



GOVERNMENT OF
WESTERN AUSTRALIA

Department of
Justice

Information Sharing Procedures 2020

*Fines, Penalties and Infringement Notices
Enforcement Act 1994 (WA)*

The introduction of the new Part 7A – Information outlines information sharing arrangements for the Fines Enforcement Registry Registrar and the Sheriff of Western Australia under the *Fines Penalties and Infringement Notices Enforcement Act 1994 (WA)*(*the Act*). Section 100B of the Act states that the Registrar must establish written procedures for the disclosure of information and ensure that these procedures are published on the website.

In the event of any inconsistency between these written procedures and the Act, the prevails.

Executive summary

These procedures will outline the process to be undertaken by the Registrar or Sheriff in requesting information from a Public Authority, contractor, electricity corporation or approved WDP sponsor in order to undertake a function under the act.

These procedures will also outline the process for which the Registrar or Sheriff may disclose information relating to an offender or alleged offender to a person or class of persons in a government department or agency of the state, the Commonwealth, another state or territory or another country.

It will also outline the procedure for release of information by the Registrar or Sheriff to approved sponsors for the purposes of connecting with Work and Development Permits, to a public authority or other body for use in research, or other circumstances prescribed by regulations.

For further information on these procedures, contact FER at fines@justice.wa.gov.au or visit the Department of Justice website <http://www.justice.wa.gov.au/fer>

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1 Procedures purpose

This document sets out the procedures made by the Registrar, Fines Enforcement Registry (FER) in relation to disclosure of information and the administration of the act in respect to requests for information.

The purpose of these procedures is to assist the Fines Enforcement Registry (FER), Sheriff's Office (SO), government departments or agencies, public authorities or other corporate bodies in the information sharing provisions of the Act.

Information requests or providing information under the act must comply with these procedures.

The procedures are intended to ensure consistency and compliance in relation to information sharing under the legislation.

2 Definitions

Unless otherwise specified, the terms used in these procedures have the same meaning as in the Act.

alleged offender has the meaning given in section 11 of the act;

contractor has the meaning of the *Court Security and Custodial Services Act 1999* (WA);

offender has the meaning given in subsection 28(1) of the act;

public authority means a department of the Public Service, a State agency or instrumentality, a court or tribunal to the extent that it is an agency for the purposes of the *Freedom of Information Act 1992* (WA), or a body or holder of an office, post or position established or continued for a public purpose under a written law;

relevant information means in relation to the Registrar, information relevant to the performance of the Registrar's functions; in relation to the Sheriff, information relevant to the performance of the Sheriff's functions; and

research means research to promote the development of criminology or corrective services.

3 Disclosure of Information to the Registrar or Sheriff

Section 100A of the Act provides for the FER Registrar or Sheriff of Western Australia ("requesting officer") to make a request(s) to a public authority, contractor, electricity corporation or approved sponsor to disclose relevant information to the requesting officer.

An individual request may be made by the FER Registrar or Sheriff of Western Australia in writing by outlining the section of the act that the request is being made under and what particular information is being requested.

From time to time the Registrar or Sheriff may request regular or adhoc bulk information requests to any of the above listed parties. These will be actioned on a case by case basis and may be made in a format other than an individual request.

4 Request Log

All requests for information made under section 100A of the Act are to be recorded in a request's log. The request's log is to be maintained by the FER to have a record of all information requested, when requested and from whom. This log will also record when the requested information has been provided to the requesting officer.

5 Disclosure of Information by the Registrar or Sheriff

5.1 Minister Approval

Under section 100B (1) of FPINE, the Minister may, from time to time, approve circumstances in which, or purposes for which, information relating to an offender or alleged offender may be disclosed by the FER Registrar or the Sheriff to a person or class of persons in a government department or agency of the State, the Commonwealth, another State, a territory or another country.

If you are from any of the above listed departments or agencies and wish to make a request for information, please submit your request, in writing, to FER via email at fines@justice.wa.gov.au.

5.2 Disclosure of Information for Work and Development Permits

The FER Registrar or Sheriff may disclose information about offenders or fines to approved sponsors for purposes connected with Work and Development Permits (WDP's) under section 100B(3)(aa).

Information about a clients current case status and associated amounts outstanding that are eligible for Work and Development Permits is viewable via the eCourts portal once approved as a sponsor under the Act.

The ability to request further information for assessment of suitability and appropriateness of proposed activities under a WDP may be required and is provided for under this section.

If you are an approved sponsor and require further information about an offender or their fines for the above mentioned purpose, you may submit a written request to the Fines Enforcement Registry via email to ferwdp@justice.wa.gov.au outlining the information needed and the specific purpose of the request.

5.3 Disclosure of Information for Research

Under section 100B(3)(a) of FPINE, the FER Registrar or Sheriff may disclose information relating to offenders, alleged offenders, fines or infringement notices to a public authority or other body for use in research.

From time to time, requests of information related to the enforcement of outstanding fines and Infringement Notices may be made by a public authority or other body to the Registrar or the Sheriff for research purposes.

The information provided under this type of request will be data with no identifiable details. This protects an individuals confidential record while providing the requested information to assist in research.

If you wish to make a request for information for the above purpose, please submit the request to the Fines Enforcement Registry via email to fines@justice.wa.gov.au outlining the information needed and the specific purpose of the request.

Information provided under this section may be published if the CEO (fines enforcement) has provided approval of the publication in writing. Requests to publish may be requested at the time of making the request for information or in writing following the requested information being provided.

The CEO (fines enforcement) will not provide approval to publish the information disclosed unless satisfied that:

- the research for which the information was disclosed was conducted in a methodologically sound manner; and
- the information to be published is factually correct; and
- the information provided does not identify individuals, reveal confidential information of the department of the Public Service principally assisting the Minister in the administration of the Act, or otherwise pose a security risk to the operations of the department or to any court, corrective facility or person.

5.4 Disclosure of Information in Regulations

The FER Registrar or Sheriff may also disclose information that is prescribed by the Act in the circumstances prescribed by the regulations. At this stage no further circumstances have been prescribed.

6 Requesting Information

The name, title and contact information for person making the request must be specified in the requests. Requests are to be submitted in writing and via email wherever possible. This is to ensure that the scope of the information requested is captured accurately and that the information provided is what has been requested.

The form must specify the section of the act that the request is being made under, what information is being requested, how the information will be used, why the information is needed and with whom it is intended to be shared.

7 Priority of Information Requested

When making a request for information, requesting individual's are asked to provide a due date if one is applicable and all efforts will be made to try and meet provided due dates.

8 Feedback and complaints

If you wish to provide feedback or make a complaint related to a request for information please contact FER on 1300 650 235 to discuss or via email at fines@justice.wa.gov.au to attempt to resolve the issue.

If you are unable to resolve an issue about the scheme through the above method, sponsors and clients can provide feedback via the DoJ online feedback system at www.wa.gov.au/organisation/department-of-justice/feedback-the-department-of-justice.

All communications will be considered in a confidential and timely manner.