

# FREEDOM OF INFORMATION STATEMENT



Updated November 2018



**Insurance Commission  
of Western Australia**

# TABLE OF CONTENTS

FOREWORD	3
CONTACT DETAILS	4
VISION, MISSION AND WHAT WE VALUE	5
STRUCTURE AND FUNCTION	6
EFFECTS OF OUR FUNCTIONS ON MEMBERS OF THE PUBLIC	9
ARRANGEMENTS FOR PUBLIC PARTICIPATION	9
DOCUMENTS HELD BY THE INSURANCE COMMISSION	10
HOW TO MAKE A FREEDOM OF INFORMATION APPLICATION	10
PROCESSING OF FREEDOM OF INFORMATION APPLICATIONS	11
AMENDMENT OF PERSONAL INFORMATION	12
RIGHT OF REVIEW	12
FEES	12
FREEDOM OF INFORMATION DECISION MAKING TIMEFRAMES	13

## FOREWORD

The *Freedom of Information Act 1992* (the Act) gives members of the public the right to access documents held by the Insurance Commission of Western Australia (Insurance Commission) and offers a means to ask for amendments of personal information which is inaccurate, incomplete, out-of-date or misleading.

The Insurance Commission is committed to assisting people who choose to exercise their rights under the Act.

This Freedom of Information (FOI) Statement was prepared in accordance with section 94 of the Act, and is published in accordance with section 96 of the Act.

We welcome any feedback on this Statement and our FOI processes so that we may continually improve our performance.

A handwritten signature in blue ink, appearing to read 'R. Whitear', with a stylized flourish at the end.

**ROD WHITHEAR**  
**CHIEF EXECUTIVE**

## CONTACT DETAILS

### Office Location

Level 13 Forrest Centre  
221 St Georges Terrace  
PERTH WA 6000

### Postal Address

GPO Box U1908  
PERTH WA 6845

### Telephone

+61 8 9264 3333  
1800 643 338 (free call from country areas)

### Office Hours

Monday - Friday  
8am - 5pm

### E-mail

[foi@icwa.wa.gov.au](mailto:foi@icwa.wa.gov.au)  
[public.relations@icwa.wa.gov.au](mailto:public.relations@icwa.wa.gov.au)

### Website

[icwa.wa.gov.au](http://icwa.wa.gov.au)

# VISION, MISSION AND WHAT WE VALUE

## Vision

A Government Trading Enterprise delivering efficient and equitable insurance services to WA motorists and government departments and authorities.

## Mission

To provide high quality and efficient:

- motor injury insurance for WA motorists;
- self-insurance fund management (RiskCover) for government departments and authorities;
- industrial diseases insurance to the mining sector and management of the Insurance Commission General Fund, Employers' Indemnity Supplementation Fund and Government Insurance Fund; and
- advice to the Government on insurance matters.

## What We Value

We are committed to a high performance culture which values accountability, professional integrity and respect.

To achieve this we strive to:

- be open to change and continuous improvement;
- collaborate to deliver the best possible outcomes;
- respond to clients and stakeholders; and
- drive efficient processes.

## STRUCTURE AND FUNCTION

### Who we are

The Insurance Commission is a Government Trading Enterprise and a statutory corporation owned by the Government of Western Australia.

Our enabling legislation is the *Insurance Commission of Western Australia Act 1986*.

The Insurance Commission administers the *Motor Vehicle (Third Party Insurance) Act 1943* and the *Motor Vehicle (Catastrophic Injuries) Act 2016*.

The responsible Minister is the Hon Ben Wyatt MLA, Treasurer; Minister for Finance; Energy; Aboriginal Affairs.

### What we do

The Insurance Commission is primarily responsible for:

- underwriting and managing motor injury insurance;
- managing RiskCover, the self-insurance arrangements for Government assets and employees;
- investing and managing funds to provide assets to meet insurance liabilities; and
- advising Government about insurance matters.

The Insurance Commission manages and underwrites the following:

- Third Party Insurance Fund;
- Motor Vehicle (Catastrophic Injuries) Fund; and
- Compensation (Industrial Diseases) Fund.

