

INFORMATION STATEMENT – FREEDOM OF INFORMATION ACT 1992

A194399

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1. OBJECTIVE

The objective of this document is to ensure compliance with the requirements of Sections 94 to 97 of the *Freedom of Information Act 1992* (WA) (**the Act**).

Pilbara Ports Authority (**the Agency**) is required to prepare an Information Statement which includes:

- a statement of the structure and functions of the agency;
- a description of the kinds of documents that are usually held by the agency;
- Freedom of Information (FOI) procedures for accessing documents, including contact details for Pilbara Ports Authority FOI Officer, how access applications (**the Application**) can be lodged and FOI enquiries can be made.

As a commitment to facilitating the provision of information in an easily accessible manner, this Information Statement is published [on Pilbara Ports Authority's website](#).

2. STRATEGIC CONTEXT

2.1 Strategic Function

On 1 July 2014, Dampier Port Authority amalgamated with Port Hedland Port Authority under the Western Australian *Port Authorities Act 1999* (WA) (Port Authorities Act), to form Pilbara Ports Authority. Pilbara Ports Authority is a Government trading entity under the Port Authorities Act. The Act defines a clear role for all port authorities and establishes lines of accountability and reporting requirements to the State Government. Some changes are expected by the introduction of the Government Trading Enterprises Act 2022 (WA) from 1 July 2023 but these changes are not expected to change FOI obligations on Pilbara Ports Authority.

Pilbara Ports Authority manages over 14,000 hectares of land in the Pilbara region of Western Australia at the ports of Port Hedland, Dampier, Ashburton and Varanus Island.

Under the Port Authorities Act, Pilbara Ports Authority has a duty to act on commercial principles, and has the following functions:

- the facilitation of trade and planning for future growth and development of the port for the economic benefit of the State;
- the control of operations and business of the port and the power to hold and dispose of assets and enter into commercial arrangements;
- the safe and efficient operation of the port;

- the maintenance and preservation of property vested in the port; and
- the protection of the port environment and minimisation of the impact of port activities on that environment.

2.2 Strategic Overview

Pilbara Ports Authority's functions are set out in section 30 of the *Port Authorities Act*.

Pilbara Ports Authority's vision is:

"To be the global leader in port planning, operations and marine services"

Pilbara Ports Authority's values are:

EXCELLENCE	be the best in all we do
RESPECT	in all our dealings
INTEGRITY	operate honestly, fairly and impartially
CARE	for our environment, our staff and our community
COURAGE	do the right thing

Pilbara Ports Authority's strategic framework:

It all starts with people and culture;

Who are part of a resilient and evolving organisation;

Partnering with our stakeholders, industries and local communities to create better outcomes;

To contribute to a net positive for the planet.

2.3 Organisational Structure

Pilbara Port Authority Board of Directors is a non-executive Board appointed by the Minister for Ports to "perform the functions, determine the policies and control the affairs of the port authority" (section 8(2) of the Port Authorities Act 1999 (WA). Board of Directors details can be found on the Pilbara Port Authority [website](#).

The day to day operations and management of Pilbara Port Authority and execution of its strategic framework is performed by PPA's Chief Executive Officer and executive management. The Executive Management Organisational Structure of Pilbara Ports Authority can be found on [its website](#).

3. DOCUMENTS

In the Act a 'document' is a:

- "a) record;*
- b) part of a record;*
- c) copy, reproduction or duplicate of a record; or*
- d) part of a copy, reproduction or duplicate of a record."*

Types of documents

Relevant documents are those that arise from the business of Pilbara Ports Authority.

The types of documents held by Pilbara Ports Authority include:

- administrative and operational policies and procedures;
- financial statements;
- Pilbara Ports Authority Board Agendas, Papers and Minutes;
- Pilbara Ports Authority Executive Committee Agendas, Papers and Minutes;
- Annual Reports;
- technical plans and maps;
- leases, licenses, permits and other commercial agreements;
- shipping information and data;
- statistics;
- strategic plans and port development plans;
- guidelines and procedures, including in relation to safety and security, environmental and community issues;
- weather and tide information;
- development projects, proposals and tenders.

Pilbara Ports Authority also produces numerous pamphlets, information booklets, brochures and other printed material regarding various Pilbara Ports Authority matters that may affect single or multiple ports within Pilbara Ports Authority's control. These are available to the general public on the Pilbara Port Authority [website](#) and may be available in hard copy by contacting the Port Hedland Office on (08) 9371 0000, the Dampier office on (08) 9159 6555, the Perth office on (08) 6217 7112.

4. ACCESS ARRANGEMENTS

If information is not routinely available to the public, the Act provides the right to apply for documents held by Pilbara Ports Authority.

It is the aim of Pilbara Ports Authority to make information available promptly and at the least possible cost and whenever possible documents will be provided outside the FOI process.

Pilbara Ports Authority is required to assist applicants with their applications if they have difficulties in defining the scope of their applications and the documents they are seeking.

In this regard, Pilbara Ports Authority may be able to assist by describing the types and kind of documents held to narrow the scope of an application.

Pilbara Ports Authority encourages applicants to contact it to discuss applications prior to lodgment to streamline the process.

4.1 FOI Applications

An [FOI Application Form](#) is available on Pilbara Ports Authority's website.

