



**ACT**  
Government

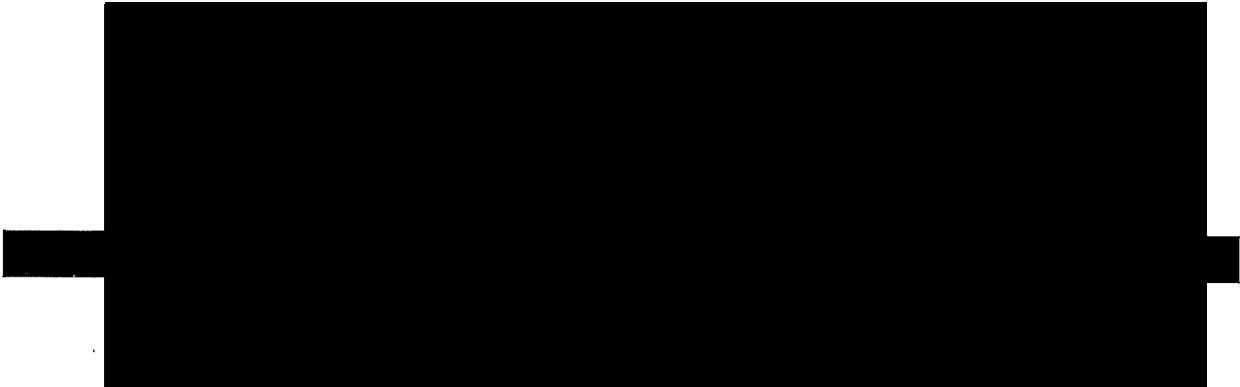
Transport Canberra and  
City Services

## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 2019-50

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	50 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



FOI – Information Management Team  
Transport and City Services  
Directorate  
GPO Box 158  
CANBERRA ACT 2601


Dear Sir/Madam,

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

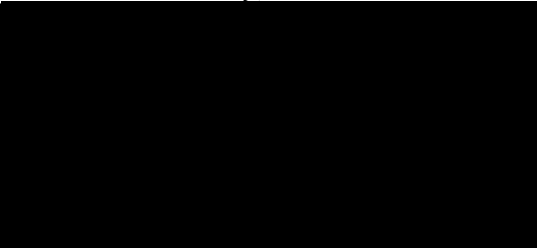
I write to request under the Freedom of Information Act 2016 all documents relied on in preparing the speech concerning dog management by Mr Steel on 20 March 2019.

My request covers, but is not limited to, records of correspondence, meetings, telephone conversations, letters, file notes, emails, minutes, briefings etc. Including those created in the process of creating briefing notes.

I ask that any fees and charges associated with this request be waived. I do so on the basis that it is in the public interest that I be given access to these documents and that there has been a long-standing convention, both at a Commonwealth, State and Territory level that members of parliament are not to be charged for access to documents requested under FOI legislation.

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

Yours sincerely,

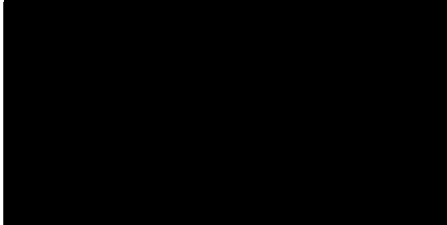




**ACT**

Government

Transport Canberra and  
City Services



Dear 

**Freedom of information request:** Reference 19-050

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services Directorate (TCCS) on 16 May 2019, in which you sought access to:

*All documents relied on in preparing the speech concerning dog management by Mr Steel on 20 March 2019.*

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.

TCCS was required to provide a decision on your access application by 26 June 2019. Thank you for agreeing to an extension.

**Decision on access**

Searches were completed for relevant documents and 16 pages of information were identified that fall within the scope of your request.

I have decided to grant full access to the documents.

On this occasion, as there are only a small number of documents and I am releasing in full I have not included a schedule of documents with my response.