The Insurance Commission also manages but does not underwrite the:

- RiskCover Fund;
- Insurance Commission General Fund;
- Government Insurance Fund;
- Employers' Indemnity Supplementation Fund (administers funds on behalf of WorkCover WA);
- Former Police Officers' Medical Benefit Scheme; and
- Indian Ocean Territories Motor Injury Insurance Scheme (on behalf of the Commonwealth).

## Operational Structure

The Insurance Commission delivers services through four primary functions:

1. Motor Injury Insurance;
2. RiskCover;
3. Investments; and
4. Corporate Services.

### Motor Injury Insurance Division

The Insurance Commission is the sole underwriter of motor injury insurance in Western Australia (WA). A single motor injury insurance policy is governed by two Acts of Parliament: the *Motor Vehicle (Third Party Insurance) Act 1943* and the *Motor Vehicle (Catastrophic Injuries) Act 2016*.

The insurance policy provides owners and drivers of WA registered vehicles with an unlimited indemnity against personal injury claims for the injuries they cause to others in motor vehicle crashes.

The policy also provides cover to any person catastrophically injured in a crash in WA.

The policy is issued to motorists along with their motor vehicle registration by the Department of Transport and its agents, who collect premium payments on behalf of the Insurance Commission.

The Insurance Commission has delivered Compulsory Third Party (CTP) insurance in WA for over seven decades, providing compensation to claimants where a motorist in a crash causes injury to that claimant. Since 1 July 2016, the Insurance Commission has also delivered Catastrophic Injuries Support (CIS) insurance to cover the lifetime care costs of people catastrophically injured in a vehicle crash in WA.

The combination of CTP and CIS insurance cover is known as motor injury insurance.

The Third Party Insurance Fund (TPIF) is the fund that supports the CTP scheme, and the Motor Vehicle (Catastrophic Injuries) Fund (MVCIF) is the fund that supports the CIS scheme. The Motor Injury Insurance Division manages claims against both funds.

### RiskCover Division

The RiskCover Division manages and administers a number of insurance functions for the State Government.

The Division's core responsibilities include underwriting and managing claims on behalf of government agencies in the RiskCover Fund. The Division manages the reinsurance arrangements for the RiskCover Fund, Third Party Insurance Fund and Motor Vehicle (Catastrophic Injuries) Fund.

Financial assets are invested by the Insurance Commission on behalf of Government to meet insurance liabilities.

## **Investments Division**

The Insurance Commission, assisted by its independent investment consultant, determines a strategy to assist it invest in assets to meet its insurance liabilities in line with prudential guidelines approved by the Treasurer.

The Insurance Commission partners with external investment managers and directly manages some assets to deliver above benchmark returns in the long-run while avoiding excessive downside risk.

The long-term investment horizon provides the Insurance commission with a number of advantages, including the ability to include market risk in the portfolio and tolerance to less liquid investments in the portfolio.

The Investments Division invests RiskCover funds and other monies it holds on behalf of the Government in its investment portfolio under the same arrangements used for the investment of Insurance Commission funds. The Motor Vehicle (Catastrophic Injuries) Fund uses the same arrangements, but has a different allocation to investment assets.

## **Corporate Services Divisions**

The two insurance divisions (Motor Injury Insurance and RiskCover) and the Investments Division are supported by the Executive, Corporate Services and Information Technology areas. Legal Services has a primary function to protect and pursue the Insurance Commission's interests in the Bell Group litigation and recovery, and provides some other minor legal services to the business. The two insurance divisions are also supported by the business functions of Investigations and Intelligence and Business Services. The Investigations and Intelligence function is to identify potentially fraudulent behaviour against our insurance operations. Business Services assists the organisation deal with the volume of interactions with stakeholders.

## **EFFECTS OF OUR FUNCTIONS ON MEMBERS OF THE PUBLIC**

The Insurance Commission's decision-making functions might affect:

- the premium rate paid by motorists for motor injury insurance;
- the fund contribution paid by RiskCover insured agencies for workers' compensation, liability, property and others insurances;
- whether a claim is accepted or declined;
- the amount of money paid to claimants; and
- the amount of money paid to indemnify agencies for losses covered.

