



Department of Water  
Government of Western Australia

Department of Water  
**Information Statement**

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**Document Type, Availability  
And Accessibility**

December 2007

# Contents

## FOREWORD

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 the following:

- Waters and Rivers Commission; and
- Department of Water (DoW).

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

- Legislation administered by the DoW;
- DoW's structure and decision-making functions of the Department;
- Consultation and public participation in the DoW's decision making process; and
- Availability and accessibility of information held by the DoW.

### Department of Water

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PERTH WA 6000  
Ph: (08) 6364 7600 - Fax: (08) 6364 7601  
[www.water.wa.gov.au](http://www.water.wa.gov.au)  
[info@water.wa.gov.au](mailto:info@water.wa.gov.au)

### Regional Districts and Offices

#### Kimberley

Kununurra – Ph: (08) 9166 4100

#### Kwinana-Peel

Kwinana – Ph: (08) 9411 1777  
Mandurah – Ph: (08) 9550 4222

#### Mid West Gascoyne

Geraldton – Ph: (08) 9964 5978  
Carnarvon – Ph: (08) 9941 6100

#### Pilbara

Karratha – Ph: (08) 9144 2000

#### Swan-Avon

Victoria Park – Ph: (08) 6250 8000  
Northam – Ph: (08) 9622 7055

#### South Coast

Albany – Ph: (08) 9842 5760  
Esperance – Ph: (08) 9071 6129

#### South West

Bunbury – Ph: (08) 9726 4111  
Manjimup – Ph: (08) 9771 1878

**JOHN RUPRECHT**  
**A/DIRECTOR GENERAL**  
20 December 2007

## ABOUT THE DEPARTMENT

The Department of Water (DoW) was established on 26 October 2005 and replaces the Water and River Commission (WRC) as lead agency in the Water Resources portfolio. It commenced operation on 1 January 2006.

The DoW is responsible for ensuring that the State's water resources are planned, managed, developed and allocated to meet community requirements, now and into the future. The Department's core functions include issuing licences, regulating water use, protecting the quality of water resources, collecting and analysing water resources information, and preparing policies and water allocation plans critical to meet current and future water needs in Western Australia. Responsibilities also include the provision of comprehensive information to industry, expert technical support and professional guidance to Government on the status of water and the viability of new source development.

The DoW assists the Minister for Water Resources in the administration of the following Acts of Parliament, and their associated subsidiary legislation:

- *Country Areas Water Supply Act 1947;*
- *Country Towns Sewerage Act 1948;*
- *Land Drainage Act 1925;*
- *Metropolitan Water Authority Act 1982;*
- *Metropolitan Water Supply, Sewerage and Drainage Act 1909;*
- *Rights in Water and Irrigation Act 1914;*
- *Water Boards Act 1904;*
- *Water and Rivers Commission Act 1995;*
- *Waterways Conservation Act 1976;*
- *Water Agencies (Powers) Act 1984;*
- *Water Services Licensing Act 1995; and*
- *Water Supply, Sewerage, and Drainage Act 1912.*

The *Water Resources Legislation Amendment Bill 2006* (the Bill), has recently passed through Parliament on 5 December 2007 and is now awaiting Royal Assent. Proclamation is planned for the end of January 2008. The Bill abolishes the WRC by repealing the *Water and Rivers Commission Act 1995*. The statutory functions and powers of the WRC will become functions and powers of the Minister for Water Resources. The Minister will undertake those functions with the assistance of the DoW, and may expressly delegate some functions and powers to officers of the DoW, but still remains responsible for the exercise of those functions.

The WRC remains a legal entity until the Bill comes into operation, and must continue to exercise its various statutory functions and powers. Notwithstanding this, since the creation of the DoW, the WRC has operated administratively in conjunction with the DoW. Accordingly, for ease of reference this document will refer to the DoW only. Reference to the functions and powers of the DoW should be read as a reference to the functions and powers of:

- the WRC (pending the abolition of the WRC by the Bill); and
- the Minister for Water Resources (once the Bill comes into operation).

