

A background image showing a row of wind turbines on the left and a series of high-voltage power line towers on the right, all overlaid with a semi-transparent blue filter.

**Freedom of Information Statement**

**April 2010**

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## Introduction

The *Freedom of Information Act 1992* (the Act) was proclaimed in Western Australia on 1 November 1993. The legislation creates a general right of access to information held by State and Local Governments and other public bodies. Additionally, personal information held by these organisations may be amended if inaccurate, out-of-date or misleading.

In accordance with Section 94 of the Act, an agency must publish an Information Statement which provides information on its functions, how those functions affect the public, the documents it holds and how access can be obtained to its information.

Some of this information may already be available from the Annual Report, on the Independent Market Operator (IMO) website at <http://www.imowa.com.au> or in other publications and internal manuals, which are listed under 'Documents Held by the IMO'.

The contact officer regarding Freedom of Information is:

Manager Finance and Administration  
Independent Market Operator

Governor Stirling Tower  
197 St Georges Terrace  
PERTH WA 6000

Postal: PO Box 7096  
Cloisters Square  
PERTH WA 6850

Telephone: (08) 9254 4300  
Facsimile: (08) 9254 4399

## Legislation

The IMO was established pursuant to the *Electricity Industry Act 2004* under the *Electricity Industry (Independent Market Operator) Regulations 2004*. The *Electricity Industry Act 2004* sets out the objectives of the Wholesale Electricity Market.

## IMO Objectives

The Market Objectives are:

- To promote economically efficient, safe and reliable production and supply of electricity and related services in the South West Interconnected System (SWIS).
- To encourage competition between generators and retailers in the SWIS, including by entry of new competitors.

- To avoid discrimination in that market against particular energy options and technologies, including sustainable energy options and technologies such as those make use of renewable resources or that reduce overall greenhouse gas emissions.
- To minimise the long-term cost of electricity supplied to customers from the SWIS.
- To encourage the taking of measures to manage the amount of electricity used and when it is used.

## Structure of the IMO

The IMO's functions are established and shaped by the Market Objectives, as well as the regulations establishing the IMO, the *Electricity Industry (Independent Market Operator) Regulations 2004* and the Wholesale Electricity Market Rules. The Rules place a number of obligations on the IMO in four key areas which form the basis of our organisational structure:

- Market Development
- Market Operations
- System Capacity
- Corporate Operations

## Decision Making Functions

The IMO:

- administers and operates the Wholesale Electricity Market;
- facilitates the provision of sufficient capacity to meet demand; and
- drives the development of the Wholesale Electricity Market to contribute to the achievement of the electricity industry's Market Objectives.

The decision making role of the IMO is further detailed in the Wholesale Electricity Market Rules which are available via the IMO website.

## Public Participation

The IMO seeks structured public participation from time to time on specific issues. The IMO's requirements regarding consultation on specific matters are contained within the Wholesale Electricity Market Rules. The IMO's website also typically seeks public submissions.

## Documents Held by the IMO

The types of information held by the IMO include:

- Market Rules



- Market Procedures
- Commencement Notices and Other Legal Instruments
- Rule and Procedure Changes
- Information for Participants
- Information about Participants
- Compliance
- Network Operating Information
- Trading Day STEM Quantities/Prices and Load Forecasts and History
- Trading Day Balancing Prices and Quantities and History
- IMO Weekly Reports
- Short Term Projected Assessment of System Adequacy
- Medium Term Projected Assessment of System Adequacy
- Energy Price Limits
- Near Real Time Operating Data
- Raw Electricity Market Data
- Operations Procedures
- Market Advisories
- Dispatch Advisories
- Incident Reports
- Reserve Capacity Information
- Statement of Opportunities Reports
- Expressions of Interest and Summary of Responses
- Maximum Reserve Capacity Price
- Certification of Reserve Capacity
- Capacity Certification Information
- Special Price Arrangements
- Reserve Capacity Reviews
- Annual Reports
- IMO and System Management Budgets
- Media Releases
- Newsletters



- Board Papers
- Finance and Administration
- IT Management
- Other Corporate Information

## Operation of Freedom of Information in the IMO

### How to apply for other information under the *Freedom of Information Act 1992*

Persons wanting to lodge a formal Freedom of Information access application with the IMO should direct their request to the contact officer listed in the introduction to this document, in the first instance. Applications should be lodged in person or by post.

