



Department of
Primary Industries and
Regional Development

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

Ms Han u Liu



Sent via email: helloluna520@gmail.com

Date: 2 October 2025

Dear Hanyu Liu

INTERNAL REVIEW NOTICE OF DECISION

I refer to your internal review application lodged under the *Freedom of Information Act 1992* (WA) with the Department of Primary Industries and Regional Development (DPIRD) on 10 September 2025, in relation to FOI application FOI2025-017.

As the A/Privacy and Information Access Manager, I have been asked to undertake an independent internal review of the decision of Ms Courtney Taylor, A/Privacy and Information Access Coordinator dated 8 September 2025.

You have agreed to extend the due date for the conduct of the internal review to 2 October 2025.

The enclosed Internal Review Notice of Decision outlines DPIRD's decision with respect to your application for an internal review.

If you are not satisfied with DPIRD's decision in this review, you have a right to apply for an external review in accordance with the process outlined at the end of this notice.

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

Yours sincerely

A handwritten signature in cursive script that reads 'NXanthis'.

Ms Nicole Xanthis
A/Privacy and Information Access Manager
Information Services – Corporate Services
Department of Primary Industries and Regional Development

Attachment: Internal Review Notice of Decision

FREEDOM OF INFORMATION ACT 1992 (WA) (FOI Act)**INTERNAL REVIEW NOTICE OF DECISION****UNDER SECTION 43**

APPLICANT Ms Hanyu Liu

DECISION MAKER Ms Nicole Xanthis
A/Privacy and Information Access Manager
Information Services – Corporate Services
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 2 October 2025

DECISION For the reasons set out below, I have decided to confirm the original decision made by Ms Courtney Taylor, A/Privacy and Information Access Coordinator on 8 September 2025, 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

BACKGROUND

1. On 10 July 2025, DPIRD received your initial application under the FOI Act (Ref FOI2025-017), requesting information regarding the oversight and transparency of Designated Inspectors (DIs) in animal welfare enforcement in Western Australia. Specifically:
 - 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 Section 26(1)(b)(ii) of the *Freedom of Information Act 1992* (FOI Act).

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 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.
3. You were provided a Notice of Decision on 8 September 2025 that all reasonable steps had been taken by DPIRD to find documents falling within the scope of your Application and such documents do not exist within DPIRD.² (**Original Decision**).

SCOPE OF INTERNAL REVIEW REQUEST

4. On 10 September 2025, DPIRD received your request for an internal review of the Original Decision. You sought review of the decision on the following 4 grounds:

4.1 **Ground 1 - Misconstruction of scope**

You have stated that the scope has been interpreted to limit documents specifically relating to DIs which you consider “*unreasonably narrow and illogical construction*”. You have requested a review of all general inspector level documents that refer to or govern DI’s and provide edited copies where appropriate.

4.2 **Ground 2 - Inadequate Searches**

You have stated that the decision does not particularise custodians, systems, or search terms and without this detail you consider it impossible to accept that all reasonable steps were undertaken as required by s. 26 of the FOI Act.

You have requested that the review:

4.2.1 Identify the **custodians** searched (e.g. Animal Welfare Policy, Operations & Compliance, Governance & Standards, Ministerial Liaison Unit, AWAC secretariat, Office of the DG/Deputy DG).

4.2.2 Identify the **systems** searched (Objective Nexus, Ministerial brief logs, risk registers, Outlook/Exchange).

4.2.3 Identify the **keywords** used (“designated inspector”, “DI”, “designate*”, “general inspector”, “AWAC”, “brief/ministerial/committee”, “SOP/guideline/manual”, “risk”, “audit”, “compliance”, “record-keeping”, “reporting”).

4.3 **Ground 3 - AWAC Holdings**

You have stated it is unclear whether DPIRD provides secretariat or administrative support to AWAC which in turn, raises the issue of whether DPIRD holds relevant agendas, minutes, or correspondence. You have stated if

² Section 26(1)(b)(ii) of the *Freedom of Information Act 1992* (FOI Act).

DPIRD does not hold such documents, it should identify the relevant holding authority or consider a transfer to the other agency under s.15 of the FOI Act.

