

Information Statement - Freedom of Information

Introduction

This Information Statement is produced by North Regional TAFE (NR TAFE) in accordance with Part 5, Section 96 of the Freedom of Information Act 1992 (the Act). The Act gives a right of access to information held within NR TAFE.

The Act provides members of the public with the right to apply for access to the vast majority of the records held by State Government Agencies.

Some sensitive documents, or parts of documents, may be exempt from access. The Act's exemption provisions protect from disclosure of material that, if released, would have a detrimental effect on the functioning of Government or harm the interests of private individuals or commercial organisations.

About North Regional TAFE

NR TAFE is the major provider of post-secondary education in the North West of Australia. There is no other on-campus vocational education in the region, and therefore the College provides the only local post-school vocational training and education for the people of the North-West.

The Region

The Kimberley and Pilbara region covers around 1,000,000 square kilometres. The major population centres are the 11 regional towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Kununurra, Wyndham, Port Hedland, Roebourne, Karratha, Tom Price and Newman.

Broome, Kununurra, Port Hedland and Karratha are the four largest towns and are sub-regional centre hubs in the Kimberley and Pilbara areas respectively.

In terms of training products, NR TAFE delivers programs which range from entry-level certificates, through to Diplomas, as well as community capacity-building programs (literacy and numeracy, Work Ready and return to work) and customised programs for business. The delivery style includes face-to-face, on the job, flexi-learning, block release and blended modes.

NR TAFE delivers a large number of qualifications to support workforce development across a range of skill sets, derived from various training packages: Agriculture, Horticulture and Conservation and Land Management.

Our Purpose

Creating Opportunities through Great Learning Experiences.

Applicable Legislation

NR TAFE's enabling legislation is the Vocational Educational and Training Act 1996. Other legislation which impact include:

- Corruption and Crime Misconduct Act 2003
- Criminal Code Chapter XIII Corruption and Abuse of Office
- Equal Opportunity Act 1984
- Equal Opportunity Amendment Acts 1988, 1992, 2000, 2002
- Government Employees Superannuation Act 1987
- Minimum Conditions of Employment Act 1993
- Occupational Safety and Health Act 1984
- Industrial Relations Act 1979

- Working with Children (Criminal Record Checking) Act 2004
- Disability Services Act 1993
- Vocational Education and Training Act 1996
- Limitation Act 2005
- Freedom of Information Act 1992
- Financial Management Act 2006
- Public Interest Disclosure Act 2003
- State Supply Commission Act 1991
- Library Board of Western Australia 1951
- Electoral Act 1907
- Copyright Act 1968
- Copyright Amendment (Digital Agenda) Act 2000
- Workers Compensation and Injury Management Act 1981
- Workplace Agreements Act 1993
- State Records Act 2000
- State Records (Consequential Provisions) Act 2000
- Criminal Code 1913
- Electronic Transactions Act 1999 or 2011 amendments
- Evidence Act 1906
- Privacy Act 1998

In addition, NR TAFE maintains its status as a Registered Training Organisation, which means the organisation must comply with the Standards for Registered Training Organisations (RTOs) 2015 and must submit to audits, as required by the registering body. Further, NR TAFE can deliver, assess and issue qualifications or statements of attainment to a nationally agreed standard for the specific vocational education and training qualifications it is registered to provide, that are recognised and accepted by industry and other RTOs throughout Australia.

Organisational Structure

The Governing Council is the governing body of NR TAFE, which functions under Section 42 of the Vocational Education and Training Act 1996. It has the authority in the name of NR TAFE to perform the functions of NR TAFE and govern its operations and affairs.

In performing its functions, the Council:

- Requests approval of the Minister for the College Training Profile
- Has oversight of the strategic and management plans for the College
- Ensures the College's courses, programs and services are responsive to, and meet the needs of students, industry and the community; and
- Ensures that the College's commitments under its Resource Agreement and any other contractual arrangements are achieved.

The Corporate Executive team are the strategic decision-making and planning group of NR TAFE. All decisions and plans are open to the scrutiny of the Governing Council, which requires overview summaries from time to time.

The College's Executive structure consists of:

- Managing Director
- Executive Director Customer Engagement
- Executive Director Training Services
- Director Training Services Kimberley
- Director Training Services Pilbara
- Director Corporate Services

- Director Organisational Services.