# STRUCTURE OF THE DEPARTMENT OF WATER

## Office of the Director General

- Corporate Communication
- Corporate Development
- Government Relations

<b>Policy and Planning</b>  <b>Achieving full water cycle management across the state</b>  Output Value Creation From Water	<b>Water Resource Management</b>  <b>To investigate, protect or recover water and waterways to best meet social, economic and environmental needs</b>  Output Water Availability	<b>Water Resource Use</b>  <b>Water allocation and sharing based on acceptable impacts, considering social, economic and environmental values</b>  Output Water Allocation	<b>Water Resource Business Operations</b>  <b>Infrastructure and information to enable and deliver the organisation's programs and services</b>  Output Capability and Delivery	<b>Corporate And Executive Services</b>  <b>Infrastructure and information to enable and deliver the organisation's programs and services</b>  Output Capability and Delivery
<p><b><u>Legislative Reform</u></b></p> <ul style="list-style-type: none"> <li>• Legal Advice and Administration</li> <li>• Water Resources Legislation</li> <li>• Water Services Legislation</li> </ul> <p><b><u>Industry Support</u></b></p> <ul style="list-style-type: none"> <li>• Indigenous Water Services</li> <li>• Industry Liaison</li> <li>• Rural Water Planning</li> <li>• Water Services Policy</li> </ul> <p><b><u>Strategic Water Planning</u></b></p> <ul style="list-style-type: none"> <li>• Gngalara Sustainability Program</li> <li>• State and Regional Water Planning Program (Framework and Plans)</li> </ul> <p><b><u>Policy Coordination and Reform</u></b></p> <ul style="list-style-type: none"> <li>• Water Policy</li> <li>• Water Reform Implementation</li> </ul>	<p><b><u>Water Resource Assessment</u></b></p> <ul style="list-style-type: none"> <li>• Floodplain Management</li> <li>• Groundwater Assessment</li> <li>• Groundwater Investigation</li> <li>• Surface Water Assessment</li> </ul> <p><b><u>Water Source Protection</u></b></p> <ul style="list-style-type: none"> <li>• Water Source Protection Planning</li> <li>• Water Quality advice</li> <li>• Policy, Legislation and Special Projects</li> </ul> <p><b><u>Salinity and Water Recovery</u></b></p> <ul style="list-style-type: none"> <li>• Salinity Engineering</li> <li>• Salinity Research</li> </ul> <p><b><u>Drainage and Waterways</u></b></p> <ul style="list-style-type: none"> <li>• Natural Resources and Waterways</li> <li>• Urban Drainage Planning</li> <li>• Urban Water Assessment</li> <li>• Water and Land Use Coordination</li> </ul> <p><b><u>Water Science</u></b></p> <ul style="list-style-type: none"> <li>• Aquatic Processes</li> <li>• Integration</li> <li>• Water Science Application</li> </ul>	<p><b><u>Water Licensing</u></b></p> <ul style="list-style-type: none"> <li>• Water Licensing Policy</li> <li>• Water Licensing and Support</li> </ul> <p><b><u>Water Allocation Planning</u></b></p> <ul style="list-style-type: none"> <li>• Environmental Water Planning</li> <li>• Water Allocation Planning</li> </ul> <p><b><u>Water Recycling and Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• Water Metering</li> </ul>	<p><b><u>Regional Integration</u></b></p> <ul style="list-style-type: none"> <li>• Enforcement and Compliance</li> <li>• Indigenous Affairs</li> <li>• Land</li> </ul> <p><b><u>Measurement &amp; Water Information</u></b></p> <ul style="list-style-type: none"> <li>• Spatial Analysis (GIS)</li> <li>• Water Accounting</li> <li>• Water Information Collection</li> <li>• Water Information Management</li> <li>• Water Information Provision</li> </ul> <p><b><u>Regional Offices and Districts</u></b></p> <p>Delivery of the DoW's Programs &amp; services at regional and local levels across WA.</p>	<p><b><u>Executive &amp; Administrative Services</u></b></p> <p><b><u>Human Resources</u></b></p> <ul style="list-style-type: none"> <li>• Operations</li> <li>• Workforce Planning and Development</li> </ul> <p><b><u>Information Services</u></b></p> <ul style="list-style-type: none"> <li>• Information and Records Management</li> <li>• Information Systems and Technology</li> </ul> <p><b><u>Finance and Administration</u></b></p> <ul style="list-style-type: none"> <li>• Finance Administration and Assets</li> <li>• Financial Planning and Management</li> <li>• Financial Services</li> <li>• Procurement and Contract Management</li> </ul>

# DECISION MAKING FUNCTIONS

## 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* (RIWI Regulations). The main decision making functions undertaken by the DoW under that legislation are identified below.

### **Licence to Take Water**

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

- Take water in proclaimed groundwater and surface water areas; and
- 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 that the licence holder must comply with.

New licences are issued only if the total licensed use will not exceed the sustainable diversion limits for the water resource. This protects the interests of existing users and the environment.