**Statement of Reasons**

In reaching my access decision, I have taken schedule 2 of the Act into account. It is not entirely clear where the public interest lies in providing documents that informed a speech of a Minister except to the extent that it provides the source material and substantiates the claims made in the speech. None-the-less, there is clear public interest when applied to the source documents which deal with dog management by Domestic Animal Services.

I have carefully considered the public interest in releasing the street locations of offences under the Domestic Animals Act by dog owners. In some cases, there may

be clear public interest where the information may reveal, for example, where a dog attack has occurred or the street in which a problematic dog lives. It could be claimed that this information is in the public interest because it could relate to public health and safety.

It does not follow however that the location of the attack is necessarily where the dog lives or frequents.

The list also relates to issues that do not have a public health and safety aspect such as where dogs are roaming and are found on private property. I considered whether a person who complained of a roaming dog would want their street identified in a public release of information.

I gave substantial weight to the fact that the information contains no house numbers. I found that the information cannot be personal information without the house number of the incident included. I considered if it was information that may prejudice the flow of information to DAS as a regulatory agency or the ability to obtain confidential information or would, if released prejudice, the management function of TCCS. In this case, the generality of the information influenced my view that the information was in the public interest to release.

Under section 17 of the Act, I cannot consider if access to the information would result in a person misinterpreting or misunderstand the information or result in confusion.

On balance I have decided that there is no factor favouring nondisclosure in the public interest of the street location of a breach of the Domestic Animals Act.

### **Charges**

No fee is payable as you are requesting the information as an MLA.

### **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, my decision and documents released in response to your access application will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details will not be published nor the names of officers appearing in folios 13-16. These officers are front line staff at the administrative officer level.

You may view TCCS' disclosure log at [www.tccs.act.gov.au/about-us/freedom\\_of\\_information](http://www.tccs.act.gov.au/about-us/freedom_of_information).

### **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 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: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

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

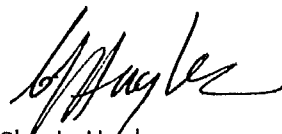
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

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



Cherie Hughes  
Information Officer

24 July 2019



## QUESTION TIME BRIEF

**Portfolio/s:** City Services

City Services

**ISSUE: Dog Management**

### Talking points:

- Dog attacks can be traumatic and distressing for all involved.
- Legislation is a key component of the approach taken to manage irresponsible pet ownership and associated dog attacks.
- New dangerous dog laws took effect in December 2017 and are proving effective; with a number of new provisions being actively used in compliance activities.
- Under the current legislation, the Registrar must euthanise a dog when the dog is involved in an attack leading to death or serious injury of a person or the death of an animal, except under exceptional circumstances.
- As of 31 January 2019, Domestic Animal Services (DAS) have used the new laws around dog attacks to euthanise 43 dogs which were involved in serious attacks, with the fate of another eight dogs awaiting the outcome of Tribunal appeal processes. This compares to only three dogs being euthanised for similar attack incidents in 2017.
- Ten dogs have been formally declared as Dangerous Dogs with only four of these dogs released on strict conditions, while a further 76 dogs investigated for less serious incidents have been released under Control Orders with strict conditions to ensure public safety.
- DAS have a further 23 dogs impounded at the Symonston facility whilst investigations into reported incidents are conducted.
- In most cases, fines have also been issued where dog owners have been found to have breached the new legislation and their responsibilities as a pet owner.

Cleared as complete and accurate:	14/03/2019	
Cleared by:	Deputy Director-General	Ext: 75819
Contact Officer name:	Stephen Alegria	Ext: 79833
Lead Directorate:	Transport Canberra and City Services	



## QUESTION TIME BRIEF

- 1 January 2018 to 31 December 2018, 9 dogs were declared dangerous, only 4 Dangerous Dog licences issued.
- 1 January 2018 to 31 December 2018, 68 control orders were issued.
- 1 January 2018 to 31 December 2018, 217 dogs were seized.
- from 1 January 2018 to 2 September 2018, 154 dogs were seized in relation to attack incidents and 78 were declared dangerous or released on control orders or euthanised.
- 1 January 2019 to 19 February 2019, 18 dogs have been seized for further investigation due to involvement in an incident.
- 1 January 2019 to 19 February 2019, no dogs have been declared dangerous and 7 control orders have been issued.