Organisational Functions

NR TAFE functions, as described in Part 5 Division 1 (36) of the Vocational Educational and Training Act 1996 are:

- a) to provide vocational education and training consistent with the College's Training Profile referred to in section 42(2)(a);
- b) to provide to an employer, a group of employers or any other persons or authorities such fee-for-service training programmes as are authorised by the Minister;
- c) to undertake research and development related to vocational education and training which has a direct practical application to industry, commerce and the community;
- d) to promote equality of opportunity in the undertaking of vocational education and training;
- e) to provide or arrange for the provision of services to students;
- f) to participate in initiatives involving the whole of the State training system and to collaborate with other colleges and educational institutions to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between the College and other colleges and educational institutions throughout the State;
- g) to contribute to the general development of the community in the region of the College through such activities, including the provision of adult and community education, as may be authorised by the Minister;
- h) subject to subsection (2), to provide on behalf of another educational authority such post-secondary education as is approved by the Minister; and
- i) to perform any other function conferred on it by this Act or by the Minister under subsection (4).

Documents held by NR TAFE

Listed below are categories of information may be in either hard copy (print) or electronic format.

- Academic Awards
- Compensation
- Course Delivery
- Course Management
- Cross Sectoral Relations
- Equipment and Stores
- Establishment
- Financial Management
- Government Relations
- Industrial Relations
- Information Management
- Legal Services
- Work Health & Safety
- Personnel
- Publication
- Staff Development
- Strategic Management
- Student Management
- Technology &
- Telecommunications

The above list does not necessarily mean that all documents are accessible in full or in part under the Act. An application to see information contained within files would be considered on its merit.

Objects and Intent

The Act is designed to make State and Local Government agencies more open and accountable to the public by creating a right of access to documents held by those agencies.

The Act has exemption provisions to protect from disclosure material, which if released, would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations. Agencies are required to give full reasons for denying access to documents. The applicant can then determine whether or not to challenge the decision.

To make State and Local Government bodies more open and accountable and to allow the public to participate more effectively in the governing of the State, agencies are required to publish Information Statements that set out the agency structure and function and the categories of documents they hold. This document is NR TAFE's Freedom of Information (FOI) Statement.

Before Making an FOI Access Application

NR TAFE embraces the principle of openness and seeks to provide maximum access to its documents commensurate with the efficient operation of the College. Whenever possible, documents that are not already publicly available will be provided outside the FOI process and at the least possible cost.

Before making an FOI access application, individuals are encouraged to check with NR TAFE to confirm if the documents can be obtained without the need for an FOI access application.

If the documents are not provided, or NR TAFE recommends a formal application under the FOI Act, an FOI access application will need to be lodged.

Freedom of Information (FOI) Access Applications

Under the FOI Act, applications can be made to access documents held by NR TAFE. [Under section 12 of the FOI Act, an application for documents must:](#)

- Be made in writing;
- Provide enough detail to enable NR TAFE to identify the documents or information requested.
- Provide an Australian address for notices to be sent (an email alone is not sufficient), and where possible, provide a contact telephone number;
- Be lodged at the office of the agency by hand, post or e-mail;
- Be accompanied by the application fee

Where an [FOI application is made to access personal information](#), the applicant will be asked to provide proof of identity (such as a passport, or driver's licence) on application and before being given access to the documents.

Applications and enquiries should be addressed to:

<p><u>By hand:</u> FOI Coordinator NR TAFE 68 Cable Beach Road, Broome</p>	<p><u>By post:</u> FOI Coordinator NR TAFE Po box 1380 WA 6725</p>	<p><u>Electronically</u> Attn: FOI Coordinator E-Mail: records@nrtafe.wa.edu.au</p>
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NR TAFE is required to provide written notice of its decision about an FOI application as soon as practicable but in any event within 45 days after receiving a valid application – unless mutually agreed to extend the time to deal with the application, or the Information Commissioner has approved another period ([section 13](#)).

Amendment of Personal Information

Under the FOI Act, applications can also be made for amendment of an applicant's personal information, if that information is inaccurate, incomplete, out-of-date or misleading. For information about making an amendment application see [Amendment of personal information](#).

The term “personal information” is defined in the Glossary to the FOI Act as:

Information or an opinion, whether true or not, and recorded in a material form or not, about an individual, whether living or dead:

- a) *whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- b) *who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.*

The definition of personal information means that it:

- is information about an identifiable individual;
- can only apply to people (living or dead); and
- does not have to be true.

Some examples of personal information, which identifies or could identify an individual, are a person's:

- name;
- contact details (address, telephone number or email);
- medical information; or
- financial information.

These examples are not exhaustive of the kind of information that may be personal information as defined under the FOI Act.

Application for Amendment of Personal Information

Under [section 46](#) of the FOI Act, an application for amendment of personal information must:

- be in writing;
- give enough details to enable the document that contains the information to be identified;
- give details of the matters in relation to which you believe the information is inaccurate, incomplete, out of date or misleading;
- give your reasons for holding that belief;
- give details of the amendment you wish to have made (specifying whether you wish the amendment to be made by altering, striking out or deleting the information or inserting a note in relation to information);
- give an Australian address to which notices can be sent; and
- be lodged at the office of the agency that holds the documents.