Subject to the gazetted *Rights in Water and Irrigation Exemption (Section 26C) Order 2007*, the licensing of non-artesian bores in most proclaimed areas is not required for domestic and ordinary use being, the irrigation of up to 0.20 ha of lawns and gardens, watering cattle and stock (other than those being raised under intensive conditions), and for fire fighting purposes.

### **Licence to Construct or Alter a Well**

A licence issued by the DoW under the provisions of section 26D of the RIWI Act is required to:

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

A section 26D 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 by completing a single application form.

### **Permit to Interfere or Obstruct a Watercourse or Wetland**

Permits are granted by the DoW to authorise the interference or obstruction of the bed and banks of a watercourse or wetland.

Water cannot be “taken” under a permit, but in many instances persons exercising their rights to take water in proclaimed and unproclaimed areas require a permit to install any works or objects that causes obstruction of, or interference to, a watercourse or wetland or its bed or banks.

## **Application Refusal**

The DoW has discretion to grant or refuse an application for a licence or a permit, and to determine the terms, conditions and restrictions to be included in the licence or permit. However, this discretion concerns matters that relate to water resource issues. Specific details on licensing and related provisions are listed under Schedule 1 to the RIWI Act.

In exercising its discretion under the RIWI Act, the WRC (now DoW) is to have regard to all matters that it considers relevant, 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;
- would 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, or an approved Statutory plan;
- is in keeping with relevant previous decisions; and
- is consistent with land use planning instruments, the requirements and policies of other government agencies, or any intergovernmental agreement or arrangement.

The DoW may also refuse to grant a licence if it is 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 DoW must refuse to grant a licence to a person if it considers that the person would not be willing or able to comply with the terms, conditions and restrictions included in the licence.

If the DoW proposes to refuse to grant a licence, or to grant a licence with a term, condition or restriction that it considers is inconsistent with the terms of the application, the Department must notify the applicant who has a right to be heard by, or make written submissions to it within 30 days of receipt of that notice, before a final decision is made on the application (Clause 6, Schedule 1 to the RIWI Act).

## **Directions**

In specific circumstances, Directions to protect the water resource and other water users can be issued by the DoW and served on the licensee. This function can also be exercised to direct a licence holder to comply with the terms, conditions and restrictions of a licence.

## **Infringement Notices**

The DoW can manage certain breaches by issuing an Infringement notice. Infringement notices deal with minor breaches and only attract small fines. These matters are listed in Schedule 2 of the RIWI Regulations and in Schedule 3 of the *Waterways Conservation Act 1976*.

## **Prosecution**

The DoW can also initiate prosecution action for serious offences or repeat breaches committed by individuals, agencies or Corporations against the legislation it administers. All prosecutions will be conducted in accordance with the Department's Enforcement and Prosecution Policy.

## **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 DoW may cancel the licence or suspend the licence for a fixed period by written notice. Before a licence is cancelled or suspended, the DoW must notify the licensee of its proposal and allow the licensee the right to be heard or to make written submissions to the DoW (Clause 26, Schedule 1 to the RIWI Act).

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

### **Right of Appeal - Water Allocation Licensing**

Although this is not a decision making function of the DoW, a person who is aggrieved by a decision of the DoW has the right to be heard and may lodge an application with the State Administrative Tribunal (SAT) to have the decision reviewed by notice of appeal (Part III, Division 3B of the RIWI Act).

### **Clearing of Indigenous Vegetation**

The clearing of indigenous vegetation is controlled on six catchments in the South West of WA under Part IIA of the *Country Areas Water Supply Act 1947* (CAWS Act). These catchments are:

- Mundaring Weir Catchment Area;
- Wellington Dam Catchment Area;
- Harris River Dam Catchment Area;
- Denmark River Catchment Area;
- Warren River Water Reserve; and
- Kent River Water Reserve.

An application to clear may be submitted at Regional Offices where the application will be assessed. If an application to clear is refused, the applicant has the right to claim compensation under Section 12E of the CAWS Act.

The Department of Environment and Conservation administers clearing controls in other parts of the State under Part V of the *Environmental Protection Act 1986*.

### **Waterways Management**

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 Environmental Protection Authority. WMA's exist for the Avon River, Peel/ Harvey Estuarine system, Leschenault Inlet, Wilson Inlet and Albany Waterways.

Under the current WWC Act, once a management area has been proclaimed a management authority for the area may be established, or alternatively the DoW may manage the area. Management authorities previously existed in relation to all of the WMAs listed above. In 2003, following the Machinery of Government Review, those management authorities were abolished and the DoW assumed responsibility for the management areas. One of the major roles of the waterways manager is to prepare a management program for the management area.

