



Office of the **Information Commissioner**

Our Ref: 16/064/00  
Your Ref: COR

1 June 2012

Hon. Adele Farina MLC  
Chair  
Standing Committee on Uniform Legislation  
and Statutes Review  
GPO Box A11  
PERTH WA 6837



Dear Ms Farina

**INQUIRY INTO COMMUNITY PROTECTION (OFFENDER REPORTING)  
AMENDMENT BILL 2011**

I refer to your letter dated 24 May 2012, received by my office on 28 May 2012, inviting my written submissions on the impact of the *Community Protection (Offender Reporting) Amendment Bill 2011* ('the Bill') on Western Australia's parliamentary sovereignty and law-making powers.

In light of my limited legislative remit, I do not propose to make submissions to the Committee on this issue.

However, I note that Part 3 of the Bill (clauses 43 and 44) amends the *Freedom of Information Act 1992* ('the FOI Act') to include a new exemption in clause 14(5) of Schedule 1. Under the proposed new exemption, matter will be exempt matter if its disclosure would reveal or tend to reveal the identity of anyone as a person in respect of whom information is contained in the Community Protection Offender Register ('the Register') established under section 80 of the *Community Protection (Offender Reporting) Act 2004*.

In general, and in keeping with the objects and intent of the FOI Act, I do not support additional exemptions from access to information under the FOI Act except in very limited circumstances. However, in this case, I accept that the kind of information contained in the Register is of a highly sensitive nature that requires protection from disclosure and that the present exemptions in the FOI Act may not adequately protect that information from disclosure. I accept that there is an overriding public interest against disclosure of information contained in the Register and, consequently, I do not object to this proposed new exemption in the FOI Act. I have previously informed Western Australia Police of this view.

I have no objection to my letter being made public.

Yours sincerely

Sven Bluemmel  
INFORMATION COMMISSIONER