*Table 1 below for a comparison of attacks reported between 2017, 2018 and 2019.*

	2017 calendar year	2018 calendar year	01 January to 31 January 2019
Incidents reported	539 attack/harass with 360 attacks confirmed: <ul style="list-style-type: none"> <li>• 100 attack person</li> <li>• 216 attack Animal</li> <li>• 43 attack animal &amp; person</li> <li>• 1 fatallty Incident (Oct 2017)</li> </ul>	795 attack/harass Incidents received with 392 attacks confirmed.	73 attack/harass Incidents received with 11 attacks confirmed
Released under Dangerous Dog Declaration	9	9 Declared (4 released to owner, 1 pending review and 4 surrendered and euthanised)	1
Released under Control Order conditions	N/A- previous legislation did not provide for Control orders	68	8
Euthanised under direction of DAS	3	29	2
Euthanised after being surrender by owner	7	9	3

Cleared as complete and accurate: 14/03/2019  
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## QUESTION TIME BRIEF

ACAT appeals	Nil	6 matters completed, 2 pending	1 matter completed, 4 pending (2 carried over from 2018)
ACAT appeals upheld	0	All matters have been upheld or involved a favourable negotiated outcome.	All matters have been upheld or involved a favourable negotiated outcome.

- The ACT Government is committed to being a world leader in animal welfare and management and will continue to review and amend legislation where required to help achieve this goal.

### Key Information

#### *Government Response to the Independent Expert Review Into the Management of Domestic Animals in the ACT*

- In January 2018 the former Minister for Transport and City Services, in conjunction with the Transport Canberra and City Services Directorate, commissioned an independent review into the administration of the *Domestic Animals Act 2000* and the regulatory environment (the Review), which commenced in February and was finalised in April 2018 with 34 recommendations.
- These 34 recommendations are constructive and positive and most have already been actioned or are underway, in line with the *Animal Welfare and Management Strategy 2017-22*. An update of actions is at [Attachment A](#).
- The Review was undertaken by a panel of local and international experts with expertise in the fields of animal regulation, including dog attack investigations, veterinary practice and animal law (the Panel).
- The Review commends the efforts of the ACT Government over the past 12 months in improving how it manages dogs, administers the *Domestic Animals Act 2000* and investigates and deals with dog attacks, including the addition of extra rangers and the comprehensive suite of legislative changes to dangerous dog laws late last year.
- The Review also commended the ACT Government for avoiding breed-specific legislation, which experts unanimously agree is ineffective and misleading to the community as all dogs have the potential to be dangerous if not managed responsibly.
- The Review states that it is unanimous among experts that the majority of dog attacks can be prevented through responsible pet ownership and changes in human behaviour when interacting with dogs.
- One of the recommendations made by the Review was for the Canberra community to actively participate in the development of a 'Canberra Model' for dog management.

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## QUESTION TIME BRIEF

- Targeted and proactive education and awareness of the Canberra community will also continue over the next 12 months to ensure people are aware of their responsibilities under the current legislation.

### *Independent Review into the Izzy Case*

- An Independent review into the case of Izzy, the dog's euthanasia has been completed and is now available on the TCCS website.
- The review was undertaken by the legal providers Ashurst.
- The review has determined that everyone involved in Izzy's collection, assessment, and subsequent euthanasia were compliant with their obligations under the ACT Public Service Code of Conduct and relevant legislation, including DAS and veterinary staff.
- Ultimately all decisions regarding Izzy's health were made by qualified veterinary surgeons with Izzy's wellbeing and welfare in mind.
- The welfare of Izzy was the paramount consideration by everyone involved in this difficult case.
- This further supports the findings of the Independent Expert Review that DAS staff administer dog laws professionally, ethically and to the highest standards.