The WWC Act confers little direct decision making ability and generally requires the DoW to work cooperatively with other decision making authorities (eg. Local Government, Department of Planning and Infrastructure) and the community to achieve waterways conservation and management outcomes. The WWC Act and associated Regulations provide for the licensing of certain actions/works, including for the disposal of any matter within the management area, anything that will disturb the bed or banks of a waterway.

Once the *Water Resources Legislation Amendment Bill 2006* comes into operation a number of changes will be made to the WWC Act. These include:

- Removing the role of the Environmental Protection Authority;
- Repealing those parts of the WWC Act providing for the establishment of the Rivers and Estuaries Council and management authorities; and

- Removing the offence of pollution from the WWC Act, as this matter is now adequately addressed in the *Environmental Protection Act 1986*.

## **PUBLIC PARTICIPATION**

### **Public Consultation and Meetings**

The Department of Water is committed to community engagement and education in the development of, or amendments to, water resources legislation and policies. There are a number of means through which the Department will involve the community in its decision making process.

In addition to promotional and educational activities, the community is encouraged to participate in public meetings or “dialogues” which are an interactive process utilising 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 DoW manages issues that may arise by regular communication with the general public and its stakeholders through briefings, meetings, feedback mechanisms including internet and “hotlines”, response literature, media liaison, advertorials and advertising.

Community consultation techniques also include deliberative surveys and simulated planning exercises that are developed to proactively address emerging issues and needs across the Department. 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 existing, traditional community consultations that rely on stakeholder submissions to draft policies and other documents prepared, or workshops and focus groups that educate members of the community on potential options, and allow opportunities for deliberation and suggestions in the search for common ground.

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

### **Water Resource Management Committees**

Amendments to the RIWI Act in January 2001 included provisions for the establishment of local Water Resource Management Committees (WRMC). WRMC’s are established by the Minister for Water Resources and members are drawn substantially from people who are residents of, employed in, or operate a business in, the district or regional locality for which the WRMC is established.

These committees assist the DoW by providing a direct link to the Community’s views in the allocation and use of water resources in various locations throughout the State to meet economic, social and environmental needs.

### **Water Resources Council**

The Water Resources Legislation Amendment Bill 2006 provides for the future establishment of a Water Resources Council.

The Council will comprise Ministerially appointed members drawn from a diverse range of expertise and experience, and may advise the Minister for Water Resources on matters of policy and planning. The diverse composition of the Council allows for community and industry engagement in decisions about water use, conservation and management.

## Freedom of Information (FOI) Applications

The *Freedom of Information Act 1992* (FOI Act), gives members of the public the right to seek access to information held by Government agencies. Documents may comprise written material, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised or an electronic form.

It is the aim of the DoW to make information 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, including but 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 the additional right to apply to amend personal information which 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. A request to amend personal information will only be granted if the information is about the applicant, or the application is made by the closest relative of a deceased person to amend personal information about that deceased person.

Applications for access to information under the FOI Act must:

- Be in writing;
- Give enough detail to enable the DoW 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; and
- Be lodged at the office of the agency that would be expected to hold the documents, together with any application fee payable.

Where an application for access to documents is made on behalf of another person, the DoW requires a written authorisation from the person concerned. All 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).

The FOI application form is available on DoW's website and should be sent when completed to:

The FOI Coordinator  
Department of Water

Postal Address:

PO Box K822  
PERTH WA 6842

**Or**

Business Address:

The Atrium, Ground floor  
168 St Georges Terrace, PERTH WA 6000

Enquiries can be made by:

Telephone: (08) 6364 6489

Facsimile: (08) 6364 7601

## **(a) Fees and Charges**

- No fees or charges apply for personal information or amendment of personal information about an applicant (e.g. details of employment, etc);
- Applications for other documents (which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged, and there may be other charges imposed by the DoW as listed below, however, no charges have been imposed by the DoW, to date:
  - \$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 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; and
  - 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 DoW to provide an estimate of charges when an application is lodged. If the charges are likely to exceed \$25, the Department is required to notify the applicant of the estimate of charges and the basis on which it is made as soon as practicable. The DoW shall also inquire whether or not 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 access application. In some instances, the Department may request an advance deposit on account of the estimate of charges for dealing with the application.

The applicant should advise the agency if they are financially disadvantaged as a 25% reduction of charges may apply.

The DoW 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. Reducing the scope of the application will in turn, reduce some of the Department's work in dealing with the application and 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.

