



**ACT**  
Government


Transport Canberra and  
City Services

## FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 18-106

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Not published
4. Additional information identified	No
5. Fees	nil
6. Processing time (in working days)	22 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a





Freedom of Information Coordinator  
Environment, Planning and Sustainable Development Directorate  
ACT Planning and Land Authority  
GPO Box 158  
CANBERRA ACT 2601


Dear Sir/Madam,

**RE: Request for documents under the Freedom of Information Act 2016**

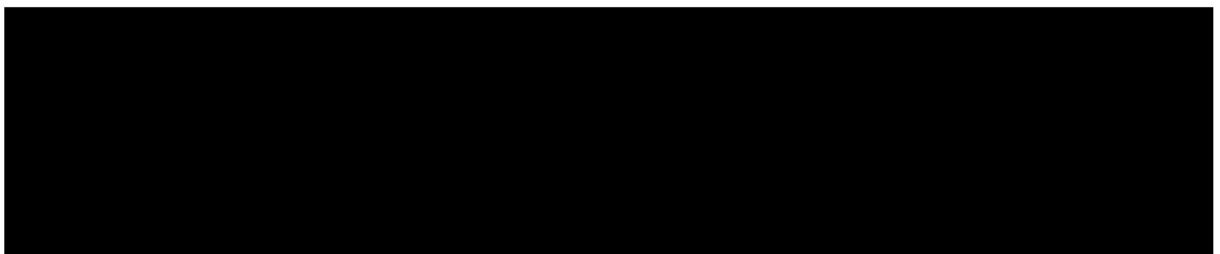
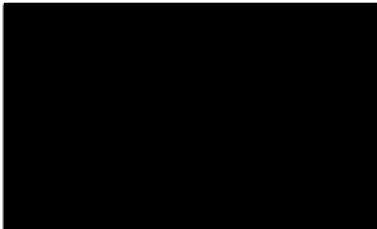
I write to request any and all documents and information held, by the Environment, Planning and Sustainable Development Directorate and the Office of the Minister for Heritage relating to the answering of Question on Notice Number 1741.

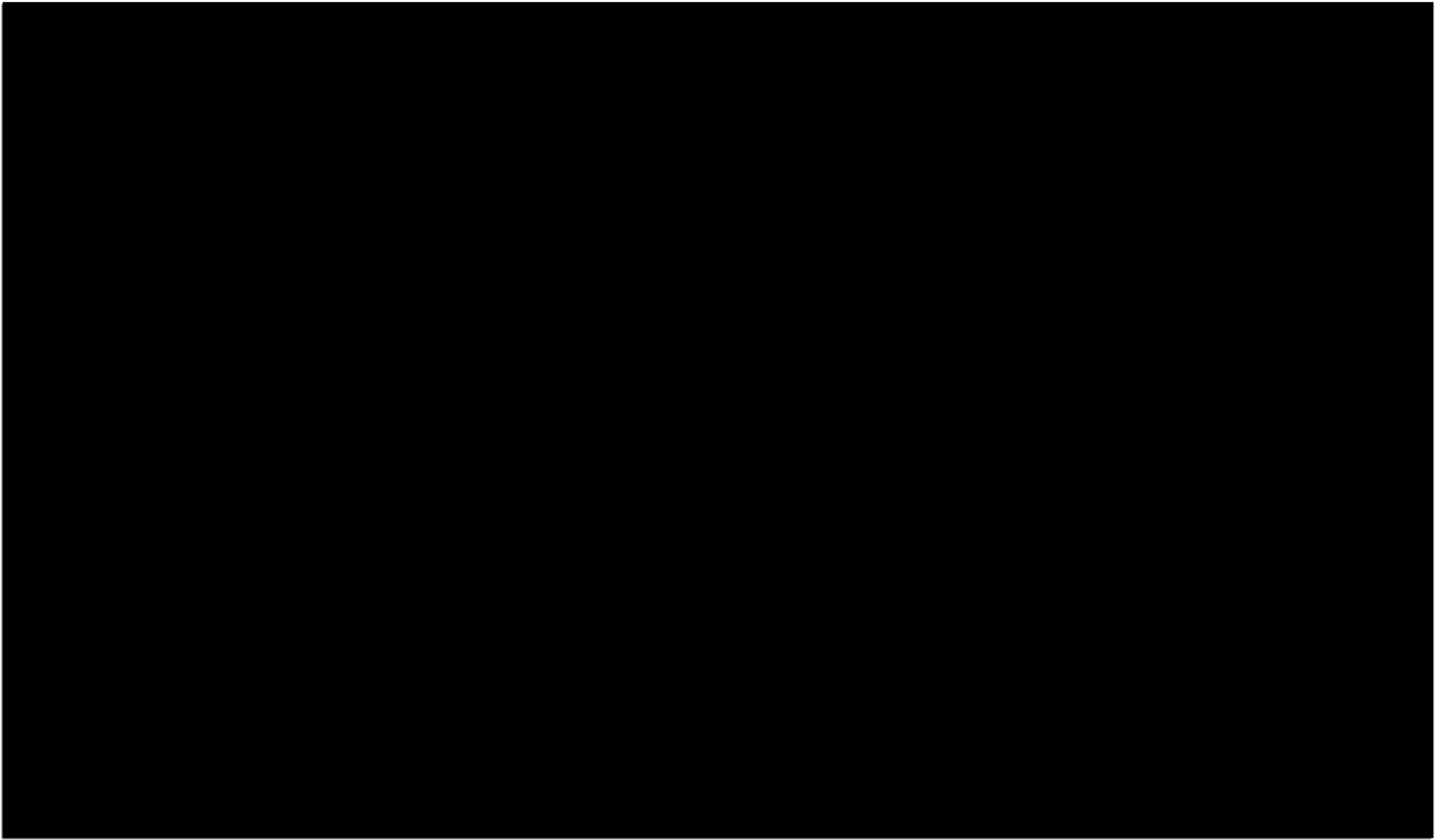
My request covers, but is not limited to, records of correspondence, meetings, telephone conversations, letters, emails, file notes, minutes, briefings, constituent letters as well as letters from any MLAs, organisations and members of the public.