For an application to be valid it must:

- be in writing;
- give enough information to identify the relevant documents;
- give an Australian address for contact purposes;
- be lodged with the IMO with the relevant application fee under the Act; and
- give any other information or details required under the Act.

### What Happens Next?

The Freedom of Information contact officer will forward the application to the relevant decision maker. The decision maker will examine relevant documents, liaise with the Freedom of Information contact officers, and make a decision as to whether access may be granted in full, in an edited version, or denied. The IMO has up to 45 days to process an application for access.

Applicants will be notified of the outcome of their application by post together with arrangements for access if applicable.

### Charges

Charges for accessing documents are prescribed in the *Freedom of Information Act Regulations* as follows:

- An application fee of \$30 applies for non-personal information.
- A charge of \$30 per hour may be made for processing the access application.
- A charge of 20 cents per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.



All charges are exempt from GST. An estimate of cost can be given beforehand and applicants will be asked whether they want to proceed with the application.

Applicants must notify the agency (within 30 days) of their intention to proceed. In some instances the agency may request an advance deposit. If applicants are financially disadvantaged, they should advise the agency as a 25% reduction of charges may apply.

Applications for amendment of personal information are free of cost to the applicant.

### Internal Review

An applicant may request an internal review if unhappy with the initial decision regarding an access application. A written request must be lodged with the Freedom of Information contact officer within 30 days of the notice of decision. Any third parties involved may also lodge a review. The application must provide details of the decision the applicant wished to have reviewed and give an address in Australia to which notices can be sent.

The agency then has 15 calendar days to conduct a review. Another person in the agency, who is not subordinate to the original decision maker, will make the decision on an internal review.

### External Review

If the applicant is not satisfied with the outcome of the internal review, a complaint may be made to the Information Commissioner in writing. Details of the decision which the complaint relates and an address in Australia to which notices can be sent must be included. Applicants seeking access to personal information have 60 days to lodge a complaint. Third parties must lodge their complaints within 30 days.

The Information Commissioner may be contacted at:

Level 12, St Martin's Tower  
St George's Terrace  
PERTH WA 6000

Telephone: (08) 9220 7888  
Country Callers: 1800 621 244 (Western Australia Only)  
Facsimile: (08) 9325 2152  
Web: <http://www.foi.wa.gov.au>

There is no charge to the applicant for an external review.

### Supreme Court

The Information Commissioner may refer to the Supreme Court any question of law that arises in the course of dealing with a complaint. This may be done at the Information Commissioner's initiative or at the request of a party to the complaint. Parties to a complaint are generally responsible for their own costs.



## Amendment of Personal Information

Applications for the amendment of personal information are free of charge to the applicant and must be made in writing to the Freedom of Information contact officer.

An applicant may request personal information contained in documents be amended if the information is inaccurate, incomplete, out of date or misleading. Enough detail should be provided to enable the document that contains the information to be identified and the reasons for holding the belief that the information is inaccurate, incomplete, out of date or misleading.

The applicant should detail how they wish the amendment to be made (i.e altering information, deleting information, inserting information or inserting a note in relation to the information), give an address in Australia to which notices under the Act can be sent and any other information or details required under the Act.

An applicant unhappy with the decision of the IMO not to amend personal information has a right under the Act to have the decision reviewed by the IMO, again free of charge to the applicant.

## Information Not Subject to Freedom of Information Legislation

IMO published a wide range of documents that not subject to Freedom of Information legislation (i.e. they are readily available) which are available from the IMO website (<http://www.imowa.com.au>).