## **(b) Consultation with Third Parties**

- The DoW has an obligation to consult with third parties if there is information relating to them in documents for which a FOI application has been made.

## **(c) Personal Information (Clause 3, Schedule 1 to the FOI Act)**

- This exemption protects the essential private interests or 'personal information' of individuals. The exemption is limited by the application of the public interest test. Information about an individual whose identity is apparent or can be easily ascertained or information that identifies an individual can be withheld if disclosure is not considered to be 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 done 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. Where the identity of an individual/third party can be ascertained from the information, access can be granted in another form. An example would be a handwritten letter, a typed version of which could be provided to the applicant. 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.

**(d) 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 before the information can 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 the 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 DoW that the expectation of destruction or diminution of the commercial value of the information is real and 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 DoW.

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

### **(e) 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 details such 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; and
- 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); and
- Contempt of Parliament or Court (Clause 12, Schedule 1).

### **(f) Refusal of Access**

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

Applicants who are dissatisfied with any decision of the Department regarding access are entitled to apply to it 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 subsequently be notified of the outcome of the internal review within 15 days.

If an applicant disagrees with the outcome, they can then apply to the 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.

### **(g) Related Link**

Office of the Information Commissioner Western Australia:  
<http://www.foi.wa.gov.au/>

## Information Centre/Library

The Department of Water operates a Library Service which exists 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 primary access method to Departmental publications for individuals external to the DoW is via, the Department's website. Access to print publications held in the DoW's Library collection is available via, an inter library loan arrangement. For the general public this would entail requesting access via, their nearest Public Library, whilst Institutional and Corporate individuals outside the Department access is available via, an inter library loan through their agency's library.

The DoW's Library collection focuses on water resources and includes technical reports, guidelines, policies, academic theses, water quality protection notes, hydrogeological maps and records, as well as advice for water users, scientific journals, books, videos and posters. A particular focus of ongoing collection development is the creation of a collection of these information materials in electronic format.

Please note that reports, investigations and data are released to external stakeholders in accordance with the *Freedom of Information Act 1992*.

Future plans for the Library Service include making the Library's catalogue publicly available and searchable via the Department's website. This will allow the public to access publicly available documents in electronic format, and will also allow discovery of selected publicly available print items held in the collection, which can then be accessed via an inter library loan.

Email: [library@water.wa.gov.au](mailto:library@water.wa.gov.au)

Website: [www.water.wa.gov.au](http://www.water.wa.gov.au)

## POLICY AND PLANNING DIVISION

### LEGISLATIVE REFORM

Document Type	FOI application required	Publicly available	Comments
Review of Western Australia's Water Services Legislation	Yes	No	Stored electronically on the Department's T Drive.
Water Resources Legislation Amendment Bill 2006	No	Yes	Available publicly on the WA State Parliamentary Website
Minutes of the Inter Departmental Committee for Legislative Reform	Yes	No	Stored electronically on the Department's T Drive.
Notes of the Water Law Reform Reference Group	Yes	No	Stored electronically on the Department's T Drive.
Water Resources Management Bill – Recommended Legislative Framework – Draft Report April 2007	Yes	No	Stored electronically on the Department's T Drive.

### INDUSTRY SUPPORT

Document Type	FOI application required	Publicly available	Comments
Western Australian Rural Water Plan, 2007	No	Yes	Available on DoW's website
Emergency Farmland Water Response Plan – Yilgarn Shire	No	Yes	Issued to Shire
Emergency Farmland Water Response Plan – Kent Shire	No	Yes	Issued to Shire
Emergency Farmland Water Response Plan – Ravensthorpe Shire	No	Yes	Issued to Shire
Emergency Farmland Water Response Plan – Kondinin Shire	No	Yes	Issued to Shire
Emergency Farmland Water Response Plan – Narembeen Shire	No	Yes	Available on DoW website
Emergency Farmland Water Response Plan – Kulin Shire	No	Yes	Available on DoW website
Rural Water Notes 1-7	No	Yes	Available on DoW website
Report for the Minister for Water Resources on Water Services in Discrete Indigenous Communities	No	Yes	Available from Industry Support Branch
Great Southern Water Demand Report	No	Yes	Available on DoW website
Gascoyne Water Cooperative Member Survey	No	Yes	Available on DoW website