I ask that any fees and charges associated with this request be waived as I am a   


Should you require any further information or clarification about my request, please contact my office on 

Yours sincerely,







**ACT**  
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Transport Canberra and  
City Services



Dear 

### **Freedom of Information Request - Reference 18-106**

I refer to your application made under the *Freedom of Information Act 2016* (the Act), which was redirected to Transport Canberra and City Services Directorate (TCCS) on 22 November 2018, in which you sought:

- Any and all documents and information held by [TCCS] relating to the answering of question on notice number 1741.

Question on notice (QON) number 1741 related to a dog attack in early 2016 in Spence.

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Thank you for your patience in providing extensions to progressing your request. TCCS was required to provide a decision on your access application by 20 December 2018. An extension was sought to 24 January 2019.

### **Decision on access**

Searches were completed for documents relevant to your request. I have identified 11 documents relevant to the answering of the questions you asked on notice on the 22 September 2018.

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included at [Attachment A](#) to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of the documents.

I have decided to grant access, under section 50 of the Act, to copies of documents with deletions applied to information that I consider would be contrary to the public interest to disclose or is outside the scope of the request.

## Statement of Reasons

The primary source documents for responding to QON 1741 are the decision notices and reason statements; the investigation report; domestic animal services (DAS) impoundment forms, seizure notices and complaint reports; and an email between DAS rangers about attendance at the residential units at O'Neill Street, Spence.

In reaching my access decision, I have taken the following into account:

The Act, in particular:

- **Factors favouring disclosure in the public interest (schedule 2)**
  - 2.1 (a) (iii) inform the community of the government's operations including the policies guidelines and codes of conduct followed by the government in its dealings with members of the community.
  - 2.1 (a) (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.
- **Factors favouring non-disclosure**
  - Schedule 2, 2.2 (a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.
  - Schedule 1.4 - sensitive information - Information disclosure of which is taken to be contrary to the public interest.

I consider that generally there is public interest in release of information that supports and provides context to information presented to the Legislative Assembly. In this case, factors that support release include the public interest in informing the community about government operations and reveal the reasons for decisions.

In considering the public interest, I identified information in the identified documents that could however prejudice the protection of an individual's right to privacy or another right under the *Human Rights Act 2004* as contained in Section 2.2 (a)(ii) of the FOI Act. Some of this information was also sensitive information which is taken to be contrary to the public interest to release.

Under the *Human Rights Act 2004* everyone has the right to privacy and reputation which includes a right to protection from interference of privacy, family, home or correspondence and not have his or her reputation unlawfully attacked. Personal information means information or an opinion whether true or not about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

In applying the public interest test at section 17 of the FOI Act, I have decided that release of names and contact details of the parties involved in the attack and of witnesses could prejudice individual rights to privacy. I have also decided that statements made about the living arrangements and personal relationships of people are also subject to protection from release in protecting the privacy of individuals. As such, this information has been redacted.

### **Charges**

No fee is payable as the number of pages being released is below the fee-free threshold. If a fee was chargeable it would have been waived under section 107 of the Act as you are



### **Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published but I have decided that it is not in the public interest to publish online the documents released to you. Despite my decision to release the documents under FOI, case information regarding dog attack investigations is sensitive to the individuals involved in the matter and are therefore not published on line as open access material.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore Street  
GPO Box 370  
CANBERRA CITY ACT 2601  
Telephone: (02) 6207 1740  
[www.acat.act.gov.au](http://www.acat.act.gov.au)

If you have any questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email [tccs.foi@act.gov.au](mailto:tccs.foi@act.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cherie Hughes'.

Cherie Hughes  
Information Officer

24 January 2019