

Re: Complaint for External Review – FOI2025-059 (DPIRD)

From: Info OIC <Info.OIC@oic.wa.gov.au>
Date: Fri, Mar 20, 2026 8:01 AM
To: Hanyu Liu <helloluna520@gmail.com>
Subject: Re: RE: Complaint for External Review – FOI2025-059 (DPIRD)

Dear Ms Liu,

I acknowledge receipt of your email of 20 March 2026 to the Office of the Information Commissioner, which included five attachments.

Regards,

Lilian Pu
Business Support Officer

T 08 6551 7888 E Info.OIC@oic.wa.gov.au
Albert Facey House, 469 Wellington St, Perth WA 6000,
Australia

www.oic.wa.gov.au

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From: Hanyu Liu <helloluna520@gmail.com>
Date: Fri, Mar 20, 2026 1:01 AM
To: info <info@oic.wa.gov.au>
Subject: Re: Complaint for External Review – FOI2025-059 (DPIRD)

Dear Information Commissioner,

I lodge this complaint for external review in relation to FOI application **FOI2025-059** made to the Department of Primary Industries and Regional Development (DPIRD).

This complaint concerns DPIRD's failure to issue a substantive decision within the access period, followed by its failure to issue an internal review decision within the agreed internal review period.

Background

1. My FOI application **FOI2025-059** was lodged with DPIRD and validated by payment on **14 October 2025**.
2. The application concerns records relating to:
 - recordkeeping compliance for the Designated Inspector (DI) program;
 - lawful appointment, delegation and training of Designated Inspectors; and
 - financial accountability and budgetary records relating to the DI function.
3. On **31 October 2025**, at DPIRD's request, I clarified and narrowed the scope of the application in writing in order to assist processing.
4. Despite that clarification, DPIRD repeatedly sought extensions of time during the access phase. I agreed to multiple extensions in an effort to facilitate a substantive decision.
5. By **13 February 2026**, no Notice of Decision had been provided. DPIRD then sought a further extension beyond that date. I did not agree to any further extension.
6. As no decision was issued within the permitted period, the matter proceeded as a deemed refusal. I then lodged an internal review application, which DPIRD acknowledged and advised was due on **3 March 2026**.
7. On **27 February 2026**, DPIRD requested a short extension of the internal review period to **6 March 2026**. In the interests of allowing the review to be finalised, I agreed to that short extension, while expressly stating that I did not agree to any further extensions beyond **6 March 2026**.
8. DPIRD then sought a further extension beyond **6 March 2026**, to **12 March 2026**. I did not agree.
9. DPIRD subsequently acknowledged that I had not agreed to any further extension, but advised that the application was "continuing to be processed" and that I could pursue external review rights.

Grounds of complaint

1. Cumulative delay amounting to non-decision

FOI2025-059 has been on foot since **14 October 2025**.

Despite scope clarification and repeated cooperation from me as applicant, DPIRD did not issue a substantive access decision within the permitted period.

2. Internal review mechanism rendered ineffective

After the access phase timed out, the internal review process also failed to produce a decision within the agreed period. In my submission, this deprived the internal review mechanism of its intended function as a timely safeguard.

3. Delay not attributable to the applicant

I cooperated throughout the process:

- I refined the scope when requested;
- I agreed to multiple extensions during the access phase; and
- I agreed to one short extension during the internal review phase.

The continuing delay is not attributable to any failure on my part to assist processing.

4. Agency treated external review as the next routine step rather than finalising decision-making

DPIRD's most recent correspondence effectively invited me to proceed to external review while simultaneously stating that it would continue processing the matter. In my submission, this reflects a failure to conclude decision-making within the statutory framework and shifts the practical burden of delay onto the applicant.

The practical effect is that a right of access has been displaced by serial extensions followed by a non-decision at both the access and internal review stages.

What I seek

I respectfully request that the Commissioner:

1. accept this complaint for external review;
2. treat the complaint as concerning DPIRD's failure to provide a substantive internal review decision within the agreed period;
3. require DPIRD to finalise and issue a substantive Notice of Decision without further delay; and
4. otherwise deal with the complaint in the manner the Commissioner considers appropriate.

Please let me know if any further information or supporting material is required.

Kind regards,

Hanyu Liu


Helloluna520@gmail.com