4.4 Ground 4 - Procedural Fairness

You have stated:

"The decision dismisses my request for explicit confirmation (in the event of no documents) as "out of scope". This mischaracterises the request.

- *I did not seek creation of new documents; I sought explicit confirmation of a search outcome.*
- *Providing a written s.26 statement is consistent with procedural fairness and with the duty to assist under s.11"*

5. Under s. 43(2) of the FOI Act, an internal review decision is due 15 calendar days after the request was lodged, unless otherwise agreed between the applicant and the agency.
6. On 19 September 2025, DPIRD requested two weeks extension of time to finalise your internal review (9 October 2025) and you provided your consent for one week extension thereby making the revised due date, Thursday 2 October 2025.

CONSIDERATIONS

7. The purpose of this review is to confirm, vary or reverse the Original Decision.
8. An internal review is to be dealt with as if it were an access application under the provisions of Divisions 2, 3 and 4 of the FOI Act and is also aimed to:
 - 8.1 Ensure that transparency and accountability have been met in handling the application.
 - 8.2 Review the Original Decision and confirm whether all reasonable processes were undertaken.
 - 8.3 Address the 4 grounds raised in your internal review request.
9. The former Information Commissioner has said that *'the adequacy of an agency's efforts to locate documents are to be judged by having regard to what is reasonable in the circumstances.'*³ In light of this position and considering the points raised in your internal review request, I consulted relevant business areas as outlined in paragraphs [3.1–3.3] of the Original Decision for their comment and searches undertaken that may produce documents fulfilling your request.
10. I also considered whether amending the wording of your request would result in the discovery of documents. The former Information Commissioner said *'the extent to which the FOI Coordinator needs to look beyond the wording of the access application will depend on the circumstances of any given application. If at any stage, it is apparent that other search terms would be relevant, it is incumbent upon the agency to conduct searches using those terms for key word searches.'*⁴
11. Based on the advice provided by the relevant business areas in DPIRD, I am satisfied that the documents falling within the scope of your Application do not exist.

³ *Re Leighton and Shire of Kalamunda* [2008] WAICmr 52

⁴ *Alannah Joan Geraldine MacTiernan and Minister for Regional Development, Re* [2009] WAICmr 29

12. In addressing Ground 1, you have argued that all materials that govern general inspectors would also apply to DIs. Arguably, this will mean every policy, procedure and instruction that applies to a DPIRD staff member would also apply to DIs. Such access application would divert a substantial and unreasonable portion of DPIRD's resources from its other operations and will most likely result in a refusal by DPIRD to deal with the application. In any event, I have reviewed your application form dated 10 July 2025 and note you have stated in your Application that the subject matter relates to Designated Inspector Oversight and Transparency. I am of the view that the scope of your request [1.1 to 1.3] is specific to DIs only and not General Inspectors and all DPIRD staff. In your internal review application, you have requested all general inspector level documents that refer to or govern DIs and provide edited copies where appropriate. This is not within the scope of your original request and thus, was not considered in the Original Decision. As advised earlier, the purpose of this internal review is to confirm, vary or reverse the Original Decision. As such, I am of the view that the Original Decision did not misconstrue the scope of your Application.
13. DPIRD's has published its regulatory approach, which outlines how DPIRD carries out its regulatory responsibilities. This information is made available without disclosing specific enforcement methodologies, confidential sources of information or any details that may pose a risk to the safety of DPIRD officers. All DPIRD inspectors are subject to the *Public Sector Management Act 1994* and their conduct is also subject to oversight by the Corruption and Crime Commission (CCC). This ensures accountability, integrity and compliance with the public sector standards. Further information on DPIRD's regulatory approach, the legislation it administers including animal welfare legislation and the role of the Public Sector Commission is available at the following links:
- 13.1 [DPIRD Regulatory Approach](#)
 - 13.2 [Legislation managed by DPIRD](#)
 - 13.3 [Animal Welfare legislation](#)
 - 13.4 [Public Sector Commission – Conduct and Integrity](#)
14. Access procedures do not apply to documents that are publicly available⁵ and these documents are considered outside of the scope of your application.
15. In addressing Ground 2, I disagree that the Original Decision has not provided you with the detailed information requested at paragraphs [4.2.1 and 4.2.2] of this decision. As outlined in paragraphs [3.1–3.3] of the Original Decision, the relevant business areas responsible for conducting the searches are clearly identified. I have viewed the signed search forms completed by the business areas to confirm that the searches were conducted on Objective Nexus, DPIRD's electronic document records management system. I also confirm staff in those business areas were instructed to search their own drives and emails for documents that were specific to DIs. The Animal Welfare Policy Branch searched their "Animal Welfare Advisory Committee" folder on Objective Nexus. The business areas used the following search terms to locate documents:
- 15.1 "Designated Inspectors"
 - 15.2 "DI"
 - 15.3 "Designated Inspector"
 - 15.4 "Designated"
16. As such, I am of the view that the Original Decision has provided sufficient detail, and the sighting of the completed search forms establishes that all reasonable steps have been taken to locate documents falling within the scope of your Application.
17. In addressing Ground 3, the AWAC was established by the former Minister for Agriculture and Food on 16 February 2022 as a non-statutory body appointed directly

