

Information Statement

Legal Aid Commission of Western Australia

In accordance with the requirements of Part 5 of the *Freedom of Information Act 1992* (FOI Act), this Information statement is prepared and published by the Legal Aid Commission of Western Australia (Legal Aid) in its commitment to being an open, transparent, and accountable government agency.

The purpose of this Information Statement is to provide an overview of the documents held by Legal Aid, and information on how members of the public can access them.

Structure and Functions of Legal Aid

Legal Aid is a statutory authority established under the *Legal Aid Commission Act 1976*. Legal Aid's function is to provide legal assistance in accordance with the *Legal Aid Commission Act 1976* and to control and administer the Legal Aid Fund of Western Australia. The Legal Aid Commission comprises of a Chair and up to 8 members, including the Director of Legal Aid. More information about Legal Aid's organisational structure can be found at www.legalaid.wa.gov.au/about-us/our-organisation

As the largest provider of legal assistance in Western Australia, Legal Aid aims to assist the community by providing quality and timely legal assistance to members of the public, and is committed to assisting the disadvantaged by providing communities with effective, efficient, and economical access to justice. Legal Aid provides legal services in the areas of Criminal, Family, and Civil law, including grants of aid, the Duty Lawyer Service, the Reducing Avoidable Remand Service, prison visits, Family Violence restraining orders, dispute resolution in parenting and financial matters, mediation in child protection matters, the Senior Rights Advocacy Service, the Mortgage Hardship Service, the civil litigation assistance scheme, the Work and Development Permit Service, and social support services.

How functions of Legal Aid affect members of the public

In administering the scheme of legal assistance established by the *Legal Aid Commission Act 1976*, Legal Aid applies eligibility criteria including financial and merit testing to decide who is eligible for a grant of legal aid. Every person who is refused a grant of legal aid has a statutory right to request reconsideration and then review of that decision.

Arrangement that enable members of the public to participate in the formation of Legal Aid's policy and the performance of Legal Aid's functions

Legal Aid WA consults with the legal profession and community organisations about relevant policy changes to ensure their input and interests are heard. The public can give feedback to Legal Aid WA at any time by emailing info@legalaid.wa.gov.au

Documents Held by Legal Aid and how to access them

Legal Aid aims to make information available to members of the public as soon as possible, and at the lowest possible cost. Legal Aid holds the following kinds of documents:

- Client Information: Client information include advice records, court attendance records, correspondence, and court related documents. The secrecy provision in the Legal Aid Commission Act 1976 generally prevents Legal Aid providing anyone who is not the client with access to a client file.
- Business documents: Business documents include information on the operation and management of Legal Aid, and include information related to Human Resources, Finance, and Information Management.
- Publications: Legal Aid publishes a large amount of free legal information on its website www.legalaid.wa.gov.au The annual report and quarterly reports are also available free of charge on the Legal Aid website.

All documents held by Legal Aid are maintained and disposed of in compliance with the *State Records Act 2000*.

How to Informally Request Information from Legal Aid

Wherever possible, Legal Aid will provide information outside the formal Freedom of Information process. To informally request information, contact the Legal Aid office that was involved or email info@legalaid.wa.gov.au

How to Make A Freedom of Information Application to Legal Aid

Part 2 of the *Freedom of Information Act 1992* gives every person the right to apply for access to documents held by Legal Aid. Applicants can either make an application to:

- access their own personal information (no cost, and any non-personal information will be excluded), or
- access non-personal information (\$30 application fee, and only information exempt under the *Freedom of Information Act* will be excluded).

FOI Applications can be made using the digital application form. All FOI applications must:

- Be in writing
- Given enough detail to identify the requested documents
- Give an Australian address to which notices can be sent
- Include the \$30 application fee, if making an application for non-personal information. The application fee can be paid in person at a Legal Aid Office, or electronically to
 Legal Aid WA
 BSB 066-040
 Account number 1400 0033
 Reference: FOI [NAME OF APPLICANT]
- Be lodged at Legal Aid by addressing it to the Freedom of Information Coordinator and sending it via:
 - Digital application form
 - Email to foi@legalaid.wa.gov.au
 - Fax to (08) 9261 6554
 - Mail to
 Freedom of Information Co-ordinator
 Legal Aid Commission of Western Australia
 PO Box L916
 Perth 6842 WA
 - In person at any Legal Aid office listed at <https://www.legalaid.wa.gov.au/about-us/contact-us/our-offices>

Applicants can access documents by way of inspection, a printed copy, or a digital copy. If the applicant does not specify in their FOI application how they would like to receive the documents, the applicant will be sent a printed copy of the documents. Applicants who make an application for their personal information must provide a valid copy of their ID prior to being given access to the documents.

Applications will be acknowledged in writing and applicants will be notified of the decision within 45 days. If an applicant is not happy with the decision they can ask for an internal review of the decision by writing to the agency within 30 days of being notified of the decision. If an applicant is not happy with the result of the internal review, the applicant can make a complaint to the Information Commissioner and request an external review of the decision.

Queries about FOI Applications can be directed to:

Freedom of Information Co-ordinator
Email: foi@legalaid.wa.gov.au
Fax: (08) 9261 6554
phone: (08) 9262 6260

How to make an FOI application to amend your personal information

Part 3 of the *Freedom of Information Act 1992* enables members of the public to ensure that their personal information contained in documents held by Legal Aid is accurate, complete, up-to-date, and not misleading.

FOI Applications to amend personal information can be made using the digital application form. All applications must:

- Be in writing
- Given enough detail to identify the requested documents
- Provide details of the information the applicant considers inaccurate, incomplete, out of date or misleading including the reasons for holding that belief
- Give details of the amendment that the applicant wishes to be made. This can include altering information, deleting information, inserting information, or adding a note to the information.
- Give an Australian address to which notices can be sent
- Be lodged at Legal Aid by addressing it to the Freedom of Information Coordinator and sending it via:
 - Digital application form
 - Email to foi@legalaid.wa.gov.au
 - Fax to (08) 9261 6554
 - Mail to
Freedom of Information Co-ordinator
Legal Aid Commission of Western Australia
PO Box L916
Perth 6842 WA
 - In person at any Legal Aid office listed at <https://www.legalaid.wa.gov.au/about-us/contact-us/our-offices>

Applicants who make an application to have their personal information amended must provide a valid copy of their ID prior to any changes being made.

Applications will be acknowledged in writing and applicants will be notified of the decision within 30 days. If an application to amend personal information is refused, the applicant may request a notation or attachment be placed on the relevant document. The notation may include details of the information the applicant claims to be inaccurate, incomplete, out of date or misleading, and may also set out the information requested to be updated in the document.

If an applicant is not happy with the decision they can ask for an internal review of the decision by writing to the agency within 30 days of being notified of the decision. If an applicant is not happy with the result of the internal review, the applicant can make a complaint to the Information Commissioner and request an external review of the decision.

Queries about FOI Applications to alter personal information can be directed to:

Freedom of Information Co-ordinator

Email: foi@legalaid.wa.gov.au

Fax: (08) 9261 6554

phone: (08) 9262 6260