### *Improving Data*

- The Animal Welfare and Management Strategy acknowledges the need for improved information management systems and the actions being taken are consistent with this Strategy.
- The current lifetime registration system for dogs does not require owners to update DAS when the status of their dog changes, for example when it is de-sexed, dies or is relocated interstate. As a result, there is a lack of reliable data about the nature of the dog population.
- Data related to dog attack incidents such as the ability to cross-reference characteristics such as the location of attacks, the size, breed and de-sexed status of the dog and other situational information has historically been collected in a manual system which renders data analysis difficult and unreliable.
- TCCS is investigating models for an annual registration scheme built on fit-for-purpose information management and registration technology to improve the quality and accessibility of key data about dogs and their owners as well as providing a user-friendly portal for owners to comply with registration requirements.

Cleared as complete and accurate:	14/03/2019	
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Lead Directorate:	Transport Canberra and City Services	



## QUESTION TIME BRIEF

- The published data from studies and reports in Australia and internationally provides strong evidence in support of the approach being taken in the ACT to better manage and prevent dog attacks.

### Penalties for Dog Owners

- Serious penalties exist for a dog owner whose dog is involved in an attack, including imprisonment terms. For example:
  - Under section 50 of the DA Act, which was strengthened in late 2017, a person commits an offence where the person does or omits to do something and this results in a dog attacking another animal and the attack causes serious injury. This offence attracts a maximum penalty of 100 penalty units (\$16,000) and **imprisonment for 1 year**.
  - In addition to this, the Government introduced new section 50B in the 2017 amendments which applies where a person's dog attacks another person or animal. That person must give the affected person reasonable assistance as requested and their contact details. This attracts a maximum penalty of \$8,000. It is also an offence for the person responsible for the attack not to report a serious incident to DAS, also attracting a maximum penalty of \$8,000.
  - There are also additional offences for encouraging a dog to attack with maximum penalties of \$8,000.
  - Seizure powers were strengthened in the 2017 amendments, and a person's dog registration can be cancelled (and they can be prevented from registering any future dog) where they cannot demonstrate responsible dog management, care or control.
  - Under the DA Act and the 2017 amendments, a dog that is involved in an attack that kills another animal must be destroyed unless exceptional circumstances exist.
- Serious offences also exist under the *Animal Welfare Act 1992*:
  - Where a person commits an act of cruelty on an animal that causes death, and the person is reckless about causing the death of the animal there is a maximum penalty of 200 penalty units and **imprisonment of 2 years**. Under the proposed new animal welfare laws this would increase to 300 penalty units, and 3 years imprisonment.
  - A person also commits an offence if the person injures an animal and does not take reasonable steps to alleviate pain, with a maximum penalty of 100 penalty units and **imprisonment for 1 year**.
- Over 117 warnings and 59 infringement notices were issued in 2018 for dogs being in public places against the rules, for example in on-lead areas without a lead and not under effective control.

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Lead Directorate:	Transport Canberra and City Services	



## QUESTION TIME BRIEF

- The number of confirmed dog attacks has not proportionately increased under the new laws that came into place in 2017. These are some of the strongest laws in Australia with significant penalties including prison terms.
- Whilst reports of incidents have significantly increased, from 539 in 2017 to 795 in 2018, the number of confirmed attacks only increased from 360 to 392. This is less than the rate of growth of the ACT population.
- This is likely because of the harder approach being taken to applying the new legislation. For example, 29 dogs were euthanised under the direction of DAS in 2018 compared to only 3 in 2017. All appeals have been upheld, demonstrating that DAS undertakes robust and defensible investigations focussed on protecting public safety.
- Wherever dogs exist and owners are not responsible, dog attacks will continue. The focus must be on responsible pet ownership and taking action against irresponsible pet owners.

