

RE: Clarification Requested — Case Assignment Protocol (External Review F2025236)

Dear Mr Liu

I refer to your below email dated 18 September 2025 relating to the above matter.

I acknowledge your concerns about the timeframes for external review and your request for information about assignment processes.

The Information Commissioner exercises discretion in the management and allocation of external review matters having regard to various factors including, but not limited to, the complexity of matters, available resources, officer expertise, and administrative efficiency considerations. There is no specific written policy document outlining assignment criteria that I can provide to you.

The Commissioner has recognised that delays in the external review process can result in a denial of, or delay in, justice for access applicants, and this office continues to implement internal strategies to address those delays, which are described in annual reports.

In relation to your communications with the Ombudsman WA, I note that the Ombudsman operates independently of this office under separate statutory authority. I am unable to comment on the Ombudsman's processes, reasoning, or decisions regarding the assessment of matters within their jurisdiction.

As previously indicated, you will be contacted by the relevant officer once your matter has been assigned. I am unable to provide a more specific timeframe given the current operational pressures facing this office.

If you believe your matter involves exceptional circumstances warranting priority consideration, you may email externalreview@oic.wa.gov.au with additional details. The information you have provided will be placed on your file for consideration during allocation.

Regards

From: Hanyu <helloluna520@gmail.com>
Sent: Thursday, 18 September 2025 12:04 AM
To: <[REDACTED]> oic.wa.gov.au>
Subject: Clarification Requested — Case Assignment Protocol (External Review F2025236)

Dear [REDACTED]

Thank you for your email of 17 September 2025 and for the frank disclosure regarding the OIC's current backlog.

While I appreciate the context you have provided, the information that my external review faces an indefinite delay, and will be processed according to a non-chronological and non-transparent set of factors, is a matter of profound concern.

Such a situation presents a serious challenge to the principle of timely access to justice, which is a cornerstone of the Freedom of Information Act. An indefinite delay in the review process effectively renders the rights afforded by the Act meaningless.

I have reviewed the OIC's website and annual reports but have been unable to locate any published policy or guideline that sets out how external review matters are allocated. To better understand the framework governing this delay, and in the spirit of procedural fairness, I respectfully request clarification on two points:

- **Access to Assignment Policy:** Could you please provide me with a copy of the OIC's current policy, guideline, or procedural document that outlines the criteria used to assign external review cases to officers? This is a procedural document, not a case-specific file, and directly impacts the statutory rights of applicants. It is therefore reasonable and in the public interest for it to be disclosed.

- **Interaction with Ombudsman's Jurisdiction:** For the public record, I have previously communicated with the WA Ombudsman regarding the DPIRD FOI outcome issues. The Ombudsman's office has advised that it will not assess those substantive maladministration matters until the OIC's process is complete. This places the OIC in the position of being the sole effective gatekeeper of access to oversight. Your office's indefinite delay is therefore the primary procedural barrier preventing another key integrity agency from exercising its jurisdiction.

I trust you will agree that leaving a citizen with no clear path to timely review from any integrity agency is an untenable position.

Accordingly, I would be grateful to receive the assignment policy and your advice on how this procedural deadlock can be resolved, within 14 calendar days.

Yours sincerely,

Hanyu Liu

----- Original -----
From: [REDACTED] <oic.wa.gov.au>
Date: Wed, Sep 17, 2025 11:47 AM
To: Hanyu Liu <helloluna520@gmail.com>
Subject: Re: RE: CRITICAL UPDATE & CONTEXT for External Review F2025236 (re: DPIRD FOI2025-008) – Evidence of Systemic Governance Failure from FOI2025-017

Dear Mr Liu

I refer to your below email about the above matter.

I acknowledge your update to this matter, and I note your concerns in relation to a recent FOI decision that the agency has made.

I am unable to provide you with a timeframe for when your matter will be assigned to an officer. As noted in her letter accepting your matter as a valid external review, the Information Commissioner advised you that this office is experiencing a high number of requests for external review, which is having an adverse impact on the timely resolution of all complaints. That continues to be the case and we regret the delay you have experienced. A copy of the additional information you have provided, along with this email will be put on this external review file.

I can provide you with some context to the matters on hand currently with this office.

This office currently has 221 active external review matters. Of these, 93 have not yet been assigned to an officer, and 75 of those unassigned matters were received prior to yours. While matters are not necessarily assigned in strict chronological order, the date of receipt is one of several factors the Information Commissioner considers when assigning matters to officers.

You will be contacted by the relevant officer once your matter has been assigned.

Kind regards

[REDACTED] **Senior Review and Investigations Officer**
Office of the Information Commissioner | Albert Facey House, 469 Wellington Street, PERTH WA 6000
T: (08) 6551-7888 **I E:** [REDACTED] <oic.wa.gov.au> **I W:** oic.wa.gov.au



Office of the Information Commissioner

NOTE: This message and any attachments may be confidential. If you are not the intended recipient, you must not disclose, use or copy any part of it. If you have received this message in error, please notify the sender immediately, then delete all copies of this message including attachments.

From: Hanyu Liu <helloluna520@gmail.com>
Sent: Wednesday, 17 September 2025 12:44 AM
To: Info OIC <Info.OIC@oic.wa.gov.au>
Cc: mail <mail@ombudsman.wa.gov.au>; info@oag.wa.gov.au
Subject: CRITICAL UPDATE & CONTEXT for External Review F2025236 (re: DPIRD FOI2025-008) – Evidence of Systemic Governance Failure from FOI2025-017

Some people who received this message don't often get email from helloluna520@gmail.com. [Learn why this is important](#)

Dear Information Commissioner,

I write to provide a critical update relevant to my pending external review, F2025236, regarding the Department of Primary Industries and Regional Development's (DPIRD) handling of FOI2025-008.

This update arises from a subsequent and closely related access application, FOI2025-017. The outcome of that application is directly relevant to the issues now before you.

New Evidence from FOI2025-017

On 8 September 2025, after taking a two-week extension, DPIRD issued a formal decision for FOI2025-017. In that decision, the Department stated that no documents exist in response to all three categories of my request:

- No records of the Animal Welfare Advisory Committee (AWAC) ever having considered or advised on the Designated Inspector (DI) program.
- No internal risk assessments, audits, or management briefings concerning the failure to collect DI enforcement data.
- No Standard Operating Procedures (SOPs), policies, or guidelines governing the conduct of Designated Inspectors.

I have lodged an internal review of this decision (10 September 2025), on the basis that the outcome reflects an reasonably narrow and evasive interpretation of the application.

Strategic Relevance to F2025236

- FOI2025-008 (your file F2025236) established a vacuum in enforcement outcome records. DPIRD initially denied any records, then reversed this position during internal review.
- FOI2025-017 now establishes a vacuum in foundational governance records.
- Together, these decisions suggest that the DI program is operating without either **documented procedures** or **recorded outcomes**—a dual absence that raises serious concerns of public administration.

While I acknowledge the OIC's role is to assess the adequacy of DPIRD's searches and the reasonableness of its decisions, I consider these two FOI matters inseparable. Each reinforces the other in demonstrating a broader pattern of evasiveness.

Purpose of this Correspondence

This correspondence serves to:

1. Ensure the OIC is fully apprised of the broader context when reviewing F2025236.
2. Place on the public record, for the attention of the Ombudsman and the Auditor General, the accumulating evidence of what appears to be severe maladministration at DPIRD.

All referenced documents are publicly archived at: <https://unseenbeings.org>.

I trust this update will assist the OIC in its assessment of F2025236 and will provide an evidentiary foundation for any future inquiries by other integrity agencies.

Yours sincerely,

Hanyu Liu