



# FOI INFORMATION STATEMENT

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## FREEDOM OF INFORMATION

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## **INTRODUCTION**

Section 94 of the *Freedom of Information Act 1992* requires government agencies to prepare and publish annually an Information Statement that contains:

- a statement of the structure and functions of the agency;
- a description of the ways in which the functions affect members of the public;
- details of public participation in policy formulation;
- a description of the kinds of documents held by the agency; and
- arrangements for public access to documents.

The Department of Racing, Gaming and Liquor (the Department) is committed to sharing information by making agency information more accessible.

## **ABOUT THE DEPARTMENT**

The Department was established in 1984 under the *Public Service Act 1978*. The responsible minister for the Racing and Gaming portfolio is the Minister for Housing; Racing and Gaming.

The Department's mission is to regulate the liquor and gambling industries in Western Australia. This is achieved through the licensing of suppliers and industry support services.

The vision of the Department is to regulate the liquor and gambling industries in Western Australia with integrity. The Department's values are respect, professionalism, innovation excellence, accountability and collaboration.

There are four Divisions – Liquor and Gambling; Strategic Regulation; Administrative Law; and Corporate Governance

### **Associated Agencies of the Department**

The Department provides corporate and executive support services to the following agencies:

- Liquor Commission - Western Australia ([www.liquorcommission.wa.gov.au](http://www.liquorcommission.wa.gov.au))
- Racing Penalties Appeals Tribunal ([www.rpat.wa.gov.au](http://www.rpat.wa.gov.au))
- Gaming and Wagering Commission of Western Australia
- Gaming Community Trust
- Problem Gambling Support Services Committee

Further information regarding these agencies can be obtained from those agencies' annual reports, located on the Department's website at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

For the purposes of freedom of information, these agencies are considered to be associated agencies of the Department. This means that an application to access documents held by these agencies should be addressed to the Department.

## **LEGISLATION ADMINISTERED**

The Department has diverse legislative responsibilities under the racing, gaming and liquor portfolio, which result in a number of decisions in various areas.

### ***Liquor Control Act 1988***

Provides the legislative framework for the liquor licensing authority, comprising of the Director of Liquor Licensing and the Liquor Commission, to regulate the sale, supply and consumption of liquor; the use of premises on which liquor is sold; and the services and facilities provided in conjunction with the sale of liquor.

The Director of Liquor Licensing is the Director General of the Department.

In addition to hearing and determining liquor licensing applications, the Director of Liquor Licensing is also empowered under the *Liquor Control Act 1988* to:

- ensure compliance with the requirements of the Act;
- monitor the standards of licensed premises;
- develop and implement policy consistent with Government objectives and provide policy advice;
- negotiate and liaise with industry groups on high level matters, such as Liquor Accords and industry training;
- impose liquor restrictions in accordance with sections 64 and 175(1a);
- consider section 117 complaints (concerning noise or behaviour related to licensed premises) and be responsive to such complaints; and
- determine any other matters arising from the administration of the Act.

### ***Gaming and Wagering Commission Act 1987***

As a delegate of the Commission, the Department issues licences and permits to enable community and sporting clubs to raise funds through the conduct of community gaming, such as standard lotteries, continuing lotteries, video lottery terminals, bingo, and gaming functions.

The Department also issues licences and certificates to allow people to work in licensed positions at the Crown Perth Casino, Racing and Wagering Western Australia, and bookmaking operations.

## **Administered Legislation**

The Department is also responsible for administering the following legislation:

- *Betting Control Act 1954*;
- *Bookmakers Betting Levy Act 1954*;
- *Casino (Burswood Island) Agreement Act 1985*;
- *Casino Control Act 1984*;
- *Gaming and Betting (Contracts and Securities) Act 1985*;
- *Racing and Wagering Western Australia Act 2003*;
- *Racing and Wagering Western Australia Tax Act 2003*;
- *Racing Bets Levy Act 2009*;
- *Racing Penalties (Appeals) Act 1990*;

- *Racing Restriction Act 2003*;
- *The Western Australian Turf Club Act 1892*;
- *Western Australian Turf Club (Property) Act 1944*;
- *Western Australian Greyhound Racing Association Act 1981*; and
- *Western Australian Trotting Association Act 1946*.

