-making functions undertaken by the Minister, or an officer of the department duly delegated, under that legislation, are identified below.

Licence to take water

A licence issued under the provisions of section 5C of the RIWI Act is required to:

- take non-artesian and surface water in proclaimed groundwater and surface water areas and irrigation districts
- take artesian water.

A section 5C licence is a right that allows the licence holder to ‘take’ water from a watercourse, wetland or underground source. Under the provisions of section 5C, unless a person holds a licence, any unauthorised taking of water is prohibited except where a person has another right to do so, such as a riparian right.

The licence is issued to a specified person; however, this does not give the licensee ownership of the water in the source. A licence merely authorises the ‘taking’ of the water and does not prevent another person from taking water if they also have a right to do so. It is not necessarily an exclusive right to access the water. A section 5C licence has terms, conditions and limitations with which the licence holder must comply.

New licences are generally issued only if the total licensed use will not exceed the sustainable diversion limits for the water resource in order to protect the interests of existing users and the environment.

Under the gazetted *Rights in Water and Irrigation Exemption (Section 26C) Order 2011*, the licensing of non-artesian bores in all proclaimed areas is not required for, amongst other things, domestic and ordinary use, and watering cattle and stock (other than those being raised under intensive conditions).

Licence to construct or alter a well

A licence issued under the RIWI Act is required to:

- commence, construct, enlarge, deepen or alter any artesian well
- commence, construct, enlarge, deepen or alter any non-artesian well in a proclaimed groundwater area.

Such a licence does not allow a person to ‘take’ water, although a person may apply for both a section 26D licence and a 5C licence simultaneously.

Licence applications for section 5C licence

The Minister has the discretion to grant or refuse an application for a licence, and to determine the terms, conditions and restrictions to be included in the licence. The Minister will consider all relevant matters, including whether the proposed taking and use of water:

- is in the public interest
- is ecologically sustainable
- is environmentally acceptable
- may prejudice other current and future needs for water
- could have a detrimental effect on another person
- could be provided for by another source
- is in keeping with local practices, a relevant local by-law, an approved statutory plan; or previous decisions
- is consistent with land use planning instruments, the requirements and policies of other government agencies, or any intergovernmental agreement or arrangement

Refusal to grant a licence

The Minister may also refuse to grant a licence if not satisfied that the applicant has the resources to carry out the activities to which the licence relates, or if the applicant has been convicted of an offence against the RIWI Act. The Minister must refuse to grant a licence to a person if that person is unwilling or unable to comply with the terms, conditions and restrictions of the licence.

If the Minister proposes to refuse to grant a licence, or to grant a licence with a term, condition or restriction that it is considered inconsistent with the terms of the application, the department must notify the applicant. Within 30 days of the receipt of that notice, the applicant may be heard by, or make written submissions, which must be considered prior to any final decision being made (Clause 6, Schedule 1, RIWI Act).

Cancellation or suspension of a licence

Where a licensee has contravened or failed to comply with any term, condition or restriction included in the licence, the Minister may cancel the licence or suspend the licence for a fixed period by written notice. Before a licence is cancelled or suspended, the Minister must notify the licensee of the proposal and allow the licensee the right to be heard or to make written submissions to the department (Clause 26, Schedule 1, RIWI Act).

The cancellation or suspension of a licence effectively cancels the rights and privileges conferred by the licence, or suspends it, but it does not affect the duties imposed by the licence.

Infringement notices

The department can manage minor breaches by issuing an infringement notice, which attracts a small fine (refer Schedule 2 of the RIWI Regulations).

Prosecution

The Minister or Chief Executive Officer initiates prosecution action for offences (refer section 26J of the RIWI Act).

Right of Review – Water allocation licensing

A person who is aggrieved by a decision of the Minister in respect of a licence under s 5C or 26D may ask the State Administrative Tribunal (SAT) to review a decision as provided for in Division 3B of Part III of the RIWI Act.

2.2 Permits

Permit to interfere or obstruct watercourses or wetlands

In many instances persons exercising their rights to take water in proclaimed and unproclaimed surface water areas require a permit to install works or structures that cause interference to a watercourse or wetlands, including interference to the flow of water, their bed and/or banks (refer sections 17 and 25 of the RIWI Act).

Permits are granted by the department to authorise the interference, obstruction or destruction of the bed and banks of a watercourse or wetlands.

Water cannot be 'taken' under a permit; a 5C licence would be required to take water.

The relevant criteria for assessment of applications for permits are substantively the same as those for section 5C licences (refer to regulations of the *Rights in Water and Irrigation Regulations 2000*); however, design safety and operational safety are expressly excluded from consideration.