## STRATEGIC WATER PLANNING

Document Type	FOI application required	Publicly available	Comments
Planning and Entitlement Policy Position Papers	Yes	No	Summarised versions will be available publicly but for full access a FOI application is necessary
Gngangara Sustainability Strategy Submission Papers	Yes	No	Project initiation agreements established
Draft South West Regional Water Plan	Yes	No	Available once published – to be released for public comment in February-March 2008
South West Water Resources: Water Policy Overview	No	Yes	Available on DoW's website
South West Water Resources: A Regional Overview	No	Yes	Available on DoW website
South West Water Resources: A Review of Future Trends	No	Yes	Available on DoW website
Water Planning in Western Australia 2007 – Planning Framework and Progress	Yes	No	Publication approval required
State Water Plan 2007	No	Yes	

## POLICY COORDINATION AND REFORM

Document Type	FOI application required	Publicly available	Comments
<b>A Blueprint for Water Reform in Western Australia, December 2006</b>	No	Yes	Available on DoW's website
Government Response to A Blueprint for Water Reform in WA, February 2007	No	Yes	
Western Australia's Implementation Plan for the National Water Initiative	No	Yes	
<b>Water Smart Australia Funding Applications 2006:</b>			
1. Integrated water resource management for the Collie Catchment	Yes	No	All applications under Water Smart Australia contain commercially sensitive information.
2. Support for a statutory water plan for the Gngangara Mound	Yes	No	All applications under Water Smart Australia contain commercially sensitive information.
3. Support for statutory water planning in the Pilbara	Yes	No	All applications under Water Smart Australia contain commercially sensitive information.
4. South west groundwater areas management plan	Yes	No	All applications under Water Smart Australia contain commercially sensitive information.

<b>Raising National Water Standards Funding Applications 2006:</b>			
1. Development of an ecotoxicity toolbox to evaluate water quality for recycling	Yes	No	All applications under Raising National Water Standards contain commercially sensitive information.
2. Fitzroy River integrated surface and groundwater hydrology assessment	Yes	No	All applications under Raising National Water Standards contain commercially sensitive information.
3. Groundwater quality report card for the Cockburn Sound catchment	Yes	No	All applications under Raising National Water Standards contain commercially sensitive information.
4. State water information system	Yes	No	All applications under Raising National Water Standards contain commercially sensitive information.
5. Low cost, low powered satellite telemetry interface for water data collection	Yes	No	All applications under Raising National Water Standards contain commercially sensitive information.
<b>Draft copy of the Implementation Plan for the National Water Initiative for Western Australia</b>	Yes	No	Draft version is to be circulated to stakeholder agencies in early December 2006

## WATER RESOURCE MANAGEMENT DIVISION

### WATER RESOURCE ASSESSMENT

Document Type	FOI application required	Publicly available	Comments
Technical information	No	Yes	Surface water information, groundwater information, floodplain mapping, floodplain development advice, flood forecasting
Hydrogeology Reports – HR Series	Yes	No	Director approval required - Unpublished
Hydrogeological Record Series – HG Series	No	Yes	Available on DoW's website once published
Hydrogeological Map Explanatory Notes Services – HM Series	No	Yes	Available on DoW website once published
1:250000 Hydrogeological Series	No	Yes	Available on DoW website once published
1:250000 Hydrogeological Map of Western Australia	No	Yes	Hardcopy and is also accessible from DoIR's website
Hydrogeological Atlas of Western Australia	No	Yes	Available on DoW website
Perth Groundwater Atlas	No	Yes	Available on DoW website
Conference/Journal papers	No	Yes	Available once published

## WATER SOURCE PROTECTION

Document Type	FOI application required	Publicly available	Comments
Water Source Protection Plans and Assessments	No	Yes	Available once published, via DoW's web site
Water Quality Protection Notes	No	Yes	Available on DoW web site
Water Quality Protection Guidelines	No	Yes	Available once published, via DoW's web site
Water Quality Protection Codes of Practice	No	Yes	Draft stages may be confidential (interagency and industry joint documents and partners). Available once published via DoW's web site
State Water Quality Management Strategies	No	Yes	Internal operation strategy that might contain sensitive information or decisions
Water Quality Protection Policies	Yes	No	Available once published via DoW's web site
Land use planning statutory referrals	Yes	No	Business and commercial components are sensitive
Conference papers	No	Yes	Available once published
Internal Branch Resource Planning documents	Yes	No	
Spatial Information (Maps)	No	Yes	Intellectual property may apply
Brochures sampling information available	No	Yes	Available once published
Listings of land for potential acquisition	Yes	No	May be Exempt because of commercial information