## CONSULTATION

Our customers include the Western Australian community; the Western Australian Government; other government departments, agencies and local government authorities; and racing, gambling and liquor industries.

The Department has undertaken to communicate matters of importance to the industry and to update customers when new services are introduced or major policy changes are made. Members of the public may make comments regarding policy formation or agency functions at any time.

The Department has a Customer Services Charter and a Customer Complaint Handling Policy. These policies ensure customers will have access to a formal dispute resolution process, which will allow complaints to be resolved within defined timeframes.

There are other avenues by which members of the public can participate in the performance of the Department's functions. For example:

- all parties to proceedings before the Department, the Liquor Commission, or the Racing Penalties Appeal Tribunal may appear personally or be represented by counsel;
- all parties to proceedings before the Gaming and Wagering Commission may appear personally or be represented by counsel;
- section 64 of the *Liquor Control Act 1988* allows for the Director of Liquor Licensing to impose conditions on licensees to restrict the sale and supply of liquor from licensed premises, where it is in the public interest. The Department consults with licensees, community groups and other stakeholders, seeking their views on introducing liquor restrictions;
- section 73 of the *Liquor Control Act 1988* provides that members of the public may object to any advertised application. Section 74 of the Act sets out the grounds of objection;
- section 175(1a) of the *Liquor Control Act 1988* enables the Governor, on the recommendation of the Minister, to declare an area of the State a restricted area that prohibits the bringing in, possession and consumption of liquor in the declared area. The Department consults with communities, seeking their views on introducing restricted area regulations; and
- the voluntary Liquor Accords in place in WA whereby licensees, the police, and other local agencies agree on a set of voluntary liquor restrictions for that area.

## ACCESS TO DOCUMENTS

The *Freedom of Information Act 1992* is focused on information contained in documents and only to those documents that are already in existence. The Department's information systems capture information in electronic, paper-based and digitised format. Information captured includes correspondence, applications, submissions, administrative files.

The Director of Liquor Licensing's policy regarding [Inspection of Records and Access to Documents](#) provides guidance on inspecting and accessing liquor licensing records outside the Freedom of Information process. That policy is available on the Department's website at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au)

A summary of documents held by the Department, and the means by which those documents can be accessed, is located at Appendix A.

## **FREEDOM OF INFORMATION (FOI) PROCESS**

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

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Department and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

Access applications must be:

- in writing; contain enough information so that the documents requested can be identified;
- provide an Australian address to which notices can be sent; and
- be lodged at the Department with an application fee of \$30.

An application is not considered to be a formal application until all these requirements are met. Failure to do so will result in delays to an application being processed.

Proof of identity is required if seeking access to personal information; there will be no fee for this service.

If requesting access to documents on behalf of another person, written authorisation from that person permitting access to the documents is required.

If applying for access to documents of a deceased person, proof of identification is required, showing relationship to the person (e.g. birth certificate, marriage certificate or a death certificate), plus personal identification. If you are not the closest relative, written authorisation from the closest relative permitting access the documents must be produced.

Applications and enquiries should be addressed to:

By post to   FOI Coordinator at  
Department of Racing, Gaming and Liquor  
PO Box 6119  
EAST PERTH WA 6892

or

In Person:  
Department of Racing, Gaming and Liquor  
Gordon Stephenson House  
Level 2, 140 William Street  
PERTH WA 6000

Applications will be acknowledged in writing and the Department will provide a response within 45 days of the lodgement of the application, unless more time is required to complete the application.

If the additional charges are likely to exceed \$25, the FOI Coordinator will advise the applicant to determine whether they wish to proceed with the application. Alternatively the applicant can request an estimate of the charges prior to lodging an application. An advance deposit may be required pursuant to section 18(1) of the Act. The applicant will be advised at the time where a deposit will be required. List of fees and charges (Appendix B).

If seeking access to documents provided to the Department by third parties, the third party will be consulted in regards to releasing the documents.

The notice of decision will be issued within 45 days of the date of lodgement of the FOI application. The decision will include details such as:

- the date 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 document; and
- information on the right of review and the procedures to be followed to exercise those rights.

