



Department of
**Primary Industries and
Regional Development**

Enquiries: foi@dpird.wa.gov.au
Our reference: FOI2025-049

Ms Han u Liu



Via email: helloluna520@gmail.com

Date: 13 October 2025

Dear Hanyu

NOTICE OF DECISION - FREEDOM OF INFORMATION APPLICATION

I refer to your access application (Ref. FOI2025-049) lodged under the *Freedom of Information Act 1992* (WA) (FOI Act) with the Department of Primary Industries and Regional Development (DPIRD) on 22 August 2025.

The enclosed Notice of Decision outlines DPIRD's decision with respect to the documents requested in your application.

If you are not satisfied with DPIRD's decision in relation to access you have a right to apply for an internal review in accordance with the process outlined in this notice.

Should you have any queries in relation to this matter please do not hesitate to contact me via email at foi@dpird.wa.gov.au.

Yours sincerely

Courtney Taylor

Courtney Taylor
A/Privacy and Information Access Coordinator
Corporate Services
Department of Primary Industries and Regional Development

Attachment: Notice of Decision

NOTICE OF DECISION
UNDER SECTION 30
FREEDOM OF INFORMATION ACT 1992 (WA) (FOI Act)

APPLICANT Ms Hanyu Liu

DECISION MAKER Courtney Taylor, A/Privacy and Information Access Coordinator
Department of Primary Industries and Regional Development (DPIRD)

DELEGATION I have been appointed by the Director General as a decision maker for DPIRD pursuant to s.100 of the FOI Act.

DATE 13 October 2025

DECISION For the reasons set out below, I have today decided that all reasonable steps have been taken by DPIRD to find documents falling within the scope of your application and such documents do not exist within DPIRD.¹

ACCESS APPLICATION

1. On 22 August 2025, DPIRD received your access application (Ref. FOI2025-049) under the FOI Act, requesting information regarding the accountability records for Designated Inspectors (DIs) in animal welfare enforcement in Western Australia. Specifically, you requested:
 - 1.1 *“Ministerial / Parliamentary briefings on the DI program*
 - 1.1.1 *“Documents sought: briefing notes (“ministerials”), submissions, reports, Estimates/Questions-on-Notice briefing packs, or formal correspondence submitted by DPIRD to any WA Minister, Parliamentary Secretary, or Parliamentary Committee concerning:*
 - 1.1.1.1 *“DI operational performance, inspection outputs/outcomes, record-keeping/data integrity, or identified regulatory/compliance issues.*
 - 1.1.2 *“If no such documents exist, please provide an explicit statement confirming that no formal briefing or report on the DI program’s operation or effectiveness has been provided to the Minister or Parliament since 1 Jan 2022.*
 - 1.2 *“Communications with external integrity agencies (OAG / Ombudsman)*
 - 1.2.1 *“Documents sought: formal correspondence, memoranda, or meeting records between DPIRD and the Office of the Auditor General (OAG) or Ombudsman WA concerning:*
 - 1.2.1.1 *“the DI regulatory framework, record-keeping practices, or any identified data gaps/deficiencies.*
 - 1.2.2 *“If no such communications exist, please state explicitly that DPIRD has not sought review, advice, or guidance from OAG or Ombudsman in relation to the DI program since 1 Jan 2022.*
 - 1.3 *“Internal risk / compliance assessments concerning DI statutory duties*
 - 1.3.1 *“Documents sought: internal compliance reports, risk assessments, internal audit reports, risk-register entries, or management briefings produced by DPIRD that assess legal, financial or reputational risks arising from potential or actual failures to meet statutory animal-welfare obligations via the DI program.*

¹ Section 26(1)(b)(ii) of the *Freedom of Information Act 1992* (FOI Act).

1.3.2 *"If no such records exist, please state explicitly that DPIRD holds no formal risk, audit or compliance records assessing its exposure arising from the DI program since 1 Jan 2022."*

1.4 The timeframe of your request was "1 January 2022 to present"; being 22 August 2025 (the date your application was received) (**Application**).

2. You indicated on your FOI Application form that you consent to all personal information of third parties being deleted from the requested documents.