2.3 Limitations by directions

In specific circumstances that are outlined in the RIWI Act, directions to protect a water resource and other water users can be issued by the Minister and served on a person, including a licensee. The effect of the directions is to constrain the taking, or use, of water from a water resource (refer ss22 and 26GB – 26GF inclusive) in proclaimed areas and outside proclaimed areas by those exercising rights to take or use water under sections 20 and 21 of the RIWI Act. Other directions powers in relation to those holding 5C licences are located in clause 18 of Schedule 1.

2.4 Water Sprinkler restrictions

By-laws made under the *Water Agencies (Powers) Act 1984* constrain scheme water use and bore water use in many parts of the State. In 2010 these by-laws were amended to put in place a permanent winter sprinkler ban in Perth and the South West.

Breach of the law is enforced by the water service providers in respect of scheme water and the department in respect of bore water. While these offences are criminal offences, a modified penalty regime exists which permits the payment of a fee in response to receipt of an infringement notice, leaving no criminal record.

2.5 Clearing of indigenous vegetation in certain catchments

The clearing of vegetation for salinity control purposes in six catchments in the south west of WA is licensed under Part IIA of the *Country Areas Water Supply Act 1947* (CAWS Act). These catchments have been identified as potential drinking water supply areas. They are:

- Mundaring Weir catchment area
- Wellington Dam catchment area
- Harris River Dam catchment area
- Denmark River catchment area
- Warren River water reserve
- Kent River water reserve.

An application to clear may be submitted at departmental regional offices, where the application will be assessed.

2.6 Waterways management in certain catchments

The *Waterways Conservation Act 1976* (WWC Act) provides for the establishment of management regimes over certain waterways and associated lands. These areas are known as waterways management areas (WMAs), and under the current WWC Act may be declared by the Governor on the recommendation of the Minister for Water. WMAs exist for the Avon River, Peel–Harvey estuarine system, Leschenault Inlet, Wilson Inlet and Albany waterways. These are administered by the department.

Under Part 5, a licensing function exists for the disposal of materials in the above waterways. Penalties are low. Recent amendments to the *Environmental Protection Act 1986* allow unlicensed disposal activities to be prosecuted under the Act, which means unlawful dumping attracts higher penalties.

Once a management area has been proclaimed, the waterways manager is to prepare a management program for the particular management area.

3 Public participation

3.1 Public consultation and meetings

The department is committed to encouraging community engagement and education in the development of, or amendments to, water resources legislation and policies. There are a number of ways by which the department will involve the community in its decision-making processes.

In addition to promotional and educational activities, the community is encouraged to participate in public meetings or 'dialogues', which are an interactive process using consultative techniques. The consultation process maximises inclusion and representation, considers diverse viewpoints and values, and creates opportunities to influence policy development.

In carrying out its functions, the department manages issues that may arise by communicating regularly with its stakeholders and the general public. This is facilitated through briefings, meetings, media liaison, advertisements and advertorials and through feedback mechanisms including Internet, 'hotlines' and response documents.

Community consultation techniques also include deliberative surveys and simulated planning exercises that are developed to address emerging issues and needs across the department in a proactive way. The process focuses on each significant stakeholder group via the mechanism that best meets their needs as well as planned objectives.

Some consultation techniques differ significantly from traditional community consultation, such as those that rely on stakeholder submissions to draft policies and other documents, or workshops and focus groups that educate members of the community on potential options. The department's consultation techniques allow opportunities for deliberation and suggestions from stakeholders in the search for common ground.

Overall, the above public consultation processes allow for active public involvement in the department's decision-making process through which policy is formalised.

4 Freedom of Information (FOI) applications

The *Freedom of Information Act 1992* (FOI Act), gives members of the public the right to seek access to documents held by government agencies. Documents which can be accessed include (but are not limited to) written material, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised or electronic form.

It is the aim of the department to make sought documents available as soon as possible and at the least possible cost. Whenever possible, documents that are already publicly available will be provided outside the FOI process. The department is, however, mindful of its obligations under the FOI Act, which include but are not limited to, the workings of Government, issues of confidentiality and the rights of third parties in relation to the disclosure of personal and business/commercial information.

The FOI Act provides an applicant with an additional right to apply to amend personal information that is inaccurate, incomplete, out-of-date or misleading. Along with the requirements set out below, an application to amend personal information is free of charge and must be accompanied by reasons for, and details of, the amendments to be made. An applicant can request amendments to personal information that applied to themselves, or in the case of a deceased person, the closest relative may apply to amend the deceased person's personal information.

