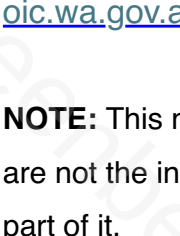


RE: Request for External Review – FOI2025-049 (DPIRD)

Dear Hanyu

I acknowledge receipt of your email of 9 November 2025 to the Office of the Information Commissioner, which included three attachments.

Kind regards,



Office of the
Information
Commissioner

Sam Chea | Administrative
Support Officer (In office –
Mon, Tues & Thurs)

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

T: (08) 6551-7888 | E: sam.chea@oic.wa.gov.au | W:
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From: Hanyu <helloluna520@gmail.com>

Sent: Sunday, 9 November 2025 7:46 PM

To: Info OIC <Info.OIC@oic.wa.gov.au>

Subject: Request for External Review – FOI2025-049 (DPIRD)

Dear Information Commissioner,

I apply for external review under section 65 of the *Freedom of Information Act 1992 (WA)* of the internal review decision issued by the Department of Primary Industries and Regional Development (DPIRD) on 7 November 2025 (ref: FOI2025-049).

This application is lodged within 60 days of that decision in accordance with section 66(2) of the Act.

This matter (hereafter “the present external review”) forms part of a continuing series of FOI investigations concerning DPIRD’s administration of the *Animal Welfare Act 2002 (WA)*. Related external reviews are already before the Commissioner, including:

- **F2025236** (FOI2025-008) — concerning enforcement-result data (“results vacuum”);
- **Pending matter** (FOI2025-017) — concerning procedural and oversight documentation (“process vacuum”).

- **The present review** (FOI2025-049) — concerns the Department’s accountability and governance records (“oversight vacuum”). The three matters are therefore inter-linked and should be considered in context, as they exhibit a consistent interpretive and procedural pattern.

GROUNDINGS FOR REVIEW

1. Unreasonable Interpretation of Scope

DPIRD’s internal-review decision confined my request to “Designated Inspector-specific” documents, despite the Department’s repeated admissions across FOI2025-008, -017 and -049 that:

“DPIRD does not hold documentation specifically relating to DIs which is separate to that for General Inspectors.”

The internal-review decision (para 27) reiterates:

“DPIRD does not record outcome data... DPIRD does not have a regulatory framework, risk assessments or internal compliance reports that is specific to DIs which is separate to that for General Inspectors.”

If such records are not maintained separately, restricting searches to the literal phrase *Designated Inspector* was bound to fail. A reasonable interpretation of my request for “accountability records for the Designated Inspector program” should encompass documents concerning the animal-welfare inspectorate function generally. This recurring narrowing of interpretation across multiple FOI matters is inconsistent with the objects of the Act (section 3(1)), which emphasise public participation and government accountability.

2. Inadequate Search Methodology

Paragraph 21 of the internal-review decision shows DPIRD searched only for three terms:

“designated inspection risk”, “designated inspector”, and “designated inspectors”.

My original application sought categories including:

- ministerial or parliamentary briefings concerning operational performance, inspection outcomes, and record-keeping integrity;
- communications with the Office of the Auditor General or the Ombudsman concerning inspectorate data or regulatory gaps;
- internal risk or compliance assessments addressing statutory obligations.

Reasonable search expressions should have included broader functional terms such as *animal welfare inspectorate*, *animal welfare enforcement*, *ministerial briefing animal welfare*, *compliance performance report*, and *inspectorate risk assessment*.

Under the OIC’s *Reasonable Search Guidelines*, searches must be “likely to locate relevant documents, taking into account the nature of the documents and the agency’s record-keeping practices.”

Given DPIRD’s acknowledged practice of not recording DI activities separately, its narrow keyword search was inconsistent with reasonable-search principles.

3. Implications of Total Non-Documentation

DPIRD asserts that since 1 January 2022 no documents exist evidencing:

- Ministerial or parliamentary briefings on DI or inspectorate performance;
- Communications with the OAG or Ombudsman regarding inspectorate frameworks or data gaps; and
- Internal risk or compliance assessments of statutory obligations.

Either (A) such documents truly do not exist—signifying a failure of governance and ministerial oversight—or (B) they exist under broader functional titles but were excluded due to DPIRD’s narrow search logic.

Possibility (B) is far more plausible and warrants direction for supplementary searches.

REQUESTED OUTCOMES

I respectfully request that the Information Commissioner:

1. Set aside DPIRD’s internal-review decision dated 7 November 2025 and its Section 26 refusal;
2. Direct DPIRD to conduct supplementary searches using broader functional terms relevant to animal-welfare inspectorate operations and ministerial accountability; and
3. Clarify whether agencies may lawfully confine FOI searches to exact keyword matches when records are not maintained as a discrete category.

Given the close factual and procedural relationship among FOI2025-008, -017 and -049, I further request that this review be considered in conjunction with, or by reference to, the existing external-review file F2025236 to ensure consistent treatment of search-scope and “reasonable steps” determinations.

I am open to conciliation where appropriate but request that the substantive review proceed unless a clear and documented resolution is achieved.

Kind regards,

Hanyu Liu

helloluna520@gmail.com

Attachments:

- DPIRD Internal Review Decision (7 Nov 2025)
- Internal Review Application (14 Oct 2025)
- Original FOI Decision (13 Oct 2025)