Pursuant to section 100 of the Freedom of Information Act 1992, the following officers have been appointed as decision makers in respect to FOI applications within the Department.

- Director Liquor and Gambling, in respect of liquor and gambling matters.
- Director Strategic Regulation, in respect of legislative and policy matters.
- Director Corporate Governance, in respect of corporate services matters.

These officers are also the FOI decision makers for the Liquor Commission, the Racing Penalties Appeals Tribunal, the Gaming and Wagering Commission of Western Australia, the Gaming Community Trust and the Problem Gambling Support Services Committee.

## **AMENDING PERSONAL INFORMATION**

If personal information held by the Department is considered to be inaccurate, incomplete, out of date or misleading, applications must be made in writing to have the information amended to the Department, providing details and documentation in support of the claim, giving reasons for holding that belief and details of the amendment. Applications must also state how the amendment is to be made by either:

- altering the information,
- striking-out or deleting the information,
- inserting information, or inserting a note in relation to the information.

The applicant will receive a written notice of the Departments decision on the application for amendment within 30 days.

## **RIGHTS OF REVIEW**

### **Internal Review**

If you disagree with a decision to deny or partially deny access to information, an internal review can be lodged within 30 days of receiving the decision notice to the Director General, giving details of the decision to be reviewed and an address in Australia to which notices can be sent. The Director General's decision will be advised within 15 days of receipt of the application. There is no charge for lodging an internal review.

### **External Review**

After an internal review, if you still disagree with the decision, you can lodge a complaint with the Information Commissioner within 60 days of receiving the review decision notice. It must be in writing and include your address give particulars of the decision to be reviewed, and a copy of the decision. There is no charge for lodging a complaint with the Information Commissioner's office.

Decisions of the Information Commissioner are final and binding. Parties to the proceedings have the right to appeal any decision to the Supreme Court of Western Australia on a question of law only.

Contact the Information Commissioners office for any further information about FOI process.

Office of the Information Commissioner  
Albert Facey House  
469 Wellington Street  
Perth WA 6000

Phone: (08) 6551 7888  
Fax: (08) 6551 7889  
Freecall (WA Country): 1800 621 244

Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)  
Internet: [www.foi.wa.gov.au](http://www.foi.wa.gov.au)

## APPENDIX A

### Documents held by the Department

| Documents  | Available Outside the FOI Process |                  | FOI Application Required |
|--|-----------------------------------|------------------|--------------------------|
|  | Free                              | At a cost        |                          |
| <b>DEPARTMENT OF RACING, GAMING AND LIQUOR</b>   |                                   |                  |                          |
| Annual reports available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>   | Yes                               | No               | No                       |
| Customer Services Charter available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>                                  | Yes                               | No               | No                       |
| Code of Conduct available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>  | Yes                               | No               | No                       |
| Policies and procedures  | Yes                               | No               | No                       |
| Corporate brochures  | Yes                               | No               | No                       |
| Corporate records  | No                                | No               | Yes                      |
| Internal manuals   | Yes                               | Yes              | No                       |
| Rules of prescribed games <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>   | Yes                               | No               | No                       |
| Copy of an extract from the Gaming Register  | No                                | Yes              | No                       |
| A search of the Gaming Register for an identified entry  | No                                | Yes              | No                       |
| Liquor policies and guidelines   | Yes                               | No               | No                       |
| Summary of applications approved by month  | Yes                               | No               | No                       |
| Prohibition Orders issued <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>   | Yes                               | No               | No                       |
| Information Bulletins <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>   | Yes                               | No               | No                       |
| Decisions regarding liquor restrictions in remote communities  | Yes                               | No               | No                       |
| Licence applications   | Yes <sup>1</sup>                  | Yes              | Yes                      |
| Address labels for licensed premises   | No                                | Yes              | No                       |
| Copy of a licence, permit or decision  | No                                | Yes              | No                       |
| Non-standard decisions of the Director of Liquor Licensing available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a> | Yes                               | Yes <sup>2</sup> | No                       |

1 This refers to advertised applications only. Documents are published on the Department's website at [rgl.wa.gov.au](http://rgl.wa.gov.au)