Applications for access to information under the FOI Act must:

- Be in writing.
- Give enough detail to enable the department to identify the documents or information requested, or if the application is for the amendment of personal information, details must be provided to show how or why the agency's records are inaccurate, incomplete, out-of-date or misleading.
- Give an Australian address, and where possible, a contact telephone number.
- Be lodged at the office of the agency that would be expected to hold the documents, together with any application fee payable.

Applications for large numbers of documents may be refused, so it is important to specify which documents are sought.

Applications will be acknowledged in writing and the applicant will be notified of the department's decision within the statutory timeframe of 45 days (section 13 of the FOI Act). Where an application for access to documents is made on behalf of another person, the department requires a written authorisation from the person concerned.

The FOI application form is available on the department's website. A \$30 application fee (further details below) may be required, and if so, must be submitted with the application form to:

The FOI Coordinator, Department of Water at:

<u>Postal address:</u>	<i>Or</i>	<u>Business address:</u>
PO Box K822 PERTH WA 6842		The Atrium, Ground floor 168 St Georges Terrace PERTH WA 6000

Enquiries can be made by:
Telephone: (08) 6364 6489
Facsimile: (08) 6364 7601

4.1 Fees and charges

No fees or charges apply to accessing or amending personal information about an applicant (e.g. details of employment).

Applications for other documents (which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged. Additional charges may be imposed by the department as listed below:

- \$30 per hour of staff time (or pro rata for part of an hour) for dealing with an application. Agencies cannot charge for searching and locating documents within the scope of the request.
- \$30 per hour (or pro rata for part of an hour) for supervising staff when access is given to view documents, or for the time taken by staff to prepare a transcript from a tape or make photocopies.
- 20 cents per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery or packaging and postage of documents.

Estimate of charges

An applicant may request the department to provide an estimate of charges when an application is lodged. If the charges are likely to exceed \$25, the department is required, as soon as practicable, to notify the applicant of the estimate of charges and the basis on which it is made. The department shall also enquire as to whether the applicant wishes to proceed with the application. The applicant must notify the department (within 30 days) of their intention to proceed, as failure to notify will be regarded as having withdrawn the FOI access application. In some instances, the department may request a deposit in advance towards the estimate of charges for dealing with the application.

The applicant should advise the department in writing if they are financially disadvantaged, as a 25 per cent reduction of charges will be considered on application.

The department will endeavour to help applicants with their application if they are having difficulty defining the documents they are seeking. The department may describe the kinds of documents and records kept to help narrow the scope of their application.

Refining the scope of the application should minimise the department's time spent dealing with the application and ultimately, the cost to the applicant. It will also ensure that the work involved is reasonable, as provision is made under the FOI Act for the department to refuse to deal with a large request if it considers a substantial and unreasonable portion of the department's resources will be diverted from its other operations.

4.2 Consultation with third parties

The department has an obligation to consult with third parties if there is personal or commercial information relating to them in documents for which an FOI application has been made and which the Department proposes to release. The Department must also comply with section 112 of the *Water Agencies (Powers) Act 1984* if there is "confidential information" amongst the requested documents.

4.3 Personal information (Clause 3, Schedule 1 to the FOI Act)

This exemption protects the essential private interests or personal information of individuals. Personal information about an individual is generally exempt matter. However, the exemption is limited by the application of the public interest test and personal information may be released if the access applicant can establish that the disclosure is in the public interest.

Application of this exemption is also limited in respect of individuals acting in an official capacity as an officer of an agency, or performing services for an agency under a contract. For the purposes of sub-clause 3(3) and 3(4), the disclosure of an employee or contractor's name, functions and duties, title, qualifications and anything undertaken in the course of their duties is not exempt matter.

