



Office of the Information Commissioner

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18 December 2014

Mr Greg Watkinson  
Chief Executive Officer  
Economic Regulation Authority  
Level 4, Albert Facey House  
469 Wellington Street  
PERTH WA 6000

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Dear Mr Watkinson *Greg*

**INQUIRY INTO THE EFFICIENCY AND PERFORMANCE  
OF WESTERN AUSTRALIAN PRISONS**

I refer to the request for submissions in respect of the above inquiry.

I do not have any submissions to make specifically in respect to the efficiency and performance of Western Australian prisons. However, I wish to ensure that the Authority is cognisant of the importance and operation of the *Freedom of Information Act 1992 (the FOI Act)* within the prison system as it undertakes the inquiry.

The FOI Act provides a right of access to documents held by State and local government agencies. The term 'agency' is defined in the Act to mean a Minister or a public body or office. The latter includes contractors and sub-contractors as defined in the *Court Security and Custodial Services Act 1999* and the *Prisons Act 1981*. This mechanism ensures that any provider of custodial services in Western Australia, whether public or private, is subject to the FOI Act.

Given that incarceration is arguably the most coercive sanction which the State can impose on any individual, it is important that the transparency and accountability mechanisms in the FOI Act continue to apply in full to all providers of custodial services in the State.

I trust the authority will undertake its inquiry with an appreciation of these issues.

If I can assist the authority in respect of the above, please do not hesitate to contact me.

Yours sincerely

Sven Bluemmel  
INFORMATION COMMISSIONER

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