## SALINITY AND WATER RECOVERY

Document Type	FOI application required	Publicly available	Comments
Salinity Situation Statements	No	Yes	Available on DoW's website or through the library
Water Resources Technical Series	No	Yes	Available on DoW's website or through the library
Submissions to National Action Plan for Salinity & Water Quality	Yes	No	
Submissions to National Water Initiative	Yes	No	All reports produced by the National Water Initiative are publicly available, however, deferred access applies to the submissions made by the Salinity and Water Resource Recovery Branch under s25 of the FOI Act

Salinity Recovery Evaluation Statements	Yes	No	
Salinity Recovery Plans	No	Yes	Available once published
Salinity Engineering Newsletter	No	Yes	Available through the library or accessible on DoW's website
Data collected from ground projects of Salinity Engineering Evaluation Initiative	Yes	No	Unavailable until it has been checked and verified – accuracy is questionable
Minutes from Evaluation Initiative Committee Meetings	Yes	No	

### DRAINAGE AND WATERWAYS

Documents Type	FOI application required	Publicly available	Comments
Drainage and Water Management Plans	Yes	No	
Natural Resource Management Policies, Guidelines etc.	No	Yes	
Land Use Planning Proposal Advice	Yes	No	Unless prior approval obtained in writing from referral Authority
Stormwater Management Manual	No	Yes	Available on DoW's website
River Restoration Management Manual	No	Yes	Available on DoW's website
Water Notes	No	Yes	Available on DoW's website

### WATER SCIENCE

Document Type	FOI application required	Publicly available	Comments
River Science Report Series	No	Yes	Available on request from this Branch
Wilson Inlet Report Series	No	Yes	Available on request from this Branch
Scientific Investigation Reports	Yes	No	Project-specific reports commissioned by community groups available with permission of the relevant group
Scientific Data	Yes	No	Data collected in scientific research available through the WIN database

## WATER RESOURCE USE DIVISION

### WATER LICENSING

Document Type	FOI application required	Publicly available	Comments
<p><b>Please note that confidential, business or commercial information may not be accessible.</b>                      In many cases, a FOI application will be required, refer to the <i>Freedom of Information Act 1992</i> - <a href="#">Schedule 1 Exempt Matter</a></p>			
Application for a licence to take water	No	Yes	Not all of the information associated with a licence is available on the Water Resources Licensing Register. A FOI application may be required in some instances (eg: if the licence contains conditions with operating strategies, and/or personal and/or commercial information.)
Exploration reports in support of a licence application	Yes	No	
Public submissions (including submissions after advertising)	Yes	No	
Summary of submissions and Proponents' responses	No	Yes	Possible exceptions
Licence to construct a well	Yes	No	
Licence conditions	Yes	No	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)	Yes	No	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	No	Yes	However sometimes a FOI application may be required and some information may not be released.
Published water use data	No	Yes	Subject to Deferred access under s25 of the FOI Act.
Complaints about licence breaches	Yes	No	
Prosecution briefs and investigation reports	Yes	No	
Directions made pursuant to sections 22, 26G or 26GC of the <i>Rights in Water and Irrigation Act 1914</i> .	No	Yes	On Water Resources Licensing Register
Inspection reports (eg: of site visits in relation to licences)	Yes	No	Available to licence holder without a FOI application

Water Policy Documents (eg: Reserving Water Resources for Future Public Drinking Water Supplies and State Agreements, Water licensing-Staged Development)	No	Yes	Available once completed
Water Resources Licensing Database	Yes	No	May contain personal or commercial information regarding water licencees
Divertible Water Allocation Inventory System (DWAID)	Yes	No	Water allocation status report on a spatial platform (GIS)

## WATER ALLOCATION PLANNING

Document Type	FOI application required	Publicly available	Comments
Water Management Strategy and Plans (eg: Managing the Water Resources of the Arrowsmith Groundwater Area)	No	Yes	Available once published on DoW's website
Managing Water in the Upper Collie	No	Yes	
Upper Collie Water Allocation and Use Study	No	Yes	
Technical Reports	No	Yes	Environmental Water Reports, Social Values Reports, etc; available on DoW's website once published
Community Workshop Reports	No	Yes	Community Consultation Workshop proceedings available on DoW's website once published
Project/Plan Based Fact sheets	No	Yes	Available once published

## WATER RESOURCE BUSINESS OPERATIONS DIVISION

### MEASUREMENT AND WATER INFORMATION

Document Type	FOI application required	Publicly available	Comments
Surface water meter data collections	No	Yes	Available on DoW's website
Ground water meter data collections	No	Yes	Available on DoW's website
WIN and HYDSTRA databases	No (see comments underlined)	Yes	Most WIN and Hydstra data is freely available to the public. However, there are some exceptions: <ul style="list-style-type: none"> <li>Water Corporation and Bureau of Meteorology data stored in Hydstra is for DoW's</li> </ul>

