



Department of
Primary Industries and
Regional Development

Enquiries: foi@dpird.wa.gov.au
Our reference: FOI2025-017

Ms Hanyu Liu



Via email: helloluna520@gmail.com

Date: 8 September 2025

Dear Hanyu,

NOTICE OF DECISION - FREEDOM OF INFORMATION APPLICATION

I refer to your access application (Ref. FOI2025-017) lodged under the *Freedom of Information Act 1992* (WA) (FOI Act) with the Department of Primary Industries and Regional Development (DPIRD) on 10 July 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,

Ctaylor

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 8 September 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 10 July 2025, DPIRD received your access application (Ref. FOI2025-017) under the FOI Act, requesting information regarding the oversight and transparency of Designated Inspectors (DIs) in animal welfare enforcement in Western Australia. Specifically, you requested:
 - 1.1 *“AWAC oversight records of Designated Inspectors (DIs)”*
 - 1.1.1 *“All AWAC documents produced since 1 January 2023, strictly limited to meeting minutes, agendas, recommendations, briefing notes, or formal correspondence that explicitly discuss or address the oversight, effectiveness, transparency, accountability, or audit of Designated Inspector (DI) activities, data collection practices, or enforcement outcomes under the Animal Welfare Act 2002.”*
 - 1.1.2 *“If no such documents exist, please explicitly confirm that AWAC has not discussed or addressed DI oversight in any formal capacity since January 2023.”*
 - 1.2 *“DPIRD internal risk assessments regarding DI data deficiencies”*
 - 1.2.1 *“Any internal DPIRD memoranda, policy papers, risk assessments, internal audits, or management briefings produced since 1 January 2023, specifically addressing the identified absence, non-collection, loss, or inability to produce inspection or enforcement outcome data relating to Designated Inspectors (DIs). This includes any documented risks, compliance issues, governance concerns, or accountability implications arising from DPIRD’s failure or inability to maintain and demonstrate effective DI oversight.”*
 - 1.2.2 *“If no such documents exist, please explicitly state whether DPIRD has undertaken any formal internal evaluation or risk management steps in response to these known data deficiencies.”*
 - 1.3 *“Current DPIRD policies or procedures governing Designated Inspector (DI) operations”*
 - 1.3.1 *“The current and complete version (as at 9 July 2025) of any DPIRD Standard Operating Procedure (SOP), policy, formal departmental*

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

instruction, operational manual, guideline, or standardised form/template that directly governs or prescribes the conduct of DI inspections, enforcement activities, data collection methods, record-keeping obligations, or the internal and external reporting requirements regarding DI enforcement outcomes.

- 1.3.2 *"If no formal SOP, policy, manual or procedure exists, please explicitly confirm how DIs currently fulfil their statutory obligations in practice, including how inspections, data and accountability are managed and documented."* (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 16 July 2025, DPIRD's Enterprise Information Management Branch requested searches for documents falling within the scope of your application to be undertaken by the relevant business areas within the department, being:
- 3.1 Operations and Compliance Directorate,
 - 3.2 Animal Welfare Policy Branch and
 - 3.3 Governance and Standards 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, the Department's electronic document records management system, to identify documents falling within the scope of your application.
6. On 18 July 2025, 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 of the scope of the application as outlined at paragraph [1.2] of this decision.
7. On 23 July 2025, DPIRD's Governance and Standards Branch confirmed that searches were conducted as described at paragraphs [4] and [5] of this decision and that no documents exist which meet the of the scope of the application as outlined at paragraph [1.3] of this decision.
8. On 29 July 2025, the Animal Welfare Policy Branch of the Animal Biosecurity and Welfare Directorate confirmed that searches were conducted as described at paragraphs [4] and [5] of this decision and that no documents exist which meet the of the scope of the application as outlined at paragraph [1.1] of this decision.
9. On 20 August 2025, you were emailed a request for a two-week extension of time to process your application. You agreed to the requested extension of time, thereby extending the permitted period to finalise your application to Monday, 8 September 2025.

DECISION

10. I have decided to refuse access to documents falling within the scope of your application as outlined at paragraph [1.1, 1.2 and 1.3] of this decision, on the basis that:
- 10.1 All reasonable steps have been undertaken to find documents falling within the scope of your Application; and

- 10.2 I am satisfied that documents falling within the scope of your Application do not exist within DPIRD.

Documents that do not exist

11. 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.*
12. 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).
13. The first part of the scope of your Application, as detailed at paragraph [1.1] of this decision, requests Animal Welfare Advisory Committee (AWAC) documents, which explicitly discuss or address DI activities or practices.
14. The AWAC is a non-statutory body appointed by the Minister for Agriculture and Food and is independent of DPIRD. The AWAC reports directly to the Minister as an advisory body for matters concerning the AW Act.
15. 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 AWAC documents relating to DIs. Therefore, no documents could be identified falling within this part of the scope of your Application as detailed at paragraph [1.1].
16. As detailed at paragraph [1.2] of this decision, you also requested documents "*specifically addressing the identified absence, non-collection, loss, or inability to produce inspection or enforcement outcome data relating to Designated Inspectors (DIs)*".
17. Under the AW Act, DIs are a subclass General Inspectors appointed by the Director General in accordance with section 35A of that Act.
18. 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 which is separate to that for General Inspectors within DPIRD, that falls within the scope of your application as detailed at paragraph [1.2].

19. Additionally, the next part of the scope of your application, as detailed at paragraph [1.3] of this decision, requests policy documents which directly govern or prescribe the conduct of DIs.
20. 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 which is separate to that for General Inspectors within DPIRD as detailed at paragraph [1.3].
21. As the access request is specific to documents relating to DIs, documents not specifically relating to DIs which is separate from that from general inspectors and DPIRD staff have not been considered to meet to the scope of your Application.
22. 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, 1.2 and 1.3] of this decision, and find that, under section 26 of the FOI Act, documents do not exist.

Clarification Statement

23. In your application for access to documents, you also requested DPIRD to provide additional information by way of answers to questions set out in your application and detailed in paragraphs [1.1.2, 1.2.2 and 1.3.2] of this decision.
24. 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.
25. Accordingly, the questions set out in your application and detailed in paragraphs [1.1.2, 1.2.2 and 1.3.2] are considered out of scope.

COSTS AND CHARGES

25. 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

26. 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.
27. There is no lodgement fee for an application for internal review, nor are there any charges associated with such a request.
28. 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.

29. 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

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

Kind regards,

Ctaylor

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