



Government of **Western Australia**  
Department of **Communities**

# Information Statement 2022



## Table of contents

<b>Introduction.....</b>	<b>4</b>
<b>The organisation.....</b>	<b>4</b>
<b>Organisational structure .....</b>	<b>5</b>
<b>Office of the Director General.....</b>	<b>5</b>
<b>Community Services .....</b>	<b>5</b>
<b>Governance, Integrity and Reform .....</b>	<b>5</b>
<b>Housing and Assets .....</b>	<b>5</b>
<b>Strategy and Partnership .....</b>	<b>5</b>
<b>Aboriginal Outcomes.....</b>	<b>5</b>
<b>Business and Operational Support Services .....</b>	<b>5</b>
<b>People.....</b>	<b>5</b>
<b>Legislation administered.....</b>	<b>6</b>
<b>Services.....</b>	<b>6</b>
<b>Child protection .....</b>	<b>6</b>
<b>Community services.....</b>	<b>7</b>
<b>Disability services .....</b>	<b>7</b>
<b>Housing .....</b>	<b>7</b>
<b>Remote Aboriginal communities .....</b>	<b>7</b>
<b>Seniors and ageing.....</b>	<b>7</b>
<b>Ministers.....</b>	<b>8</b>
<b>Public participation in the formulation of policy and performance .....</b>	<b>8</b>
<b>Documents held by the Department.....</b>	<b>8</b>
<b>Client files.....</b>	<b>8</b>
<b>Child history folders .....</b>	<b>9</b>
<b>Administrative files.....</b>	<b>9</b>
<b>Medical and psychological information.....</b>	<b>9</b>
<b>Personnel files .....</b>	<b>9</b>
<b>Early childhood education and care .....</b>	<b>10</b>

<b>Adoption files</b> .....	<b>10</b>
<b>Native Welfare files</b> .....	<b>10</b>
<b>Former State wards and child migrants</b> .....	<b>10</b>
<b>Computer systems</b> .....	<b>11</b>
<b>Retention and disposal of records</b> .....	<b>11</b>
<b>Freedom of Information (FOI)</b> .....	<b>11</b>
<b>Access for a child or person with disability</b> .....	<b>12</b>
Children .....	12
Adults 12	
<b>Applications on behalf of other persons</b> .....	<b>13</b>
Enquiries and application lodgement for Department documents.....	13
<b>Fees and charges for access applications under the <i>FOI Act 1992</i></b> .....	<b>13</b>
Application fee .....	13
Processing charges .....	14
Deposits.....	14
<b>Access arrangements</b> .....	<b>14</b>
<b>Notice of decision</b> .....	<b>14</b>
<b>Internal review</b> .....	<b>15</b>
<b>Amendment of personal information</b> .....	<b>15</b>

## Introduction

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

The purpose of the Information Statement is to ensure that information concerning the structure and functions of the Department of Communities (Communities) and types of documents held by the Department are available to the public. Comprehensive information regarding the operations of the Department may be found [here](#).

## The organisation

Communities is Western Australia's major human services department that brings together vital services and functions that support individual, family and community wellbeing. Everything we do is about people, place and home.

**People** reflects our person-centred approach across all of the various groups we serve. We help people be the best they can be, to live a meaningful life, a life with opportunity for themselves and others.

**Place** relates to our collective sense of self and how we belong: physically, socially, spiritually and culturally. It is where we feel connected – and 'one of us' rather than 'one of them'. It's how (and where) we connect to the world around us. Diverse, healthy and well-functioning communities enable citizens to play useful roles in social, economic and cultural life and provide positive 'spaces and places' for people to live, work and play.

**Home** reflects both who we live with, and the dwelling we live in – and is so much more than just bricks and mortar. It has a deep, emotional meaning and reflects our private selves. Home is different for everyone, but it should always have a few things in common, regardless of who you are. It should be safe. It should be functional. It should provide a sense of security – both physically and emotionally.

Communities brings together a number of services:

- Child protection
- Housing
- Disability services
- Community services
- Prevention of family and domestic violence
- Remote Aboriginal communities
- Seniors and ageing
- Volunteering
- Women's interests
- Young people, children and families.

## Organisational structure

### Office of the Director General

Correspondence with Communities' Director General, media inquiries and communications.

### Community Services

Supports individuals of all ages, families and communities to be safe and to thrive. Invested in developing, designing and delivering services that are culturally appropriate, place-based and contemporary.