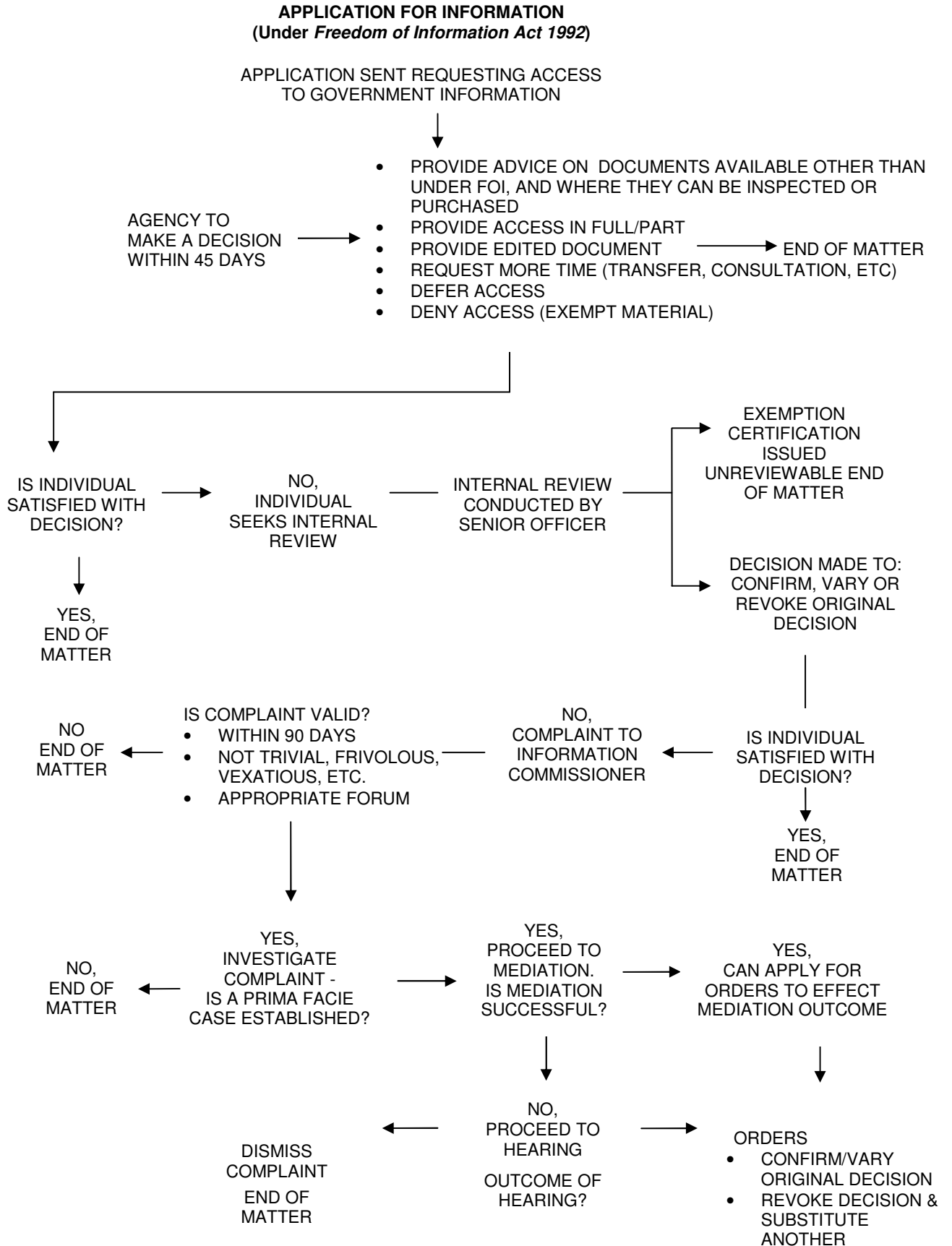
In many cases, it is appropriate to delete the information that identifies an individual in accordance with section 24 of the FOI Act (deletion of exempt matter), and to provide access to copies of the remaining information in edited form.

Personal information cannot be released without first consulting with the individual concerned. If a third party consents to the release of information then it should be released. If the third party does not consent and the Department decides to withhold the information, the applicant may lodge an application for internal review of the decision. If the internal review confirms

the decision, the applicant may then apply to the Information Commissioner for an external review of the decision.

In some cases, access can be granted in another form. An example would be a hand-written letter, where-by a typed version could be provided to the applicant.

4.4 Process Flowchart



4.5 Commercial or business information

(Clause 4, Schedule 1 to the FOI Act)

This exemption protects the commercial or business information supplied to government by third parties. It does not protect the business or commercial affairs of the government department. There are three categories of this exemption. In all three circumstances, the company or business concerned will need to be consulted if the information is proposed to be released.

Trade secrets

There is no formal definition of a trade secret. A trade secret may be determined by what measures are taken by the company or business to guard that secret.

Commercially valuable information

It must be established firstly, that the information (other than trade secrets) has a commercial value, and secondly, that it could reasonably be expected that the commercial value would be destroyed or diminished if the information were to be released. The company or business will need to show to the department that the expectation of destruction or diminution of the commercial value of the information is real, substantial and not speculative or a possibility, risk or chance.