FACTS

3. On 28 August 2025, DPIRD's Enterprise Information Management Branch requested searches for documents falling within the scope of your Application to be undertaken by relevant business areas within DPIRD, being:
 - 3.1 Operations and Compliance Directorate
 - 3.2 Animal Welfare Policy Branch
 - 3.3 Executive and Ministerial Services Branch.
4. The relevant business areas were instructed to conduct searches of electronic databases, email accounts and files where copies of the requested documents, if they existed, would have been held or stored.
5. Searches were also requested to be conducted on Objective Nexus, DPIRD's electronic document records management system, to identify documents falling within the scope of your Application.
6. DPIRD's Operations and Compliance Directorate confirmed that searches were conducted as described at paragraphs [4] and [5] of this decision and that no documents exist which meet the scope of the Application. Officers advised that searches had been conducted using the keywords "designated inspection risk".
7. DPIRD's Animal Welfare Policy Branch confirmed that searches were conducted as described at paragraphs [4] and [5] of this decision and that no documents exist which meet the scope of the Application. Officers advised that searches had been conducted using keywords "designated inspector" and "designated inspectors".
8. DPIRD's Executive and Ministerial Services Branch confirmed that searches were conducted as described at paragraphs [4] and [5] of this decision, in addition to a parliamentary search. No documents were identified which meet the scope of the Application.
9. Following examination of the FOI file on this matter, I consider that reasonable searches have been undertaken to locate the requested documents falling within the scope of your Application, no documents were identified which meet the scope of the Application.
10. On 19 September 2025, DPIRD's Enterprise Information Management Branch contacted you via email offering assistance to provide you with greater understanding of the legislation relating to, and operations of, General Inspectors, and the power provided which authorises the transition of a General Inspector to a Designator Inspector. Contact details for the Director Regional Compliance South were provided and the offer to speak or meet with you to provide further information was extended.
11. On 20 September 2025, you responded to decline the offer of engagement, and advised *"to ensure a clear, unambiguous, and permanent public record, I respectfully decline this offer and will continue to rely on the formal process under the Freedom of Information Act"*

1992 to obtain the requested documents or a formal written statement regarding their existence.”

12. On 8 October 2025, DPIRD's Enterprise Information Management Branch contacted you via email to request for a 4-day extension of time to finalise your application. You agreed to the requested extension of time, thereby extending the permitted period to finalise your application to Monday, 13 October 2025.

DECISION

13. I have decided to refuse access to documents falling within the scope of your Application as outlined at paragraphs [1.1 - 1.3] of this decision for the time period outlined at paragraph [1.4], on the basis that:
 - 13.1 All reasonable steps have been undertaken to find documents falling within the scope of your Application; and
 - 13.2 I am satisfied that documents falling within the scope of your Application do not exist within DPIRD.

DOCUMENTS THAT DO NOT EXIST

14. Section 26 of the FOI Act deals with an agency's obligations in circumstances when it is unable to locate documents sought by an applicant or when those documents do not exist.

Section 26 provides:

- (1) *The agency may advise the applicant, by written notice, that it is not possible to give access to a document if –*
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency is satisfied that the document –*
 - (i) *is in the agency's possession but cannot be found; or*
 - (ii) *does not exist.*
- (2) *For the purposes of this Act the sending of a notice under subsection (1) in relation to a document is to be regarded as a decision to refuse access to the document, and on a review or appeal under Part 4 the agency may be required to conduct further searches for the document.*

15. The access request is specific to documents relating to DIs, which is taken to refer to the Designated Inspector as defined in section 5 and 35A of the *Animal Welfare Act 2002* (AW Act).
16. Under the AW Act, DIs are a subclass of General Inspectors appointed by the Director General in accordance with section 35A of that Act.
17. I am satisfied that all reasonable steps have been taken to search for documents within the scope of your request and that DPIRD does not hold documentation specifically relating to DIs, that falls within the scope of your Application.
18. As the access request is specific to documents relating to DIs, documents not specifically relating to DIs which is separate to that from General Inspectors and DPIRD Officers have not been considered to meet to the scope of your Application.
19. In light of the above, I am satisfied that all reasonable steps have been taken to identify documents falling within the scope of your Application, as outlined at paragraphs

[1.1 - 1.3], for the time period outlined at paragraph [1.4] of this decision, and find that, under section 26 of the FOI Act, documents do not exist.

CLARIFICATION STATEMENT

20. In your Application for access to documents, you requested DPIRD to provide additional information by way of answers to questions set out in your Application outlined in paragraphs [1.1.2, 1.2.1 and 1.3.2] of this decision.
21. The FOI Act creates a right of access to existing documents of an agency, however an agency is not required to create a document to satisfy an access application, where no such document exists.
22. Accordingly, the questions set out in your application and detailed in paragraphs [1.1.2, 1.2.1 and 1.3.2] are considered out of scope.