2 A fee is payable for a hard copy of the Director's Decision.

| Documents  | Available Outside the FOI Process |           | FOI Application Required |
|--|-----------------------------------|-----------|--------------------------|
|  | Free                              | At a cost |                          |
| <b>DEPARTMENT OF RACING, GAMING AND LIQUOR</b>             |                                   |           |                          |
| Request by licensee for a copy of a licensed premises plan | No                                | Yes       | No                       |
| Request by a licensee for a copy of a duplicate license    | No                                | Yes       | No                       |
| The issuing of a summons to a witness                      | No                                | Yes       | No                       |
| List of licensed premises or owners of licensed premises   | No                                | Yes       | No                       |
| Postcode search of licensed premises                       | No                                | Yes       | No                       |
| A full search of the licence record                        | No                                | Yes       | No                       |

| <b>GAMING AND WAGERING COMMISSION</b>  |     |    |     |
|--|-----|----|-----|
| Annual reports available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a> | Yes | No | No  |
| Agendas, working papers and minutes of meetings  | No  | No | Yes |
| Corporate records  | No  | No | Yes |

| <b>GAMING COMMUNITY TRUST</b>                   |    |    |     |
|---|----|----|-----|
| Agendas, working papers and minutes of meetings | No | No | Yes |
| Corporate records                               | No | No | Yes |

| <b>PROBLEM GAMBLING SUPPORT SERVICES COMMITTEE</b> |    |    |     |
|--|----|----|-----|
| Agendas, working papers and minutes of meetings    | No | No | Yes |
| Corporate records                                  | No | No | Yes |

| Documents  | Available Outside the FOI Process |                  | FOI Application Required |
|--|-----------------------------------|------------------|--------------------------|
|  | Free                              | At a cost        |                          |
| <b>LIQUOR COMMISSION</b>   |                                   |                  |                          |
| Annual reports available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>                               | Yes                               | No               | No                       |
| Determinations available on the web <a href="http://www.liquorcommission.wa.gov.au">www.liquorcommission.wa.gov.au</a> | Yes                               | Yes <sup>3</sup> | No                       |
| Supply of a transcript of proceedings before the Commission  | No                                | Yes              | No                       |
| Corporate records  | No                                | No               | Yes                      |

| <b>RACING PENALTIES APPEALS TRIBUNAL</b>  |     |     |     |
|---|-----|-----|-----|
| Annual reports available on web <a href="http://www.rgl.wa.gov.au">www.rgl.wa.gov.au</a>  | Yes | No  | No  |
| Determinations of the Racing Penalties Appeal Tribunal (since 2010) available on web <a href="http://www.rpat.wa.gov.au">www.rpat.wa.gov.au</a> | Yes | No  | No  |
| Summary of Determinations (pre 2010)  | Yes | No  | No  |
| Transcript of Tribunal hearing  | No  | Yes | No  |
| Corporate records   | No  | No  | Yes |

<sup>3</sup> A fee is payable for a hard copy of Determination.

## APPENDIX B

### Summary of fees and charges

A fee and charges has been set under Schedule 1 of the *Freedom of Information Regulations 1993*.

#### 1. Type of fee

|  |         |
|--|---------|
| Personal information about the applicant       | No fee  |
| Application fee (for non personal information) | \$30.00 |

#### 2. Type of charge

|   |             |
|---|-------------|
| Charge for time taken by staff dealing with an application (per hour or pro rata for a part of an hour)       | \$30.00     |
| Access time supervised by staff (per hour or pro rata)  | \$30.00     |
| Photocopying staff time (per hour or pro rata)  | \$30.00     |
| Per photocopy   | 00.20c      |
| Time taken by staff transcribing information from tape, film, computer or other device (per hour or pro rata) | \$30.00     |
| Duplicating a tape, file or computer information  | Actual Cost |
| Delivery, packaging and postage   | Actual Cost |

#### 3. Deposits

|   |     |
|---|-----|
| An advance deposit may be required by an agency under section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee | 25% |
| Further advance deposit may be required to meet the charges for dealing with the application  | 75% |

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the **charges** payable are reduced by 25%.

If the additional charges are likely to exceed \$25, the FOI Coordinator will advise the applicant to determine whether they wish to proceed with the application. Alternatively the applicant can request and estimate of the charges prior to lodging an application.