



## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-044

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not applicable
4. Documents	Not applicable
5. Additional information identified	Not applicable
6. Fees	Not applicable
7. Processing time (in working days)	42 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable
11. Additional information identified by ACAT	Not applicable

**From:** [REDACTED]  
**To:** [TCCS FreedomOfInformation](#)  
**Subject:** FOI request - TCCS DAS  
**Date:** Monday, 1 April 2024 8:55:00 PM

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Hi TCCS FOI team,

Please see below request for information in relation to TCCS DAS and Animal Nuisance complaints:

- Volume (in number) of Animal Nuisance complaints were received by TCCS DAS between January 2023 to January 2024 via the formed complaint letter, phone or email;
- Volume (in number) of Animal Nuisance complaints actioned via investigations, canvassing, notifications (Notice to Remedy) or 'sit ins' between January 2023 to January; 2024;
- Volume (in number) of 'Contravention of nuisance notice S112(7)' issued by TCSS between January 2023 to January 2024;
- Volume (in number) of Animal Nuisance related seizures and/or infringements by TCCS between January 2023 to January 2024;
- Volume (in number) of Animal Nuisance related case closures between January 2023 to January 2024;

Correspondence should be conducted via email and flexible with timing.

[REDACTED]  
[REDACTED]  
[REDACTED]

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### Freedom of Information Request - Reference 24-044

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 1 April 2024 seeking the following information under the *Freedom of Information Act 2016* (the Act):

“Information in relation to TCCS DAS and Animal Nuisance complaints:

Volume (in number) of Animal Nuisance complaints were received by TCCS DAS between January 2023 to January 2024 via the formed complaint letter, phone, or email;

1. Volume (in number) of Animal Nuisance complaints actioned via investigations, canvassing, notifications (Notice to Remedy) or 'sit ins' between January 2023 to January; 2024;
2. Volume (in number) of Animal Nuisance complaints actioned via investigations, canvassing, notifications (Notice to Remedy) or 'sit ins' between January 2023 to January 2024.
3. Volume (in number) of 'Contravention of nuisance notice S112(7)' issued by TCCS between January 2023 to January 2024;
4. Volume (in number) of Animal Nuisance related seizures and/or infringements by TCCS between January 2023 to January 2024;
5. Volume (in number) of Animal Nuisance related case closures between January 2023 to January 2024”

#### Timeframes

A decision on your access application was initially due to you by 14 May 2024. I thank you for agreeing to an extension until 24 May 2024. In accordance with section 41 of the FOI Act, a further extension was requested until 3 June 2024. At the time of my decision, no response refusing this request was received.

#### Authority

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 FOI Act.

#### Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and the information requested has been compiled. In applying the public interest at section 17 of the FOI Act, I have found the requested information to be in the public interest and provide you with full access. The reasons for my decision are provided below under the heading 'statement of reasons'. Please see the below information:

1. Between the period outlined above, DAS received 248 animal nuisance complaints.
3. Between the period outlined above, DAS issued 2 nuisance notices under section 112(7) of the Domestic Animals Act 2000.
4. Between the period outlined above, DAS issued 2 infringements that were Animal Nuisance related.
5. Between the period outlined above, DAS closed 344 animal nuisance complaints. Please note that some of these closures related to complaints received prior to the date of January 2023.

Data relating to part 2 of your application is not captured in TCCS databases. Further, statistics in relation to the number of animal nuisance seizures sought in part 4 of your application are not captured by Domestic Animal Services. I am confident that the information requested in these parts of your application are not held by TCCS.

### **Statement of Reasons**

The FOI Act has a pro disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I must decide where, on balance, public interest lies in the disclosure of government information. Section 17(1) of the Act sets out the steps for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the FOI Act. If no factor in schedule 1 is found relevant, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

In making my decision on disclosing the relevant government information, I have taken the following into account:

- the FOI Act.
- the content of the documents that fall within the scope of your request.
- the Human Rights Act 2004.

### **Schedule 1:**

- No relevant sections identified.

### **Schedule 2:**

#### **Factors favouring disclosure (Schedule 2.1)**

- Schedule 2.1(a)(i) – contribute to positive and informed debate on important issues or matters of public interest; and
- Schedule 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.

#### **Factors favouring non-disclosure (Schedule 2.2)**

- No relevant sections identified.

In reviewing the relevant information, I have considered that information relating to handling of animal nuisance complaints is generally of interest to the community, and disclosure of the information is likely to contribute to positive and informed debate on important issues or matters of public interest. I have also considered that the requested information relates to the handling of complaints by Domestic Animal Services, and as such is likely to inform the community of the government's operations. In my review, I did not identify any factors favouring non-disclosure.

I have found that disclosure is, on balance, in the public interest and provide you with full access to the requested information.

### **Charges**

No fee is applicable as the number of pages being released is within the fee-free threshold.

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

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your access application and this notice of decision will be published on the disclosure log within 3 – 10 business days. Your personal information will be removed from these documents prior to publication in the [TCCS Disclosure Log](#).

### **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 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  
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 queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to [tccs.foi@act.gov.au](mailto:tccs.foi@act.gov.au).

Yours sincerely



Lisa Johnson  
Information Officer

3 June 2024