



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*
- *Evidence Act 1906*
- *Privacy Act 1998*
- *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*

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

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.

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.



Freedom of Information (FOI) Applications

An application for access to information under the Act must be:-

- Made in writing;
- Provide enough detail for NR TAFE to identify the documents or information requested. 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;
- Provide an Australian address for correspondence and, where possible, provide a contact telephone number;
- Lodged by hand, post, fax or e-mail;
- Must be accompanied by the application fee, where applicable.

Where an application is made for 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:

<u>By hand:</u> FOI Coordinator NR TAFE 68 Cable Beach Road, Broome	<u>By post:</u> FOI Coordinator NR TAFE PO BOX 1380 BROOME WA 6725	<u>Electronically</u> Attn: FOI Coordinator E-Mail: records@nrtafe.wa.edu.au
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Applications will be acknowledged in writing and notified of any decisions made within 45 days of the lodgement date.

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 -
 - (i) that access is to be given to an edited copy;
 - (ii) 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 final decision will lie with the NR TAFE FOI Coordinator; Director Corporate Services or Manager Governance and Performance.

Published information on FOI

- *Freedom of Information Act 1992*
- *Freedom of Information Regulations 1993*
- *Freedom of information Implementation Guidelines, section 93A*
- Office of the Information Commissioner website: <http://www.oic.wa.gov.au>



Document owner to complete

Document owner	Manager Information Services
Responsible committee	Executive Management Team
Responsible director	Director Corporate Services
Related policies or documents (if applicable)	<u>N/A</u>

Executive Officer to complete

Date approved	04/08/2022
Date of next review	Legislative requirement to be reviewed annually