Other commercial or business information

It must be established, firstly that the information is directly related to the business, professional, commercial or financial affairs of an agency or third party, and secondly that release of this information could reasonably be expected to adversely affect those affairs or prejudice the future supply of that information to the Government or to the department.

Again, the company or business will need to prove to the department that the expectation of adverse effect(s) is real, substantial and not speculative or a possibility, risk or chance. The department will have to determine whether it is a reasonable expectation that the future supply of this type of information will be prejudiced, based on the assertions of the company or business concerned.

In some cases, departmental legislation may require the supply of commercial or business information; otherwise an application for a grant or benefit cannot be assessed and may not be provided without this information. The application of a public interest test applies to matters falling within the provisions of Clause 4(3).

4.6 Notice of decision

As soon as possible, but in any case within 45 days, an applicant will be provided with a written notice of the department's decision, which will include such details as:

- the date on which the decision was made;
- the name and designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited copy;
- information on the rights of review and appeal (if any) under the FOI Act and the procedures to be followed to exercise those rights.

Some exemptions that have been applied in the past include:

- Cabinet and Executive Council documents (Clause 1, Schedule 1) .
- Inter-governmental relations (Clause 2, Schedule 1).
- Personal information (Clause 3, Schedule 1).
- Commercial and/or business information (Clause 4, Schedule 1).
- Law enforcement – investigations of alleged breaches of departmental legislation (Clause 5, Schedule 1).
- Legal professional privilege (Clause 7, Schedule 1).
- Confidential communications (Clause 8, Schedule 1).

For a full list of exemptions, see Schedule 1 to the FOI Act.

4.7 Refusal of access

Where the department has made a decision to refuse to grant access to a document, a notice of the decision will be issued detailing the reasons for refusal and the basis of those findings.

Applicants who are dissatisfied with any decision regarding access are entitled to apply to the department for an internal review. An application for an internal review should be made in writing within 30 days of receiving the notice of decision. The applicant will be notified of the outcome of the internal review within 15 days.

If an applicant disagrees with the outcome, he or she can then apply to the Office of Information Commissioner for an external review within 60 days of receiving the notice of decision (third parties have 30 days), details of which are provided to applicants when the internal review decision is issued.

4.8 Related link

Office of the Information Commissioner Western Australia:

<http://www.foi.wa.gov.au/>

5 Information Services Branch - library service

The Department of Water operates a library service as a section of the Information Services Branch. The library services the needs of all departmental staff including those in regional offices and collects, manages and makes accessible a wide range of internally and externally produced publications.

The department's library collection provides information on the department's business and focuses on general water matters. A continual goal is comprehensive coverage of the Department of Water's publications. The collection includes technical reports (series), guidelines, policies, academic theses, water quality protection notes, hydro-geological maps and records, CD-ROMS, as well as advice for water users, scientific journals, magazines, books, maps, videos and posters.

The primary access method to departmental publications for individuals external to the department is by accessing the department's website. A collection of all Department of Water publications, materials prepared on behalf of the department and selected materials from preceding agencies is available via the [publications search facility](#).

Access to print publications held in the department's library collection is available through an inter-library loan arrangement. For the general public this would entail requesting access through their nearest public library, while for institutional and corporate requests, access is by an inter-library loan through their agency's library.

Please note that reports, investigations and data received by the department from third parties may be accessible in accordance with the *Freedom of Information Act 1992*.

Email: library@water.wa.gov.au

Website: <http://www.water.wa.gov.au>

6 Access To Documents

The following pages give a description of the kinds of documents that are usually held by the agency. The first set of tables identifies documents that require an FOI application in order to gain access. The second set of tables identifies documents that do not require an application in order to gain access; where possible these documents are available on the department's website.

6.1 Documents Requiring FOI Application

The following documents are subject to an FOI application.

Financial Services

Document type	Comments
Tender/quotation responses	
Evaluations of tender/quotation responses	

Ministerial Liaison

Document type	Comments
Ministerial correspondence and briefing notes	

Information Services

Document type	Comments
Departmental working drafts of any documents	
Private individuals correspondence with the department not in relation to public submissions	Except where the documents solely involve the individuals concerned requiring copies of this correspondence; otherwise, third party consultation for approval to release is required under the FOI Act.
Correspondence exchange between divisions/branches and private individuals	Except where the documents solely involve the individuals concerned requiring copies of this correspondence; otherwise, third party consultation for approval to release is required under the FOI Act
Market research reports	
Project work plans, reports, steering committee minutes, evaluations	
Reports on staff usage of systems	
General correspondence, including letters, emails, facsimiles involving departmental staff	
Computer system design documents	