### Governance, Integrity and Reform

The division ensures the Department is enabled and nurtured to be effectively governed and risk-managed with high levels of professional standards and integrity, and meets our legal and ethical obligations to clients, the Government, Ministers, stakeholders and taxpayers.

### Housing and Assets

The division is accountable for delivering State Government housing outcomes, maximising benefit to our clients, and enabling inclusive communities. Responsible for Communities' housing and asset strategy, planning, policy, maintenance, operations and construction.

### Strategy and Partnership

Leads the development of high-level, long-term strategies across multiple portfolios in partnership with internal and external stakeholders to guide service delivery, investment and focused work. Delivers and oversees the strategic management, response and coordination of key partnerships and strategic relationships.

### Aboriginal Outcomes

The division takes responsibility for driving improvements in cultural competence and responsiveness across Communities and advises on best practice partnerships. The division also provides Aboriginal workforce support and deliver of strategy and reporting.

### Business and Operational Support Services

The division is comprised of Contracting, Facilities, Finance and Information Services.

### People

The People division is responsible for human resources, industrial relations, employee relations, safety and wellbeing, recruitment, workforce and payroll management and learning and development. The People division look after all of Communities' staffing and human resources matters across the State.

## Legislation administered

The Department administers the following Acts and Regulations on behalf of Ministers:

- *Adoption Act 1994*
- Adoption Regulations 1995
- *Children and Community Services Act 2004*
- Children and Community Services Regulations 2006
- *Working with Children (Criminal Record Checking) Act 2004*
- Working with Children (Criminal Record Checking) Regulations 2005
- *Disability Services Act 1993*
- Disability Services Regulations 2004
- *Declared Places (Mentally Impaired Accused) Act 2015*
- Declared Places (Mentally Impaired Accused) Regulations 2015
- *National Disability Insurance Scheme (Worker Screening) Act 2020*
- *Housing Act 1980*
- *Country Housing Act 1998*
- *Government Employees' Housing Act 1964*
- *Residential Tenancies Act 1987*
- *Child Care Services Act 2007*
- Education and Care Services National Law (WA) 2012
- *Carer Recognition Act 2004*
- Child Care Services Regulations 2006
- Child Care Services (Rural Family Care) Regulations 2010
- *Volunteers and Food and Other Donors (Protections from Liability) Act 2002.*

Communities also has varying responsibilities under Acts administered by other authorities.

## Services

### Child protection

Communities protects and cares for Western Australian children and young people who are in need, and supports families and individuals who are at risk or in crisis.

Communities works proactively with families to build safety around children and prevent the need for children to enter the out-of-home-care system. The Department also supports children and young people who are in out-of-home care to thrive by working with community sector organisations and foster carers to provide them with a safe, stable environment.

We provide and fund a range of child safety and family support services throughout the State including mandatory report investigations and training, Working with Children Checks, fostering and adoption services, counselling and outreach programs, crisis accommodation, homelessness services and emergency services support.

## **Community services**

Communities works in collaboration with Western Australia's community services sector to oversee the delivery of programs and services that support and strengthen the State's diverse communities. We are committed to achieving the best possible outcomes for seniors, young people, women, volunteers, carers, children and families.

The Department provides grants annual funding of nearly \$30 million to more than 130 community sector organisations and local governments to deliver a range of services and programs throughout Western Australia. Funding is allocated towards more than 150 services in the following areas: carers and grandcarers, volunteering, children and families, youth, seniors, sector support, community development, individual and family support and financial counselling.

## **Disability services**

Communities works to advance opportunities, community participation and quality of life for people with disability. By partnering and collaborating with disability sector organisations, business and government, and other stakeholders, the Department aims to broaden these opportunities and continue to provide improved services and supports across Western Australia.

## **Housing**

Communities operates across the land, housing, property finance and human services sectors to facilitate affordable housing opportunities for people who would otherwise have difficulty accessing appropriate housing.

In addition to delivering houses, the Department assists with home loan finance through Keystart and provides rental assistance options such as bond assistance loans for people in need.

## **Remote Aboriginal communities**

Communities works to improve the lives of Aboriginal people living in remote communities and town-based communities, working in partnership with Aboriginal people and across government on long-term, sustainable reforms to deliver better services and more opportunities in regional and remote areas.

