
Complaint for External Review – FOI 82-06395 (Office of the Minister for Agriculture and Food)

2 messages

Hanyu Liu <helloluna520@gmail.com>
To: info <info@oic.wa.gov.au>

Fri, 20 Mar at 1:20 am

Dear Information Commissioner,

I lodge this complaint for external review in relation to FOI application **82-06395**, made to the Office of the Minister for Agriculture and Food.

The original decision was made by the Hon Jackie Jarvis MLC as principal officer. I subsequently raised concerns with the Ministerial FOI Unit and was advised that internal review is not available in these circumstances. I therefore seek external review.

This complaint concerns:

- inconsistency in the timeframe/scope stated in the Notice of Decision;
- the reasonableness of the search methodology used; and
- the treatment of records relating to the absence of AWAC Annual Reports for 2024–2025.

Background

1. My FOI application sought ministerial records relating to:
 - AWAC annual reports and compliance with its Terms of Reference;
 - ministerial briefings concerning the Designated Inspector (DI) program;
 - DI governance and compliance framework matters; and
 - AWAC advice concerning the DI program.
2. The application expressly sought:
 - AWAC Annual Reports from **February 2022 to present**; and
 - if no such reports existed, any correspondence, briefing notes, memoranda, or similar records explaining their absence, deferral, or non-submission.
3. A Notice of Decision was issued granting access to three documents and refusing access to four documents.
4. After receiving the decision, I raised concerns regarding:
 - the timeframe stated in the decision;
 - the search methodology; and
 - whether any explanatory records existed concerning the absence of AWAC Annual Reports in 2024–2025.
5. In response, the Ministerial FOI Unit advised that:
 - the timeframe stated in the decision had been made in error;
 - searches were in fact undertaken for the period **1 February 2022 to 18 November 2025**; and
 - "AWAC was not functioning in 2024–2025, and therefore no Annual Reports were produced for those years."

Grounds of complaint

1. Timeframe / scope inconsistency

The Notice of Decision stated a timeframe that was later acknowledged by the Ministerial FOI Unit to be incorrect. This is not a minor drafting issue. The timeframe is central to:

- the scope of the search undertaken;
- the categories of documents expected to fall within scope; and
- the reliability of the written reasons in the decision.

The later correction indicates that the written reasons, as issued, were inaccurate on a material point. I request external review of whether the decision adequately and correctly described the scope and timeframe of the application.

2. Search methodology was not reasonably sufficient

The Ministerial FOI Unit explained that searches were limited to narrow subject terms such as:

- "Animal Welfare Advisory Committee"; and
- "designated inspector".

In my submission, that search methodology was not reasonably sufficient to locate all documents within the categories requested, particularly:

- briefings;
- correspondence;
- submissions;
- explanatory memoranda; and
- records explaining the absence of AWAC Annual Reports.

My concern is not that broad generic words should be run indiscriminately across all Ministerial Office systems. Rather, the issue is whether the search methodology used was reasonably capable of locating documents of the kinds requested.

A search confined to only two exact subject terms was, in my submission, too narrow to support a conclusion that no further relevant documents existed within scope.

I request external review of whether reasonable searches were undertaken.

3. No adequate treatment of records explaining the absence of AWAC Annual Reports for 2024–2025

My application expressly sought:

- AWAC Annual Reports; and
- if no such reports existed, any correspondence, briefing notes, or memoranda explaining their absence, deferral, or non-submission.

The Ministerial FOI Unit subsequently advised that:

AWAC was not functioning in 2024–2025, and therefore no Annual Reports were produced for those years.

That statement raises an obvious further question:

- whether any document exists that records, explains, evidences, or communicates that AWAC was not functioning in 2024–2025.

The response I received does not clearly identify:

- whether such explanatory records were located and considered;

- whether no such records exist; or
- how such records were treated under the decision.

If no such records exist, that is itself a relevant governance fact.

If such records do exist, the decision does not adequately explain how they were handled.

I request external review of this aspect of the decision and the underlying search.

Additional concern

I also maintain concern that the treatment of any potentially separable factual or technical material within the refused documents was stated in a conclusory way, without clear explanation as to whether any such material could be released in edited form.

What I seek

I respectfully request that the Commissioner:

1. accept this complaint for external review;
2. review whether the Notice of Decision accurately and lawfully described the scope/timeframe of the application;
3. review whether the search methodology used was reasonable in light of the categories of documents requested;
4. review whether records explaining the absence of AWAC Annual Reports for 2024–2025 were properly identified and considered; and
5. 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

Foi5_ir_rejection.pdf, Foi5_ack_email.pdf, Foi5_result.pdf

Info OIC <Info.OIC@oic.wa.gov.au>
To: Hanyu Liu <helloluna520@gmail.com>

Fri, 20 Mar at 8:09 am

Dear Ms Liu,

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



[Quoted text hidden]