### Clarification about fine amounts

- Under section 44 of the DA Act a person commits an offence if they are in a public place and do not have a dog on a leash or under effective control. This attracts a maximum penalty of 15 PU, as the Minister stated on radio. Penalty units have very recently been increased to \$160 per PU, which means the maximum financial penalty available for this offence is now \$2,400. DAS rangers can issue a fine of \$250 on site.
- However, there are also significant other serious penalties available where there is an attack or harassment incident as highlighted above.

Cleared as complete and accurate: 14/03/2019  
Cleared by: Deputy Director-General Ext: 75819  
Contact Officer name: Stephen Alegria Ext: 79833  
Lead Directorate: Transport Canberra and City Services

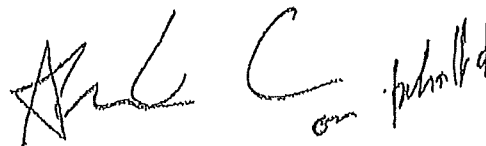
LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

NOTICE OF MOTION

Ms Nicole Lowder MLA: I give notice that on the next day of sitting, I shall move -

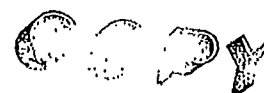
That this Assembly:

1. Notes that:
  - a) there were 485 officially reported serious dog attacks in Canberra in 2017-18,
  - b) in 2017-18 the annual increase in dog attacks in Canberra was 30% over 5 years,
  - c) the number of dog attacks in 2018 is now about 700,
  - d) the annual rate of increase in dog attacks in one year is now about 70%,
  - e) in 2016-17 the average rate of dog attack reported in Canberra was one a day,
  - f) in 2018 the average rate of dog attack reported in Canberra has doubled to two a day,
  - g) anywhere else this rate of increase in crime or injury would be regarded as a crisis,
  - h) anywhere else this rate of increase in the neglect of animal welfare would be regarded as an animal welfare tragedy,
  - i) dogs that have been found to have committed vicious attacks on people or other animals are still returned to the community,
  - j) the tragic death last week of yet another beloved innocent domestic animal as a result of a violent dog attack, and
2. Calls on the ACT Government to:
  - a) provide the resources needed to ensure that the current dog laws are effectively enforced and
  - b) provide the resources needed to ensure that dog attacks are investigated quickly and treated under the law with the urgency and seriousness that the community expects.



Nicole Lowder MLA  
March 2019

## MINISTER FOR CITY SERVICES



## ACT LEGISLATIVE ASSEMBLY QUESTION

## Questions on Notice Paper, No 21

## Question No. 1580

**MS LAWDER:** To ask the Minister for City Services—

- (1) How many dog attacks have been reported to Domestic Animal Services (DAS) in 2017-2018 broken down by month.
- (2) Of the attacks in part (1) how many (a) involved an attack on a person and (b) resulted in dogs being seized or held by DAS.
- (3) Of the dogs seized in part (2)(b), how many (a) had previously been held or seized by DAS, (b) were not registered when seized by DAS, (c) were returned to their owners and (d) were put down by DAS.

**Mr Steel - The answer to the Member's question is as follows:**

(1 – 2) In 2017-18, 485 dog attacks were reported. The table provides a breakdown of attacks on a person and the number of dogs seized. Due to a change in the way information is collected, a breakdown between these categories for June 2018 is unavailable.

Month	Attack on animal	Attack on person	Attack on person & animal	Attacks reported per month	Dogs seized per month
July 2017	18	9	6	33	15
August 2017	18	11	1	30	25
September 2017	19	7	3	29	20
October 2017	24	17	1	42	21
November 2017	25	18	10	53	19
December 2017	25	6	5	36	10
January 2018	30	12	8	50	17
February 2018	16	15	4	35	25
March 2018	23	8	5	36	22
April 2018	33	15	6	54	6
May 2018 (to 23/5)	21	15	5	41	11
June 2018	N/A	N/A	N/A	46	22
<b>Total</b>				<b>485</b>	<b>213</b>


3 (a) I have been advised by my directorate that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources.