## **Seniors and ageing**

Communities is committed to supporting older Western Australians. The Department implements initiatives and strategies that support older people in ageing safely, happily, with dignity and respect. This includes elder abuse prevention and support, grants and

funding, age-friendly communities, WA Seniors Card, WA Seniors Week and Covid-19 support information.

## Ministers

Communities' functions and services fall within the portfolios of a number of Western Australian State Government Ministers. These are:

- Minister for Child Protection; Prevention of Family and Domestic Violence; Community Services and Early Childhood Education
- Minister for Disability Services; Seniors and Ageing; (Fisheries; Regional Development)
- Minister for Volunteering; (Emergency Services: Innovation and the Digital Economy; Medical Research)
- Minister for Housing; (Homelessness; Local Government)
- Minister for Youth; (Training; Water).
- Minister for Women's Interest; (Finance; Commerce)

## Public participation in the formulation of policy and performance

Through continuing processes of review and restructure, Communities has in place an infrastructure which permits services to be "tailored" to meet the needs of individuals or groups – appreciating that the needs of one may differ markedly from another. This infrastructure is capable of developing and growing in parallel with the growth of the State, economically, socially and environmentally. Communities encourages individuals or groups to write to the Department on matters of agency policy and performance.

## Documents held by the Department

Communities holds an extensive range of documents relating to all the services it provides. The Department maintains hard copy and virtual (electronic) files containing information on clients and administrative matters, as well as computerised recording systems.

Communities also produces a range of publications, some of which are only available online, and utilises a number of internal manuals in the performance of its functions.

The Department is usually able to supply, free of charge, sections from most manuals, handbooks and guidelines. We reserve the right to charge for large documents or manuals.

## Client files

Comprehensive information files are held for all of the Department's clients. Client files are retained indefinitely. Due to the nature of our work, some information held about

Communities' clients is extremely sensitive. This may include issues such as abuse and criminality disclosure. Such information is highly confidential, and access may be restricted. In addition, some Department client records are considered 'Restricted Access State Archives'. The *WA State Records Act 2000* (SRA) provides that "any right a person may have to be given access to a restricted access archive is to be determined under the FOI Act".

### **Child history folders**

Since 2004, Communities has created a child history folder for children in care. This folder includes original documents such as birth certificates, photographs, education and school reports, some medical records and care plans. This folder is given to the young person when they leave care. The Department retains a copy of the contents. Persons who have not received their child history folder or have lost their folder should contact their local district office.

### **Administrative files**

These files contain Communities' corporate history and all things to do with the management and running of the organisation.

### **Medical and psychological information**

This information is contained within the client files. The information is held in confidence and strict guidelines are maintained in relation to its internal access.

Similarly, there are guidelines for information subject to an access application under the *Freedom of Information Act* (the Act) that contains information of a medical or psychiatric nature. Section 28 of the Act says that if the opinion of the Principle Officer of the agency is that the disclosure of the information may have a substantial adverse effect on the physical or mental health of a client, then the information requested may be released to a suitably qualified person. The applicant must nominate a suitably qualified person (in writing).

In accordance with the Act, the Principle Officer may withhold access until a person who, in their opinion, is suitably qualified is nominated. For the purpose of Section 28, a suitably qualified person means a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession.

### **Personnel files**

Communities keeps files on individual staff members. These files contain information relating to the officer's appointment and progress, details of leave and salary increments, training and certificates (if these have been made available). The Department has a policy of allowing staff a right of access to their own individual file.

Staff wishing to access their own personnel file should contact Human Resources in the first instance. In some circumstances, separate files may be created for matters concerning workers compensation and industrial relations issues.

## Early childhood education and care

Communities regulates services covered by the *Education and Care Services National Law (WA) Act 2012*. Education and care services include centre-based services, such as long day care, outside school hours care and family day care services.

Records from or relating to these services must be requested under the *Freedom of Information Act 1982* instead of the *Freedom of Information Act 1992 (WA)*.

To make a formal access request please use the relevant application form on the Department's [website](#) or email [foi@communities.wa.gov.au](mailto:foi@communities.wa.gov.au).

## Adoption files

The Adoption Service maintains records on adoption services provided to families and individuals. There are specific legal requirements in relation to the release of information from adoption files and other records that Communities holds, when an adoption has taken place. Enquiries relating to adoption matters should be referred to that service in the first instance.