⁵ Section 6a of the FOI Act

by the Minister. The AWAC was established with a membership of 6 advisors with various expertise in animal welfare, to advise the Minister on policy and legislative matters relating to animal welfare. The AWAC members' terms expired on 16 February 2024.

18. Aside from DPIRD's role in assisting the Minister to administer the *Animal Welfare Act 2002*, there is no relationship between the AWAC and DPIRD. None of the former members of the AWAC are DPIRD employees. There is no scope of transferring your access application under s.15 of the FOI Act as the AWAC no longer exists and there are no reasonable grounds for me to believe that your requested documents are held by another agency. The relevant business areas, in particular the Animal Welfare Policy Branch confirmed that they do not hold any documents falling within the scope of your Application. The question of whether 'all reasonable steps' have been taken by an agency to locate documents is a question of fact for the decision maker.⁶ In this instance, I am satisfied that all reasonable steps have been taken by DPIRD to find documents falling within the scope of your Application.
19. In addressing Ground 4, DPIRD has provided you with a Notice of Decision stating that under s.26 of the FOI Act no documents exist within DPIRD. I am of the view that this is providing you with an outcome of searches. DPIRD has also advised you in the Original Decision that the FOI Act does not give rise to a requirement to provide additional information as to do so would expand the scope of the application and cause DPIRD to create a new document in response to the FOI application. I agree with this view and confirm there is no denial of procedural fairness.

INTERNAL REVIEW DECISION

20. The Original Decision provided that the following questions must be answered before an agency can rely on s. 26 to refuse access to documents. Firstly, whether there are reasonable grounds to believe that the requested document exists or should exist, and is, or should be, held by the agency. Secondly, where that question is answered in the affirmative, whether the agency has taken all reasonable steps to locate the document.
21. In response to the first question, in conducting this review, I am satisfied that the documents do not exist and that DPIRD has taken all reasonable steps to locate documents, and they do not exist.
22. In light of the above information, I have decided to confirm the Original Decision by Ms Courtney Taylor A/Privacy and Information Access Coordinator made on 8 September 2025, to refuse access to the requested documents, pursuant to s. 26 of the FOI Act, as the documents do not exist.

RIGHT OF REVIEW

23. If you are not satisfied with this decision, you have a right to request an external review of my decision with the Office of the Information Commissioner. A complaint must be lodged with the Information Commissioner within 60 calendar days after being given this written notice, and must:
 - 23.1 be in writing;
 - 23.2 give particulars of the decision to which the complaint relates;
 - 23.3 include a copy of this internal review notice of decision; and
 - 23.3 give an address in Australia to which notices under the FOI Act can be sent.
24. There is no lodgement fee for an application for external review nor are there any charges associated with such a request.

⁶ *Chu v Telstra Corporation Ltd* [2005] FCA 1730.

25. You can lodge an external review request by post, addressed to

Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

26. Please contact the Office of the Information Commissioner on (08) 6551 7888 or by email at info@oic.wa.gov.au should you have any queries or require further information concerning your review rights.

Feedback on our service

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

Yours sincerely

NXanthis

Ms Nicole Xanthis
A/Privacy and Information Access Manager
Corporate Services
Department of Primary Industries and Regional Development