Workforce Management and Development

Document type	Comments
Internal memorandums – general, personnel	
Service level agreements	
Personnel information	Except where documents solely involve the individual concerned requiring a copy of the correspondence

Land and Property Management

Document type	Comments
Land tenure documentation	

Regulation

Document type	Comments
Applications for a licence to take water or construct a well	An online Water Register gives details of all licences. Not all information associated with a licence is available on the Register. A FOI application may be required in some instances (e.g. if the licence contains conditions with operating strategies, and/or personal and/or commercial information)
Exploration reports in support of a licence application	The raw data within the reports is available on request
Public submissions (including submissions after advertising)	The general concerns raised with public submission may be released but specific detail would need to be obtained through FOI
Licence conditions	However, the terms, conditions and restrictions of a licence will be provided to any person who has made a submission during a public advertising period undertaken in accordance with the <i>Rights in Water and Irrigation Act 1914</i>
Operating strategy (if referred to as a licence condition)	However, the terms, conditions and restrictions of a licence will be provided to any person who has made a submission during a public advertising period undertaken in accordance with the <i>Rights in Water and Irrigation Act 1914</i>
Licence monitoring and other data and periodic reports prepared by a licensee	Not all information associated with a licence is freely available on the water resources licensing register. The raw data contained within a report is available on request. An FOI application may be required in some instances (e.g. if the licence contains conditions with operating strategies, and/or personal and/or commercial information)
Complaints about licence breaches	Possible exception but generally not provided to minimise potential ramifications for the complainant
Prosecution briefs and investigation reports	
Directions made pursuant	Advice on whether or not a Direction has been

to sections 22, 26G or 26GC of the <i>Rights in Water and Irrigation Act 1914</i> .	issued can be provided, however, further information or details of the Direction are subject to a FOI application
Inspection reports (e.g. of site visits in relation to licences)	Available to licence holder without a FOI application
Water resources licensing database	
Divertible water allocation inventory system (DWAID)	Water allocation status report on a spatial platform (GIS).

Water Measurement

Document type	Comments
Surface water meter data collections	
Ground water meter data collections	

Regulatory Operations Support

Document type	Comments
Incident complaints management system	

Water Resource Assessment

Document type	Comments
Hydrogeology Reports – HR Series	Unpublished reports - Director approval required

Urban Water Management

Document type	Comments
Land use planning proposal advice	Unless prior approval obtained in writing from referral authority
Dams and other flow control structures in the Kimberley and Pilbara: Internal position statement for the Kimberley and Pilbara regions	May send to other agencies as a confidential document, if endorsed by branch manager
Wild rivers in the Kimberley and Pilbara: Internal position statement for the Kimberley and Pilbara regions	May send to other agencies as a confidential document, if endorsed by branch manager

Resource Recovery

Document type	Comments
Submissions to National Water Initiative (NWI)	All reports produced by the NWI are publicly available; however, deferred access applies to submissions made by the Salinity and Water Resource Recovery Branch under s25 of the FOI Act
Salinity recovery evaluation statements	Currently exists for Collie, Warren, Denmark
Salinity recovery plans	Collie, Denmark in draft form. Available once published

Bauxite committee minutes	Available within the document and records management system (TRIM)
Engineering Evaluation Initiative Reports	Reports being completed and released to the public. Available once published
Minutes from Evaluation Initiative committee meetings	

Water Science

Document type	Comments
Scientific investigation reports	Project-specific reports commissioned by community groups available with permission of the relevant group. Many reports are available on the Department of Water's website

Water Source Protection Planning

Document type	Comments
Water quality protection policies	Available once published via the Department of Water's website
Land use planning statutory referrals	Business and commercial components are sensitive
Internal branch resource planning documents	
Listings of land for potential acquisition	May be exempt because of commercial information

Legislation and Legal Services

Document type	Comments
Discussion Paper – Fees, Water Services Bill (D03) Fees for Water Services Licensees	
Discussion Paper – Water Services Bill (D03) Defining Water Services	
Review of Western Australia's water services legislation	
Minutes of the Inter Departmental Committee for Legislative Reform	
Notes of the Water Law Reform Reference Group	
Water Resources Management Bill – Recommended Legislative Framework – Draft Report (April 2007)	

Strategic Water Management

Document type	Comments
Planning and policy discussion papers	
<i>Water Planning in Western Australia 2007 – Planning Framework and Progress</i>	Made available to the National Water Commission but there is no intent at this stage to publish it as it would require a major review. The planning framework is clearly described in the published State Water Plan

6.2 Documents not requiring an FOI application

The following publications are not subject to an FOI application and are available on the Department's website listed by series. To see a full listing including links go to <http://www.water.wa.gov.au/Publications/Find+a+publication/default.aspx> and click on Series Browse.

