



**SOUTHERN PORTS**

ALBANY BUNBURY ESPERANCE

**FREEDOM OF INFORMATION ACT  
1992  
INFORMATION STATEMENT**

**DOCUMENT CONTROL**

| Version Number | Description       | Reviewed by | Approved by | Revision Date | Issue Date |
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This Information Statement for Southern Ports is prepared in accordance with the requirements of section 94 of the *Freedom of Information Act 1992*.

**AUDIT**

This Information Statement shall be reviewed / revised

- Where a Risk Assessment / Audit identifies a need to review;
- Following a significant incident involving this statement; or
- At least every year.

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## FORWARD

This publication is the *Freedom of Information Act 1992* [FOI Act], Information Statement for Southern Ports. It provides an overview of Southern Ports so that people may understand the nature of our work and the type of documents that are available. Information contained in this publication is accurate as at June 2020.

Southern Ports is committed to comply with the objects and intent of the FOI Act and we endeavour to maximise the availability of documents held by Southern Ports to the public, without the need for an application under FOI Act. At the same time, we remain vigilant in protecting the personal and commercial privacy of our clients and staff.

I invite you to contact our Freedom of Information Officer if you have any queries about the FOI process or if you require assistance in applying for information held by our organisation.

Post: Peta Trigwell  
Freedom of Information Officer  
Southern Ports  
PO Box 4 Bunbury WA 6231  
Phone: 9729 6441  
Email: [FOI@southernports.com.au](mailto:FOI@southernports.com.au)

## STRUCTURE AND FUNCTIONS

Southern Ports is a statutory authority, created in October 2014 under the *Port Authorities Act 1999* [PAA Act] by the amalgamation of the ports of Albany, Bunbury, and Esperance and is custodian of these three port locations operating under a “gateway” model.

Southern Ports is a West Australian Government owned entity and is responsible for the management of trade through our ports. While a government owned entity, we operate on a commercial basis and in a competitive environment to meet our aim of securing the best possible rate of return on assets to the state of Western Australia, while growing our ports and regional communities for future generations. Southern Ports is accountable to the Minister for Ports.

Southern Ports vision is strong regional ports, strong regions. Our mission is to strengthen our regional communities through the smart and sustainable development of our ports, guided by our values of safety; accountability; teamwork; future focus and integrity.

## DECISION MAKING

The Minister has appointed a Board of Directors, who are charged to perform the functions, determine the policies and control the affairs of Southern Ports. The Board is required to demonstrate a high level of ethical behaviour and responsibility to all stakeholders. The Board is responsible for reviewing and approving Southern Ports strategic direction and for providing effective oversight of the management of Southern Ports.

The Board has delegated to the CEO the authority to manage Southern Ports day to day affairs.

## COMMUNITY CONSULTATION

In compliance with the PAA Act, Community Consultation Committees have been established at each of our regional ports, enabling the local community to participate in the acquiring and sharing of information regarding the day to day operations of the ports which may impact the local regions.

## PUBLIC DOCUMENTS

The Western Australian Freedom of Information Act 1992 (FOI Act) gives you the right to apply for access to documents held by State Public Sector agencies which include: Government Departments; Local Authorities; Statutory Authorities; and Ministers.

The definitions of 'document' and 'record' in the glossary to the FOI Act extend to all manner of information, however recorded, in the possession or under the control of an agency. Documents include, but are not limited to, maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV footage and electronic records including emails.

The right of access under the FOI Act is a right to access documents, rather than information. Southern Ports is not required to create new documents for the sole purpose of providing applicants the information they seek. Decisions under the FOI Act relate to access to documents rather than provide interpretations, clarifications or answers to questions.

Our annual reports, which are tabled in state parliament each year, are available on our website at [southernports.com.au](http://southernports.com.au). A limited number of printed copies are kept at our port offices and are available free of charge.

Southern Ports has many documents which are administrative, procedural, and operational related to the way we undertake our day to day activities. These documents may be subject to the FOI Act and may be accessible via an FOI access application.

## **ACCESSING INFORMATION**

Southern Ports is required to assist the public obtain access to documents at the lowest reasonable cost, and to ensure that personal information held by us is accurate, complete, up to date and not misleading. Your right to apply is not affected by any reasons you have for wishing to obtain access, or our belief as to what your reasons are for applying.

An FOI enquiry form, available on our website, is to be completed in the first instance to assist us in determining if there is a need to proceed with a formal FOI request. In some instances, we are able to assist you in obtaining the documents you seek without a formal application.