(b) See above.

(c) 191 dogs were returned (including dogs returned under control order or a dangerous dog licence).

(d) 22 dogs. (In the 2018 calendar year to 2 September, 154 dogs had been seized in relation to attack incidents and 78 have been declared dangerous, or released on control orders, or euthanised).

Approved for circulation to the Member and Incorporation in Hansard.



Chris Steel MLA  
Minister for City Services

Date: 19/9/18

This response required 100 mins to complete, at an approximate cost of \$161.16.



**ACT**  
Government

Transport Canberra and  
City Services

**RECEIVED**  
DATE 23.11.18 BY JIL

**URGENT**  
Critical Date: ASAP TODAY  
**URGENT**  
Critical Reason:  
Ahead of Network Repair  
on Monday

**CITY SERVICES  
CLEARANCE SHEET**

SUBJECT: <u>SON 2002</u>	
OBJECTIVE/TRIM/FILE NUMBER OR ID	

ACTION REQUIRED <input checked="" type="checkbox"/>	<input type="checkbox"/> AGREE/SIGN
	<input type="checkbox"/> REVIEW
	<input type="checkbox"/> ENDORSE

APPROVAL PROCESS	Initials	Date:
Director-General		
Deputy Director-General, City Services		
Director Governance and Business Solutions		
Executive Director, City Places and Infrastructure		
Action Officer/Originator:		

**COMMENTS:**

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## MINISTER FOR CITY SERVICES

COPY

## ACT LEGISLATIVE ASSEMBLY QUESTION

## Questions on Notice Paper, No 25

## Question No. 2002

## Ms Lawder – Asked the Minister for City Services

- (1) How much money has been collected in total from the public in fees, fines issued by Domestic Animal Services (DAS) in the past five completed financial years.
- (2) How much money has been collected in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years.
- (3) If the amounts in parts (1) and (2) are not the same what is the explanation for the difference.
- (4) How much money has been collected in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years broken down by (a) registration of dogs, (b) licences and permits, (c) seizure impoundment and transportation of dogs, (d) sale of dogs and (e) micro chipping of dogs.
- (5) How much money has been (a) refunded and (b) waived in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years.
- (6) If it is not possible to print reports from standard accounting software to answer these questions, why.
- (7) If it is not possible to print reports from standard accounting software to answer these questions, the request is changed to be those reports easily available to managers to monitor this data.

## Mr Steel - The answer to the Member's question is as follows:

1, 2, and 3

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
	Actual	Actual	Actual	Actual	Actual
Dog Court Fines	500	0	0	0	0
Domestic Animal Serv Act Infringements	16,669	3,150	7,165	6,385	14,118
Dog Registration Fees	165,148	172,197	219,124	225,617	240,740
Replacement Dog Tag Fees	5,452	5,235	5,431	4,323	1,732
Sale of Dogs	20,055	16,865	28,243	19,434	20,506
Total	207,823	197,447	259,963	255,758	277,095

4. Breakdown of revenue generated for DAS is noted in the table above. However, a further breakdown of the revenue generated is not available from the current transaction management system.
5. The amount of money refunded and/or waived is not currently captured separately in the transaction management system.
6. It is not possible to obtain the requested data from the accounting software. Most fees are charged and collected through Access Canberra and transferred to Transport Canberra and City Services. The amount transferred is a monthly total of all fees collected in the month and is not broken down to each specific fee.
7. Please see response above.

Approved for circulation to the Member and incorporation in Hansard.



Chris Steel MLA  
Minister for City Services

Date: 26/11/18

This response required 1hr 40mins to complete, at an approximate cost of \$149.60