Where an [FOI application is made to amend personal information](#), the applicant will be asked to provide proof of identity (such as a passport, or driver's licence) on application and before being given access to the documents. An application for amendment should include some information or evidence to establish that the personal information that the applicant is seeking to have amended is inaccurate, incomplete, out of date or misleading as claimed.

There are no fees or charges associated with an application for amendment of personal information under the FOI Act.

NR TAFE is required to provide written notice of its decision about an amendment of personal information application within 30 days of receiving a valid application or within such time as agreed between NR TAFE and the applicant.

Fees and Charges

The scale of fees and charges applicable under the Act are set by the Regulations. NR TAFE applies this according to the spirit and intent of the Act, which is to provide access at the lowest reasonable cost. No fees or charges apply for applications for personal information or for amendment of personal information of the applicant (for example details of employment).

An application fee of \$30.00 is payable for applications for non-personal information. This application fee must be paid in full and there are no entitlements to waive or reduce the application fee.

Additional charges may be imposed by the College as listed below:

- \$30.00 per hour (or pro rata for a part of an hour) of staff time dealing with the application, supervised access, photocopying, transcribing information from tape etc
- 0.20c for photocopies (per copy)
- Actual cost incurred by NR TAFE for duplicating a tape, file or computer information, delivery, packaging and postage.

At the time of making a valid application, the applicant can ask for an estimate of the charge that might be payable and NR TAFE will notify the applicant of its estimate and the basis for it. To assist, NR TAFE may request the applicant to define the scope of the request.

In any event, NR TAFE will notify the applicant when the estimate of charges exceeds \$25.00 and will inquire whether or not the applicant wishes to proceed with the application giving the applicant 30 days in which to respond. If the applicant fails to respond within 30 days, the application will be regarded as having been withdrawn.

In the same notice, NR TAFE may also ask the applicant to pay a deposit. The applicant may then request a discussion of alternatives for changing the application or reducing the estimated charges. The applicant is also entitled to seek an internal review of the decision to require payment of a deposit if he or she considers it to be unreasonable. If the deposit is not paid within 30 days, the application is regarded to have been withdrawn.

Applicants should advise NR TAFE in writing if they are financially disadvantaged, as a reduction of charges may be considered on application.

Access Arrangements

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

Notice of Decision

As soon as practicable but within the permitted period of 45 days, an applicant will be provided with a notice of decision, which will include the following details:

- The date which the decision was made;
- The name and the designation of the officer who made the decision;
- If the decision is that a document is classified as an exempt document and that access is to be given to a copy of the document from which exempt information will be removed under section 24 –
 - that access is to be given to an edited copy;
 - the reasons for classifying the information as exempt and the underlying reasons for that decision;
- If the decision is to give access to a document in the manner referred to in section 28 regarding access to medical and psychiatric information – the arrangements to be made for giving access to the document;
- If the decision is to decline access to a document – the reasons for this decision and the findings on those underlying reasons, referring to the Information on which those findings are based;
- If the decision is that the applicant is liable to pay a charge to the College – the amount of the charge and the basis on which the amount was calculated;
- The rights of review and procedure of appeal under the Act.

Refusal of access

Applicants who wish to challenge the decision of NR TAFE are entitled to ask for an internal review. An internal review application should be made in writing within 30 days of receiving the notice of decision. The application for review of a decision will not be dealt with by the person who made the initial notice of decision.

Applicants will be notified of the outcome of the review within 15 days.

If the applicant is still aggrieved with the internal review decision, they have the right to apply for an external review with the Office of the Information Commissioner within 60 days following the internal review decision (30 days for third parties). The Commissioner's decision is considered final, though there is a further right of appeal to the Supreme Court on the question of law.

Responsibility for decision making

The FOI decision maker for NR TAFE will be the Managing Director or delegate as specified in the College's delegation policy.

Published information on FOI

- Freedom of Information Act 1992
- Freedom of Information Regulations 1993
- Freedom of information Implementation Guidelines, section 93A
- WA Government - [Submit a Freedom of Information \(FOI\) access application](#)
- Office of the Information Commissioner – [FOI Information for the Public](#)

Document owner to complete

Document owner	Manager Governance and Performance	
Responsible committee	Corporate Executive	
Responsible director	Executive Director Customer Engagement	
Related policies or documents (if applicable)	FOI Information for the Public Submit a Freedom of Information (FOI) access application Amendment of personal information	
If applicable	Document number	Document name
Removal required of superseded form or other document?		
Date approved	04/08/2022	
Date of next review	04/08/2025	