Some series include publications produced by Department of Water's predecessor agencies Water and Rivers Commission and Department of Environment.

Series Title	Comments
Department of Water Annual reports	Available as soon as published.
Department of Water Policy Framework	An expanding group of policies covering the operations of the Department
Drainage and Water Management Plan	These plans are being produced as part of a five-year program to cover priority urban growth areas between Yanchep and Pinjarra. These plans support an urban water management framework, based on a catchment management approach.
Emergency Farmland Water Response Plan	Emergency water response planning aims to ensure that the commercial and lifestyle interests of farming families in dryland areas are safeguarded wherever possible against serious water deficiencies.
Engineering Evaluation Initiative reports	All produced as part of the Salinity and Land Use Impacts series. See below.
Environmental Water Report (EWR series)	Series reporting on the environmental water requirements, provisions and values of various waterways in Western Australia.
Hydrogeological Record (HG series)	An ongoing series concerning the hydrogeology and groundwater resources of Western Australia. Series commenced in 1999 by Water and Rivers Commission.
Hydrogeological Map Explanatory Notes series	This series of notes provides explanations of the hydrogeology of selected areas in Western

Series Title	Comments
(HM Series)	Australia. Also included are electronic versions of the relevant maps. This series was produced by Water and Rivers Commission and Department of Environment from 1997-2004.
GSWA 1:250 000 Hydrogeological Series Explanatory Notes	This series of notes provides explanations of the hydrogeology of selected areas in Western Australia. Also included are electronic versions of the relevant maps. This series was produced by Geological Survey of Western Australia from 1991-1996.
Draft Gnangara Sustainability Strategy	The Strategy and various supporting documents were available for public comments in 2009. An analysis of public comments was undertaken and the draft GSS amended accordingly. The GSS website and its listing of relevant documents is still maintained at http://www.water.wa.gov.au/sites/gss/gss.html
Perth Groundwater Atlas	The atlas is available for purchase in print (2004 edition) and is also available electronically http://www.water.wa.gov.au/Tools/Maps+and+atlas/Perth+groundwater+atlas/default.aspx
River Action Plans	Plans for restoration of selected rivers across Western Australia.
River Restoration Manual	This series of guidelines provides a guide to the nature, rehabilitation and long-term management of waterways in Western Australia.
River Science [newsletter]	Newsletter detailing the science behind the Swan-Canning Cleanup Program.
Rural water notes	Advisory notes covering topics such as bores, farm dams and farm catchments.
Salinity and Land Use Impacts	This series covers a range of issues including salinity and its control using drainage and groundwater pumping, salinity impacts, acid sulphate soils, hydrogeology of various catchments. Also includes reports produced under the auspices of the Engineering Evaluation Initiative.
State Water Quality Management Strategy	The State Water Quality Management Strategy was developed with the primary objective to ensure that an administrative structure for water quality management is established in Western Australia.
Stormwater Management Manual for Western Australia	The manual was developed for local government, industry, developers, State agencies, service providers and community groups. It provides policies and planning principles, as well as on-ground best practice advice.
Surface Water Hydrology reports	This series of reports covers surface water hydrology of major drainage areas of Western Australia, including the Kimberley, Pilbara, Gascoyne, Mid West, Moore-Avon, Perth-Mandurah, Busselton-Walpole and Albany-Esperance.
Water Quality Information Sheets	This set of short brochures looks at topics such as nutrients, irrigation and bore use.
Water Quality Protection	These guidelines inform on water quality issues

Series Title	Comments
Guidelines (includes codes of practice)	and promote the use of best environmental practice while taking into account environmental, social and economic considerations. The papers cover both development and current use activities for commercial, industrial, urban and government land.
Water Quality Protection Notes	These notes are provided primarily to guide land use activities that may affect the quality of water resources.
Water Resource Protection Plan series	Also known as "Water Source Protection Plans" this series of plans provides a mechanism to define priority areas and protection zones in each public drinking water source area.
Water Resource Allocation and Planning Report series	This ongoing series of plans deals with the allocation of water resources across Western Australia. Supporting documents for each plan are also available through publication search.
Water Resource Management series	This series includes foreshore and channel assessments and action plans for a selection of waterways in Western Australia.
Water Science Technical series	This series includes scientific documents dealing with strictly technical information; contains discussion and interpretation of technical information. They do not contain Department of Water recommendations, opinions, specific policy advice to government, or express specific policy positions of the department.
Water Source Protection Assessment series	Assessment documents prepared by Water Corporation following catchment survey and preliminary information gathering from State and Local Government Agency stakeholders. These assessments are preliminary work towards productions of the Water Resource Protection Plans.
Wheatbelt Drainage Evaluation reports	All produced as part of the Salinity and Land Use Impacts series. See above.