			<p>internal use only and cannot be released to external clients. This is part of DoW's data sharing agreements. <u>Notwithstanding, a FOI application must be made directly to the appropriate data Custodians for access to these datasets.</u></p> <ul style="list-style-type: none"> <li>A small proportion of WIN data is secured, due to such things as being collected on behalf of other stakeholders who are sensitive about its use or misuse, and being part of experimental projects and thus open to misinterpretation.</li> </ul>
Hydrographic Newsletter	No	Yes	Produced quarterly
Perth Groundwater Atlas	No	Yes	Available on DoW's website

## REGIONAL INTEGRATION

Document Type	FOI application required	Publicly available	Comments
Land Tenure Documentation	Yes	No	
Incident Complaints Management System	Yes	No	
Enforcement and Prosecution Policy	No	Yes	Available once published

## CORPORATE SERVICES DIVISION

### CORPORATE SERVICES

Document Type	FOI application required	Publicly available	Comments
Annual Report	No	Yes	Available once published. Section 25 of the FOI Act allows for deferred access if a document is required to be published by law but is yet to be published, so long as the applicant is notified of the likely time of delay.
DoW's submissions to other Government agencies and authorities	No	Yes	Publicly available once published (s25 of the FOI Act deferred access applies)
Departmental working Drafts of any documents	Yes	No	
Technical Series	No	Yes	Includes scientific documents dealing with strictly technical information; contains discussion and interpretation of technical information. They do not contain DoW recommendations, opinions, specific policy advice to Government, or express specific policy positions of the DoW.

Commissioned Reports	No	Yes	Available once published. May be subject to s25 of the FOI Act, deferred access.
Internal reviews of water resource management strategies/policies	No	Yes	Available once published. Subject to s25 of the FOI Act, deferred access.
Cabinet Minutes	Yes	No	Subject to the Cabinet and Executive Council Exemption (Schedule 1, Clause 1 of the FOI Act)
Annual Financial Statements/Annual Report	No	Yes	Available once published – s25 of the FOI Act, deferred access applies
Departmental Industrial Agreements	No	Yes	Enterprise Bargaining Agreement/Workplace Agreement
Strategic and Business Plans of Department	No	Yes	
Final Parliamentary Question responses	No	Yes	Publicly available in Hansard
Officers Operational/Administrative Manuals	No	Yes	
Private individuals correspondence with the Department not in relation to public submissions	Yes	No	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.
Conference Papers	No	Yes	
Ministerial correspondence and briefing notes	Yes	No	May be subject to the Cabinet and Executive Council Exemption if it relates to the making of a Government decision or policy (Schedule 1, Clause 1 of the FOI Act)
Media statements	No	Yes	Circulated on DoW's website
Letters to the editor of a Newspaper	No	Yes	Various newspapers
Publications list	No	Yes	DoW produces a variety of publications to meet different information needs and a list of these publications is available on request
Latest News (Staff Notices)	No	Yes	Daily Electronic "pop-up" notices available to all staff
Regulations/ Orders/ Proclamations	No	Yes	Available from the State Law Publisher
Media clippings	No	Yes	From various news sources
E-mailed media enquiries	No	Yes	Questions and answers available on DoW's website
Internal staff speeches	No	Yes	Available by contacting the media unit
Corporate newsletters	No	Yes	
Corporate advertising campaigns	No	Yes	
Market research reports	Yes	No	

Correspondence exchange between Divisions/Branches and private individuals	Yes	No	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.
Internal memorandums – general, personnel	Yes	No	
Administrative policies and procedures	No	Yes	
Codes of Practice	No	Yes	
Service level agreements	Yes	No	
Personnel Information	Yes	No	Except where documents solely involve the individual concerned requiring a copy of the correspondence
Minutes of Branch Meetings	No	Yes	Available once published. Deferred access applies under S25 of the FOI Act
Contract specification documents	No	Yes	
Tender/quotation responses	Yes	No	Information will be commercially sensitive and submitted in-confidence
Evaluations of tender/quotation responses	Yes	No	Information will be commercially sensitive and in-confidence
Computer system design documents	Yes	No	Information will contain intellectual property of the agency
Project work plans, reports, steering committee minutes, evaluations	Yes	No	
Reports on staff usage of systems	Yes	No	
General correspondence, including letters, emails, facsimiles involving DOW staff	Yes	No	
Public Advertising and Educational campaigns	No	Yes	