## Native Welfare files

The Department of Local Government, Sport and Cultural Industries is the custodian of Native Welfare files. The Aboriginal History Research Service assists Aboriginal people with links to Western Australia to locate records relating to themselves and their ancestors. If you have enquiries regarding accessing these records, phone the service on 1800 161 301 or email [ahrs@dlgsc.wa.gov.au](mailto:ahrs@dlgsc.wa.gov.au).

## Former State wards and child migrants

Communities' records include historical family and personal information about former State wards and British and Maltese child migrants. The available information for former State wards and child migrants can be limited to entries in volumes of birth records or registers of prior State wards. However, in the majority of cases, the records have been preserved on electronic imaged files, or more recently, physical and virtual files.

Files can be limited in the amount of information they hold. This is because the information which was recorded depended on the extent of contact with the person or the family. Sometimes records are incomplete, have pages missing or the writing has deteriorated and is unreadable, and some files have been destroyed. Communities has made every effort to preserve the remaining records.

## Computer systems

Communities maintains a large number of corporate computer systems and applications. The Department uses Objective as its Electronic Document and Records Management System. This system manages client and administrative files and documents through their continuum. The system enables Communities to create, capture, register, and maintain records and documents to their ultimate disposal.

Communities also maintains client information systems that are used to record and manage child protection, housing and disability services activities.

Communities now has Housing Online, a digital service delivery portal for its public housing clients. The portal offers public housing clients more flexibility and choice in how they interact with the Department to seek housing advice, support and assistance. Clients can use the portal to update their contact details, view account balances, view the maintenance history of their tenancy and check the status of their application for social housing.

For further information on computer systems and applications, please phone the Freedom of Information Unit on 6414 3344 or email [foi@communities.wa.gov.au](mailto:foi@communities.wa.gov.au).

## Retention and disposal of records

Records are retained and disposed of in accordance with the Department's Retention and Disposal schedules approved by the State Records Office. The Department has determined that some client file records will not be disposed of.

## Freedom of Information (FOI)

The Western Australian *Freedom of Information Act 1992* (the Act) gives every person the right to apply for access to documents held by State Public Sector agencies. The Act also provides an individual the right to apply for amendment of personal information about the person if the information is inaccurate, incomplete, out of date or misleading.

It is the aim of the Department to make documents available promptly for the lowest possible cost, and where possible, documents will be provided outside of the FOI process. Where information is not routinely available, the Act provides the right to apply for access to documents held by the Department.

Access to records for children and young persons still in the care of the Department, or those previously in the care of the Department and under 25 years of age, should contact their caseworker or the leaving care officer in the local district office to obtain information held by themselves.

Persons previously in the care of the Department and over 25 years of age, including child migrants wishing to obtain documents or persons seeking non-personal information, are encouraged to contact the FOI Unit in the first instance to discuss their request.

In some cases, available information for former State wards and child migrants can be limited to entries in volumes of birth records or registers of prior State wards. However, in the majority of cases, the records have been preserved.

Historical files can be limited in the amount and type of information they hold. This is because the information which was recorded depended on the extent of contact with the person or the family. Sometimes records are incomplete, have pages missing or the writing has deteriorated and is unreadable, and some files have been destroyed. The Department has made every effort to preserve the remaining records.

## **Access for a child or person with disability**

Section 98 of the Act, provides an access application or application for amendment may be made:

- a) on behalf of a child by the child's guardian or the person who has custody or care and control of the child
- b) on behalf of an intellectually handicapped person by the person's closest relative or guardian.

There is specific legislative guidance in dealing with applications made on behalf of a child or person with intellectual disability. However, these sections do not generally apply to other persons who do not have intellectual disability, as the Act only specifies a person with intellectual disability.

This section does not exclude the right of a child or constrain the right of a person with intellectual disability to make an application. It facilitates a process where a person acting for the child or person with disability may make applications for them where appropriate. Before releasing documents under these provisions, the decision maker must be satisfied the person who has made the request is the person who is entitled to act for the child or the person with intellectual disability.

Sections 23 (4) and (5) of the Act provide specific legislative guidance regarding access to the personal information of a child who has not turned 16, or a person with intellectual disability, ensuring that an agency acts in their best interests.

### **Children**

The wishes of children, aged between 12 and 18 years, will be taken into account when deciding if access to their documents is reasonable and/or in their best interest.

### **Adults**

The wishes of adults with disability should be respected although some Department clients may not be able to express informed wishes about release because of the degree of their disability. Access to other persons, on behalf of an adult client, will only be given if the client's informed consent cannot be obtained or if the request is made by a guardian or their nearest relative.