## **ARRANGEMENTS FOR PUBLIC PARTICIPATION**

Direct your feedback about the Insurance Commission's services and suggestions for improvement to the Commission Secretary:

Insurance Commission of Western Australia  
c/o Commission Secretary  
GPO Box U1908  
PERTH WA 6845

P: +61 8 9264 3333  
E: [public.relations@icwa.wa.gov.au](mailto:public.relations@icwa.wa.gov.au)

## DOCUMENTS HELD BY THE INSURANCE COMMISSION

The Insurance Commission maintains a financial system including general ledger, accounts payable, accounts receivable and fixed assets. Access to these records by members of the public is not open, although specific information sought may be able to be extracted if requested.

In addition to electronic records, other information is held in the form of:

- fact sheets and information brochures;
- annual reports;
- corporate plans and budgets;
- administrative, meeting and governance documents of the Board and Committees;
- day-to-day administrative and management information of the Insurance Commission;
- claims files that record the administration of individual claims. These files contain personal information about claimants and third parties and are not available to members of the public. Copies of specific documents may be provided upon request, for a fee; and
- internal administrative policies, procedures and manuals.

Records are not necessarily kept indefinitely and are destroyed in line with a disposal authority.

## HOW TO MAKE A FREEDOM OF INFORMATION APPLICATION

The *Freedom of Information Act 1992*, (the Act), provides a general right of access to documents held by State and Local Government Departments and Authorities. Section 3 of the Act requires agencies to make available details about the kind of information they hold and enables the public to ensure that personal information held by government agencies about them is accurate and not misleading.

**Freedom of Information (FOI) requests can be lodged in person, by post or by email:**

Level 13, Forrest Centre  
221 St Georges Terrace  
PERTH WA 6000

GPO Box U1908  
PERTH WA 6845

[foi@icwa.wa.gov.au](mailto:foi@icwa.wa.gov.au)

Members of the public can make FOI enquiries and/or seek assistance from the FOI Officer by calling +61 8 9264 3434.

Members of the public can request to meet the FOI Officer at our office. Please contact us to make an appointment.

## PROCESSING FOI APPLICATIONS

The Insurance Commission's FOI Officer is responsible for processing FOI applications in accordance with the Act. For all FOI related matters, the FOI Officer should be the initial point of contact.

The FOI Officer may arrange for the full or partial transfer of an FOI application in accordance with section 15 of the Act. As set out in section 30, where the Insurance Commission assumes responsibility for making a decision about an application, the applicant is provided with a Notice of Decision, explaining the reasons for the agency's decision.

## AMENDMENTS TO PERSONAL INFORMATION

Members of the public who believe personal information held by the Insurance Commission is inaccurate may request access to personal records in writing. They may then request that information about themselves that is inaccurate, incomplete, out of date or misleading, be corrected. The request must articulate the details that require updating and the reason why.

## RIGHTS OF REVIEW

The Act provides that every applicant can request a review of the agency's decision. In accordance with sections 39 and 54 of the Act, members of the public may lodge written applications with the Insurance Commission requesting an internal review of a decision. In the event that the Insurance Commission's Chief Executive determined an outcome, the right of review is directed to the Information Commissioner.

Office of the Information Commissioner  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Telephone: +61 8 6551 7888  
Fax: + 61 8 6551 7889  
info@foi.wa.gov.au

If an applicant is dissatisfied with the results of an internal review, applicants may request the Information Commissioner to conduct an external review of the matter. The Information Commissioner may refer questions of law that arise in the course of dealing with a complaint to the Supreme Court.

## FEES

Fees do not apply if making applications for personal information about yourself, for example, medical records or payslips.

Fees apply for FOI applications containing information about third parties, for example investigation reports or crash report forms. A \$30 fee is payable when lodging the application. Further fees may apply, as set out below:

- \$30 per hour to process an application;
- \$30 per hour for supervising access to documents, to transcribe a recording or photocopy a document;
- 20 cents per page for photocopying; and
- the actual cost incurred of reproducing a DVD or other form of information as well as the cost of packaging and posting documents.

Internal and external reviews do not attract fees. Time taken to locate documents is exempt from fee payment also.

## Estimate of Charges

The Insurance Commission will notify an applicant if additional FOI application fees are likely to exceed \$25. Applicants must respond to the Insurance Commission within 30 days of the intention to proceed with the application. Applicants facing financial hardship may apply for a 25% fee reduction.

## FOI DECISION MAKING TIMEFRAMES