Applications have to:

1. be in writing;
2. give enough information so that the documents requested can be identified, or if the application is for the amendment of personal information, details of how and why Pilbara Ports Authority's records are inaccurate, incomplete, out of date or misleading and give details of the amendments the persons wishes to be made;
3. give an Australian address to which notices can be sent.

Applications and enquiries are to be addressed to:

The Corporate Secretary:

Pilbara Ports Authority

Locked Bag 4

Cloisters Square PO

PERTH WA 6850

or by telephoning (08) 6217 7112

or by email to foi@pilbaraports.com.au

If Pilbara Ports Authority does not hold the documents sought or containing the information sought to be amended but knows that the documents are held by another agency, Pilbara Ports Authority may transfer the application to that agency. If an application is transferred, Pilbara Ports Authority will give the applicant written notice of the transfer.

4.2 Personal Information

An individual (or the closest relative of a deceased person) has the right to apply to Pilbara Ports Authority for the amendment of personal information about that person contained in a document of the agency if the information is inaccurate, incomplete, out of date or misleading.

An individual may request that Pilbara Ports Authority alter information, strike out or delete information, insert information, insert a note in relation to information, or any combination of these ways.

Pilbara Ports Authority is obliged to take reasonable steps to help an individual in framing an application for amendment if the circumstances require it.

4.3 Freedom of Information Charges

Pilbara Ports Authority has established a scale of fees and charges as prescribed under the *Freedom of Information Regulations 1993* (WA). Apart from the application fee for non-personal information (information that is not personal information about the applicant), all charges are at the discretion of Pilbara Ports Authority. The fees and charges are as follow:

Personal information about the applicant	No fee and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application.	\$30.00 (per hour, or pro rata)
Access time supervised by staff.	\$30.00 (per hour, or pro rata)
Photocopying staff time.	\$00.20
Transcribing from tape, film or computer.	\$30.00 (per hour, or pro rata)
Duplicating a tape, film or computer information.	Actual Cost
Delivery, packaging and postage.	Actual Cost

Payments are to be made by credit card or EFT. Please contact Pilbara Ports Authority's Finance Department for payment advice on (08) 6217 7112.

For impecunious applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25%.

Applicants can request that Pilbara Ports Authority provide an estimate of costs, including breakdown of costs, when lodging an application. Pilbara Ports Authority will provide an estimate of costs as soon as reasonably practicable.

4.4 Deposits

Advance deposits may be required in respect of the estimated charges 25%

Further advance deposits may be required to meet the charges for 75%
dealing with the application

Any unused portions of advance deposits will be refunded.

4.5 Consultation with Third Parties

Pilbara Ports Authority has an obligation to consult with third parties if there is information relevant to them in the documents sought under an application.

Pilbara Ports Authority will not disclose the name of an applicant to third parties unless the consent of the applicant has been obtained.

4.6 Access Arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

4.7 Notice of Decision

As soon as possible, but in any case, within 45 days of receipt of non-personal application, Pilbara Ports Authority will provide the Applicant with a decision which will include details such as:

- the date which the decision was made;
- the name and the designation of the officer who made the decision;
- whether access is granted, granted on an edited basis or refused;
- if the applicant wishes to proceed with the application on the basis of the decision, the process for doing so;
- if access is refused or granted on an edited basis, the reason for the refusal or editing; and
- information on the rights of review and the procedures to be followed to exercise those rights.

As soon as possible, but in any case, within 45 days of receipt of an application, Pilbara Ports Authority will provide the Applicant with a decision which will include details such as:

- the date which the decision was made;
- the name and the designation of the officer who made the decision;
- whether the amendments will be made;
- if the amendments are to be made, how the amendments will be made;
- if Pilbara Ports Authority decides not to make the amendments, the reasons for that decision and the findings on any material questions of fact underlying those reasons;
- information on the rights of review and the procedures to be followed to exercise those rights; and

- information on the right to request a notation or attachment to the information be made and the procedures to be followed to exercise those rights

4.8 Refusal of Access

Pilbara Ports Authority may refuse to deal with an application where the scope of documents sought is too large. If, after help has been given to change the application, Pilbara Ports Authority still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of its resources away from its other operations, it may refuse to deal with the application.

There are also certain documents which Pilbara Ports Authority may refuse access to. These are referred to as “exempt documents” under section 23 of the Act and are listed in Schedule 1 of the Act. Exempt documents include but are not limited to:

- Cabinet and Executive Council decisions and deliberations,
- sensitive inter-governmental information,
- personal information of another person,
- commercially valuable or prejudicial information,
- impedes the law,
- deliberations of Government,
- is covered by legal professional privilege and
- would be a breach of confidentiality.

4.9 Internal and External Review

Applicants who are dissatisfied with a decision made by Pilbara Ports Authority are entitled to apply for an internal review by Pilbara Ports Authority. Such applications must be made in writing within 30 days of receiving the original notice of decision. There is no cost for an internal view.

Applicants will be notified of the outcome of the internal review within 15 days. If the Applicant still disagrees with the result, the Applicant may then apply to the Information Commission for an external review. Any application for external review should be made within 60 days of receiving notice of the internal review decision. There is no cost for an external review.

5. DOCUMENT OWNER

The Corporate Secretary is responsible for this document.