## Applications on behalf of other persons

Applications are able to be made on behalf of other persons generally. Such applications will require authorisation in writing from the other person.

### Applications for access to documents

Under Section 12 of the *Freedom of Information Act 1992* access applications have to:

- be in writing (this can be by letter, email or by using the form which is available on the Department's website)
- give enough information so that the documents requested can be identified
- give an Australian address to which notices can be sent
- be lodged at the agency (any office) with any application fee payable.

## Enquiries and application lodgement for Department documents

### By email or post:

Freedom of Information

Department of Communities

Locked Bag 5000

FREMANTLE WA 6959

Email: [foi@communities.wa.gov.au](mailto:foi@communities.wa.gov.au)

Telephone (08) 6414 3344.

## Fees and charges for access applications under the *FOI Act 1992*

### Application fee

There is no fee for applicants seeking their personal information. Personal information is defined in the Act as being information or opinion **about an individual**.

Applications involving non-personal information require payment of an application fee of \$30. A fee payable for non-personal information **cannot** be waived, irrespective whether the Department provides access to the requested documents, or not, and regardless of whether the applicant is impoverished. Applications for non-personal information are invalid unless accompanied by payment for the application fee.

The nature of documents held by the Department is such that many documents invariably contain a mix of information about the applicant and other individuals, and other non-personal information. Applicants should consider the need to pay the application fee if they choose not to limit the scope of the application to personal information about themselves.

## Processing charges

A range of discretionary charges is set under the FOI Act Regulations. If a charge is levied, for financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25 per cent.

The following charges may apply:

- Time dealing with non-personal information applications (per hour, or pro rata): **\$30**.
- Photocopying – per page: **20 cents**.
- Transcribing from tape, film or computer (per hour, or pro rata): **\$30**.
- Charge for access time supervised by staff (per hour, or pro rata): **\$30**.
- Duplicating a tape, film or computer information: **Actual cost**.
- Delivery, packaging and postage: **Actual cost**.

Where the FOI processing fees are likely to exceed \$25, FOI staff will provide applicants with an 'Estimate of Costs'. This process provides an opportunity to reduce the charges by re-considering the number of documents required to satisfy the application.

## Deposits

- A deposit may be required for part of the estimated charges: 25 per cent.
- Further advance deposits may be required to meet the charges for dealing with the application.
- Payment of the fees and charges can be made by cash, money order, cheque or EFT. We do not recommend sending cash in the post. Cash payments should be made at your local district office. For further details on payment, please contact the FOI Unit.

## Access arrangements

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

## Notice of decision

As soon as possible, but in any case, within 45 days, applicants will be provided with a notice of decision, which will include details such as:

- the date on which the decision was made
- the name and the designation of the officer who made the decision
- if the document is an exempt document the reasons for classifying the matter exempt
- the fact that access is given to an edited document
- information on the right to review and the procedures to be followed to exercise those rights.

## Internal review

Applicants who are dissatisfied with a Freedom of Information response are entitled to ask Communities for an internal review of the initial decision made by the Department.

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.

If an applicant disagrees with the internal review decision, they may then apply to the Information Commissioner for an external review. Details of the rights to review are provided in notices of decision.

## Amendment of personal information

The Act also provides a right to amend personal information about the applicant in the Department's documents if the information is inaccurate, incomplete, out of date or misleading. The onus is on the applicant to satisfy the Department that information requires amendment.

Applications to amend personal information about the applicant must:

- be in writing
- give enough details to enable the document that contains the information to be identified
- give details of matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading
- give the person's reasons for holding that belief
- give details of the amendment that the person wishes to have made\*
- give an address in Australia to which notices under this Act can be sent
- give any other information or details required under the regulations
- be lodged at a Communities office.

\*The application must state whether the amendment is to be made by altering information, striking out or deleting information, inserting information, inserting a note in relation to the record, or in two or more of those ways.

As soon as possible, but in any case, within 30 days, applicants will be provided with a notice of decision, which will inform:

- the reasons for the decision
- the right of appeal or review
- the right to request that a notation be added to the document, disputing the accuracy of the information.

The Department is not allowed to obliterate or remove information or destroy a document unless the Information Commissioner has certified in writing that it is impracticable to retain the information or that, in his or her opinion, the prejudice or disadvantage to the FOI applicant of the continued existence of the information outweighs the public interest in maintaining a complete record of information.