BACKGROUND ON DESIGNATED INSPECTORS

23. By way of background, the *Animal Welfare and Trespass Legislation Amendment Act 2023*, resulted in amendments to the AW Act administered by DPIRD, including in respect of designated inspections.
24. As outlined in paragraph [16] of this decision, under the AW Act, DIs are a subclass of General Inspectors.
25. DPIRD General Inspectors and DIs have a defined set of standards and training they must undertake as part of being appointed as authorised officers. I was advised that the Operations and Compliance Directorate's work allocation is based on a number of factors including risk, resources, intelligence, biosecurity obligations and inspectorate priorities.
26. DPIRD General Inspectors and DIs routinely obtain consent to enter a property including intensive food production facilities to carry out monitoring for compliance with animal welfare requirements. The provision of DIs provides stronger power of entry to abattoirs, knackeries and intensive food production premises. The power provided which authorises the transition of a General Inspector to DI, **is by exception**.
27. DPIRD does not record outcome data in respect to whether an inspection required the powers of a General Inspector or a DI. 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 within DPIRD.

PREVIOUS FOI APPLICATIONS AND OFFER OF ENGAGEMENT

28. Your Application is the third you have made to the DPIRD relating to the subject matter of DIs.
29. DPIRD issued a decision on the first FOI application (our ref: FOI2025-008), on 30 May 2025 which provided full access to a copy of one document that was created with raw data to fulfil part of your request. Additionally, this decision provided that all reasonable steps had been taken by DPIRD to find documents falling within the remaining scope of your first application and that such documents do not exist within DPIRD. This decision was confirmed by Internal Review Notice of Decision of Ms Kristy Rakitich; A/Manager Enterprise Information Management, dated 8 July 2025.

30. DPIRD issued you with a decision in relation to your second FOI application (our ref: FOI2025-017), on 8 September 2025. This decision provided that all reasonable steps had been taken by DPIRD to find documents falling within the scope of your second application and such documents do not exist within DPIRD. This decision was confirmed by Internal Review Notice of Decision of Ms Nicole Xanthis; A/Privacy and Information Access Manager, dated 2 October 2025.
31. The offer to provide you with greater understanding of the legislation relating to, and operations of, General Inspectors, and the power provided which authorises the transition of a General Inspector to DI has been provided to you on multiple occasions. Despite your refusal to engage with DPIRD throughout the processing of the three FOI applications, this offer is still available to you and you are encouraged to contact Noel Chambers – Director Regional Compliance South, on (08) 9892 8492 or noel.chambers@dpird.wa.gov.au.
32. Arrangements can be made to ensure a transparent and documented discussion.

COSTS AND CHARGES

33. Your Application was validated with the payment of the \$30.00 application fee for non-personal information, and no additional charges have been levied for processing your Application.

RIGHT OF REVIEW

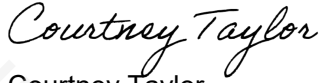
34. If you are not satisfied with this decision, you have a right to apply for an internal review. An application for internal review must be lodged with DPIRD within 30 days after being given this written notice, and must:
- be in writing;
 - provide particulars of the decision to be reviewed; and
 - give an address in Australia.
35. There is no lodgement fee for an application for internal review, nor are there any charges associated with such a request.
36. If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome for an application for internal review may result in confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days.
37. You can lodge an internal review request by email at foi@dpird.wa.gov.au or post, addressed to:

Freedom of Information
 Department of Primary Industries and Regional Development
 Locked Bag 4
 Bentley Delivery Centre WA 6983

FEEDBACK ON OUR SERVICE

38. If you wish to provide any comments or feedback on the service provided by DPIRD in relation to your Application, please email foi@dpird.wa.gov.au.

Yours sincerely



Courtney Taylor
A/Privacy and Information Access Coordinator
Corporate Services
Department of Primary Industries and Regional Development

Attachment: Section 26 of the FOI Act

FREEDOM OF INFORMATION ACT 1992 (WA)**SECTION****26. Documents that cannot be found or do not exist, notice of**

- (1) The agency may advise the applicant, by written notice, that it is not possible to give access to a document if —
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency is satisfied that the document —
 - (i) is in the agency's possession but cannot be found; or
 - (ii) does not exist.
- (2) For the purposes of this Act the sending of a notice under subsection (1) in relation to a document is to be regarded as a decision to refuse access to the document, and on a review or appeal under Part 4 the agency may be required to conduct further searches for the document.