Once Southern Ports receives a valid application, together with the application fee of \$30 [not required for changes to personal information or your employment records], we will send to you a receipt for the application fee. We shall also send a letter acknowledging your application and outlining the scope of the requested documents and confirmation of the date that a Notice of Decision is due to you.

We may contact you in the course of the initial document discovery for further clarity on the scope or if required, to amend deliverable dates, as well as an estimate on charges payable to complete the access application. Refer further in this document for costs.

## **AMENDMENT OF PERSONAL INFORMATION**

Under the FOI Act, staff and the general public may apply to have personal information about themselves held by Southern Ports amended, if they believe it is incomplete, incorrect, out of date or misleading.

Requests to have documents amended should be directed in writing to the FOI Officer and we will acknowledge receipt of the application in writing.

The decision to allow or refuse amendment of personal information is to be made by the FOI Officer in consultation with the relevant functional Manager, depending on the nature of the request.

Southern Ports is required to give the applicant written notice of its decision within 30 days (Section 49(2) FOI Act). The notice is to give details of approved amendment or a statement of reason for the decision to refuse amendment of the personal information.

## **ARE THERE ANY COSTS INVOLVED?**

No fees or charges apply for personal information or amendment of personal information about you (e.g. your personal details or details of employment) etc.

Applications for other documents (i.e. those which are non-personal in nature) require a \$30.00 application fee to be paid when the application is lodged, and there may be other charges imposed as follows:

- \$30.00 per hour of staff time (or pro rata for part of an hour) for dealing with an application, which includes consulting with third parties, examining documents, exercising a judgment and making a decision about access, deleting exempt matter where appropriate and preparing a notice of decision (we cannot charge for locating the documents within the scope of your request).
- \$30.00 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents, or the time taken by staff to prepare a transcript from a tape or make photocopies.
- 20 cents per photocopy.
- Actual costs incurred by Southern Ports for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

In cases where charges are expected to be higher than \$25, you will be provided with an estimate of charges as soon as possible after receipt of the application. Southern Ports reserves the right to request an advance deposit of 25% of the estimated charges. You will have 30 days to provide written acceptance to us of the estimated charges and pay the deposit. If the 30 days lapses, the application is considered to be withdrawn. A reduction in charges may be sought in the case of financial hardship.

## **THE TIMEFRAME FOR RESPONDING TO A REQUEST**

Once Southern Ports receives a valid application, we have a maximum of 45 calendar days to make a decision. The 45 days does not include the period of time while Southern Ports is waiting for the acceptance of estimated charges. On average the time taken is less than this period.

## **HOW WILL I BE ADVISED**

Southern Ports must give you a written Notice of Decision. If you are refused access or only given partial access to the documents you applied for, we will inform you of the details and reasons why particular documents or parts of documents cannot be released.

If you have requested amendment to your personal information, we must also give you written notice of the decision.

## **CAN I ASK FOR A REVIEW OF THE DECISION?**

Yes. You will be advised of your rights of internal and external review in the Notice of Decision sent to you by us. There are no charges for the conduct of reviews.

## **RIGHT OF REVIEW**

### **Internal Review Rights**

If you are not satisfied with Southern Ports decision, you have a right to apply for an internal review.

An application for internal review must be lodged with Southern Ports within 30 days after being given the written Notice of Decision, and must:

- be in writing
- provide particulars of the decision to be reviewed
- provide your mailing address in Australia.

There is no lodgement fee for an application for internal review and there is no charge for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome for an application for internal review may result in a confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days. The address for lodgement of an internal review is:

Post: Clint Carlson  
Organisational Development and HR Systems Manager  
Southern Ports  
PO Box 1049  
WEST PERTH WA 6872  
Email: [ceo@southernports.com.au](mailto:ceo@southernports.com.au)

## External Review

If you are not satisfied with the internal review decision, you have the right to lodge a complaint with the Information Commissioner seeking an external review of that decision. You are required to lodge your complaint with the Information Commissioner's office within 60 days of receiving our decision following the internal review.

A complaint to the Information Commissioner must:

- be in writing
- have attached to it a copy of our internal decision
- provide your mailing address in Australia

There is no charge for lodging a complaint with the Information Commissioner's office. The address for lodgement of a complaint with the Information Commissioner is:

Post: Office of the Information Commissioner  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

You may also lodge a complaint with the Information Commissioner by facsimile to (08) 6551 7889 or email to [info@oic.wa.gov.au](mailto:info@oic.wa.gov.au).

Should you have any further queries or require any further information about your review rights at this stage, you may contact the Office of the Information Commissioner on (08) 6551 7888 or 1800 621 244 (WA country callers).