Topics that are covered in Department of Water publications include water sensitive urban design, natural resource management, stormwater, groundwater, surface water, hydrogeology, hydrology, water recycling, aquatic science, aquatic ecology, wetlands, rivers and their restoration.

Some of the significant publications produced in recent times are listed below.

Title	Comments
Interim Guidelines: Developing a Local Water Management Strategy	http://www.water.wa.gov.au/PublicationStore/first/83705.pdf
Kimberley regional water plan 2010-2030 : strategic directions and actions : draft for public comment	http://www.water.wa.gov.au/PublicationStore/first/95832.pdf
Perth-Peel regional water plan 2010-2030 : responding to our drying climate : draft for public comment	http://www.water.wa.gov.au/PublicationStore/first/90639.pdf

Title	Comments
Pilbara water in mining guideline	http://www.water.wa.gov.au/PublicationStore/first/88526.pdf
Pilbara regional water plan 2010 - 2030	http://www.water.wa.gov.au/PublicationStore/first/93029.pdf
Report for the Minister for Water Resources on water services in discrete indigenous communities	http://www.water.wa.gov.au/PublicationStore/first/71484.pdf
Science, research and innovation plan 2008-2012	http://www.water.wa.gov.au/PublicationStore/first/77751.pdf
South West regional water plan 2010 - 2030 : strategic directions and actions	http://www.water.wa.gov.au/PublicationStore/first/92686.pdf
South West Water Resources: Water Policy Overview	http://www.water.wa.gov.au/PublicationStore/first/82485.pdf
South West Water Resources: A Regional Overview	http://www.water.wa.gov.au/PublicationStore/first/82487.pdf
South West Water Resources: A Review of Future Trends	http://www.water.wa.gov.au/PublicationStore/first/82486.pdf
State Water Plan 2007	http://www.water.wa.gov.au/PublicationStore/first/74923.pdf
State water recycling strategy: an overview	http://www.water.wa.gov.au/PublicationStore/first/80011.pdf
A state water strategy for Western Australia : securing our water future	http://www.water.wa.gov.au/PublicationStore/first/41070.pdf
Urban water management plans : guidelines for preparing plans and for complying with subdivision conditions	http://www.water.wa.gov.au/PublicationStore/first/82685.pdf
Water futures for Western Australia 2008 - 2030 : volume 1 : state report	http://www.water.wa.gov.au/PublicationStore/first/90954.pdf
A Blueprint for Water Reform in Western Australia, (December 2006)	http://www.water.wa.gov.au/PublicationStore/first/73204.pdf
Western Australia's Achievements in Implementing the National Water Initiative – Progress Report	http://www.water.wa.gov.au/PublicationStore/first/82806.pdf
Western Australia's Implementation Plan for the National Water Initiative	http://www.water.wa.gov.au/PublicationStore/first/75985.pdf
Government Response to A Blueprint for Water Reform in WA (February 2007)	http://www.water.wa.gov.au/PublicationStore/first/73207.pdf

The following documents of a Corporate/Administrative nature may be requested via the library (library@water.wa.gov.au).

Description	Comments
Annual financial statements.	
Annual reports – Administrative policies and procedures.	
Corporate newsletters	
Advertising campaigns	
Codes of Practice.	
Commissioned reports – Contracts	
Departmental industrial agreements - Enterprise bargaining agreement/workplace agreement.	
Final Parliamentary Question response	Publicly available in Hansard.
Latest News (Staff notices) - Daily electronic 'pop-up' notices available to all staff.	
Media statements	Available on the Department Website
Minutes of branch meetings	Available once published. s25 of the FOI Act, deferred access applies.
Emailed media enquiries - questions and answers.	
Internal staff speeches	Available by contacting the Communications Branch.
Officers' operational/administrative manuals	
Water Resources (Chief Executive Officer) Delegation	
Water Resources (Minister for Water to Chief Executive Officer) Delegation No 2	
Public advertising and educational campaigns - Summary of submissions and proponents' responses	