

Re: RE: Request for External Review – FOI2025-008 (DPIRD)

Dear Ms. Clark,

Thank you for your email of 12 June 2025 and for your clear guidance regarding the external review process.

Following your advice, I have now completed the internal review process with the Department of Primary Industries and Regional Development (DPIRD). I received their formal Internal Review Notice of Decision on 8 July 2025.

Therefore, I now wish to lodge a formal and valid complaint for external review against this decision.

As per your instructions, please find the Internal Review Notice of Decision (dated 8 July 2025) attached to this email.

The grounds for my complaint are as follows:

Pursuant to my rights under the Freedom of Information Act 1992 (WA), I request an external review of the internal review decision issued by the Department of Primary Industries and Regional Development (DPIRD), dated 8 July 2025, regarding my FOI application (Ref: FOI2025-008).

I submit this complaint on the grounds that DPIRD’s internal review decision is procedurally flawed, substantively contradictory, and constitutes an unreasonable withholding of critical public-interest information.

Grounds of Complaint:

1. Critical Internal Contradiction

DPIRD’s original decision (30 May 2025) explicitly claimed under Section 26 that no documents summarising inspection outcomes exist. However, the internal review decision (paragraph 16, 8 July 2025) directly contradicts this, stating:

“My enquiries in processing this review confirmed that individual reports with inspection outcomes do exist...”

This contradiction demonstrates that the agency either failed to conduct a reasonable search during the original application process or deliberately withheld the existence of relevant documents—undermining both procedural fairness and transparency obligations.

2. Breach of Duty to Assist / Unreasonable Interpretation

DPIRD’s continued refusal is now based solely on a literal, highly restrictive interpretation of the word “summary”, while acknowledging the relevant reports exist (see paragraph 21). The agency’s own cited case law (paragraph 14) confirms it must look beyond the precise wording of an access application and actively assist the applicant in identifying relevant documents. Instead, DPIRD concealed the existence of individual reports until the internal review, breaching its statutory duty to assist and contradicting the very precedents it cites.

3. Procedural Unfairness and Delayed Disclosure

The late revelation of individual inspection reports at the internal review stage deprived me of the opportunity to amend my application at an appropriate time, constituting procedural unfairness and undermining the integrity of the FOI process.

4. Systemic Record-Keeping Failure and Public Interest

DPIRD admits (paragraph 21) “reasonable grounds exist where the requested information should be held within this agency...” This is an explicit acknowledgement of systemic record-keeping deficiencies. The contradictory and restrictive approach adopted by DPIRD risks concealing, rather than addressing, serious failures of public accountability.

Requested Outcome:

In light of these procedural and substantive failures, I respectfully request the Information Commissioner:

- Determine that DPIRD’s handling of FOI2025-008 was procedurally and substantively improper and unreasonable;
- Direct DPIRD to release the “individual inspection reports” acknowledged in paragraph 16 of the internal review decision, as within the intended scope and spirit of my request;
- Formally record the procedural and substantive deficiencies of DPIRD in its official findings, as a matter of public record.

This matter concerns not only my right to access information, but also the credibility of the FOI process and public confidence in government accountability. A failure to address these contradictions risks undermining trust in the entire system.

Thank you for your impartial consideration.

Attachments:

1. Original Notice of Decision (30 May 2025)
2. Internal Review Notice (8 July 2025)
3. Document released under FOI2025-008

Yours sincerely,

Hanyu Liu

helloluna520@gmail.com

----- Original -----

From: Kathy Clark <kathy.clark@oic.wa.gov.au>
Date: Fri, Jun 13, 2025 5:17 PM
To: helloluna520@gmail.com <helloluna520@gmail.com>
Subject: Re: RE: Request for External Review – FOI2025-008 (DPIRD)

Dear Mr Liu

Your email of 11 June 2025 has been forwarded to me to respond.

You do not appear to have provided a copy of the internal review decision of the Department of Primary Industries and Regional Development (**the agency**). In order to make a valid application for external review you are required to provide a copy of the agency’s internal review decision. Can you please, therefore, provide a copy of the internal review decision to me, so that your request can be assessed further.

If you have not sought internal review of the agency’s decision, you should do so within 30 days of receiving the agency’s notice of decision.

Kind regards

Kathy Clark | Manager External Review
Office of the Information Commissioner | Albert Facey House, 469 Wellington Street, PERTH WA 6000
T: (08) 6551-7888 | **E:** kathy.clark@oic.wa.gov.au | **W:** oic.wa.gov.au

Out of office on Tuesdays and Wednesdays

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From: Hanyu Liu <helloluna520@gmail.com>
Sent: Wednesday, 11 June 2025 1:22 AM
To: Info OIC <Info.OIC@oic.wa.gov.au>
Subject: Request for External Review – FOI2025-008 (DPIRD)

Some people who received this message don’t often get email from helloluna520@gmail.com.
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Dear Information Commissioner,

I am writing to formally request an external review of the decision issued by the Department of Primary Industries and Regional Development (DPIRD) regarding my Freedom of Information application, reference number FOI2025-008.

◆ Background

This application was lodged on 7 April 2025 and sought access to regulatory records relating to Designated Inspectors (DIs) under the WA Animal Welfare Act 2002, specifically for the period 2022 to 2025. The request covered:

1. The number and type of inspections conducted by DIs;
2. Outcomes of such inspections, including non-compliance incidents and enforcement actions;
3. Internal evaluations, reviews, or audits concerning DI capacity and resource allocation.

DPIRD’s formal Section 26 notice of decision was issued on 6 June 2025, stating that no documents exist responsive to any part of the request, with the exception of one spreadsheet that contains no inspection outcomes or dates.

◆ Grounds for Review

I believe this decision warrants external review on the following grounds:

- The Section 26 notice appears to have been issued despite the existence of clear statutory responsibilities and administrative duties that strongly imply such documents should exist as standard regulatory records;
- The response lacks sufficient detail and transparency to justify the absence of fundamental documentation (inspection summaries, compliance incidents, internal evaluations) covering more than three years of regulatory activities;
- It remains unclear whether DPIRD has conducted adequate searches or made sufficient internal inquiries before concluding the absence of responsive documents, potentially representing a procedural deficiency under the FOI Act.

Given the significant public interest in transparent governance and accountability of animal welfare enforcement—particularly given the extensive powers of DIs (including powers of entry without consent)—an external review by your office is crucial to ensure compliance with FOI obligations and uphold transparency standards.

I respectfully request the OIC to verify DPIRD’s compliance with FOI Act obligations, particularly regarding the adequacy of their search procedures, and to review the appropriateness of the Section 26 determination.

◆ Public Record and Supporting Documentation

All correspondence, the Section 26 notice, and the released document (Document A14130553) have been compiled and published at the following public link:
<https://unseenbeings.org>

This site serves as a structured public archive designed to enhance transparency and oversight of animal welfare enforcement in WA.

◆ Applicant Details

Full name: Hanyu Liu
Email: helloluna520@gmail.com
Address: Available upon request
Date of decision: 10 June 2025
Agency: Department of Primary Industries and Regional Development (DPIRD)
FOI Ref: FOI2025-008

Thank you for your attention to this matter. I am available to provide additional information or clarification as required.

Kind regards,

Hanyu Liu

helloluna520@gmail.com