



**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 2019-079

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	26 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



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## ***Freedom of Information – Access Application Form***

### **PRIVACY NOTICE**

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, Transport Canberra and City Services may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The Transport Canberra and City Services Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the Transport Canberra and City Services, as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the Transport Canberra and City Services website at [www.tccs.act.gov.au](http://www.tccs.act.gov.au).

### **Applicant details**

I wish to make an access application to Transport Canberra and City Services under the *Freedom of Information Act 2016*.

**Name**

**Address**

(where notices relating to this request can be sent – either postal or electronic)

**Telephone Contact (Business Hours)**

**Telephone Contact (Mobile)**

**Email Contact**

### **What documents are you requesting under the Act?**

- To help Transport Canberra and City Services process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the public interest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed, Transport Canberra and City Services will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.

**Fee Waiver**

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the Social Security Act 1991; a current pensioner concession card issued in relation to a pension under the Veterans' Entitlements Act 1986 or the Military Rehabilitation and Compensation Act 2004; a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

Transport Canberra and City Services must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

**Fee waiver application (fill in if applicable. Otherwise leave blank)**

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

I would like

Information regards  
to a dog name "Kaiser"  
any [redacted]  
dog with a previous dog  
Attack History

\* a copy of these documents sent to the above address

OR

to inspect these document

**APPLICANTS SIGNATURE**

**DATE OF REQUEST**

9/8/19.

**Martyniak, Alexandra**

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**From:** [REDACTED]  
**Sent:** Friday, 9 August 2019 12:21 PM  
**To:** TCCS\_FreedomOfInformation  
**Subject:** FOI for [REDACTED]

Hi please find attached a filled out copy of a FOI

I would please like any information you can on a "Kaiser [REDACTED]  
he is the dog of a [REDACTED]  
for a pervious dog attack involving " Kaiser [REDACTED]  
any information involving his dog history.

[REDACTED]

if any question please don't hesitate to ask

Kind Regards  
[REDACTED]



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Dear 

### **Freedom of Information Request - Reference 19-079**

I refer to your application made under the Freedom of Information Act 2016 (the Act), which was received by Transport Canberra and City Services Directorate (TCCS) 9 August 2019, in which you sought any documents pertaining to the:

- Information regards to a dog name "Kaiser" [and] is  dog with a previous history.

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 is required to provide a decision on your access application by 6 September 2019. I thank you for agreeing to an extension of 17 September 2019.

#### **Decision on access**

Searches were completed for relevant documents and I can confirm that Domestic Animal Services has one other case file involving the dog that you have identified.

I have decided to provide the key documents which detail the incident and the outcome of the investigations as being in the public interest to release. I have removed personal details as these are contrary to the public interest to disclose under the test set out in section 17 of the Act. I have not released the full case file as it is not in the public interest to do so.

My access decision is detailed further in the following statement of reasons.

#### **Statement of Reasons**

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

##### **Factors favouring disclosure in the public interest (Schedule 2)**

- Schedule 2 Section 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)**

- Schedule 2, Section 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 2, Section 2.2(a)(v) – impede the administration of justice generally, including procedural fairness;

- Schedule 2, Section 2.2(a)(ix) – prejudice the flow of information to the police or another law enforcement or regulatory agency; and
- Schedule 2, Section 2.2(a)(xii) – prejudice an agency’s ability to obtain confidential information.

I have considered the public interest in release of information about dog attacks. I consider that it is generally in the public interest to reveal information that a dog attack occurred, and the outcome of the investigations undertaken.

The case file is comprised of the investigation papers and witness statements.

For an investigation to work effectively, cooperation between the directorate and those parties to the incident is required. The release of such documents could reasonably be expected to reduce the frankness and candour of a person being questioned or interviewed in relation to an incident. There are expectations that such information is treated in a confidential manner. For this reason, I have attributed significant weight to the possible prejudice that could occur to the Directorate’s ability to obtain confidential information in future or to prejudice the flow of information to Domestic Animal Services as a regulatory agency.

I have also given significant weight to the public interest in protecting the investigation methods and activities so as not to impede the administration of justice generally. You are not a party to the matter identified. The matter is concluded, and no application was made to have this decision reviewed. To publicly release documents that detail the investigation after the matter has been finalised would be inconsistent with procedural fairness and natural justice and could negatively impact the parties involved in the matter.

The documents that are being released to you contain information that may prejudice the protection of an individual’s right to privacy or other rights under the *Human Rights Act 2004*. I have decided to remove personal information about the owners of the dogs such as their names and addresses and relationships with each other.

I considered information about the dogs and whether this could identify the owners. Dog identification information includes the breed of the dog and the name of the dog. In this case, I have decided that the breed of the dog should be removed as providing a more identifiable link to an owner than the name of the dog. I also considered that the removal of the dogs’ names may be confusing in identifying the role of each dog in the incident.

#### **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. Personal information, such as your contact details will be removed.

**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



Cherie Hughes  
Information Officer

13 September 2019



Access Canberra.

### DAS Request for Assistance - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

22 May 2018 6:32:51 PM

S28JXZ

Domestic Animal Services

Telephone: (02) 6207 2424

### Call details

CSR Initials \*

Incident description \*

JB

Attack

### Caller details

Given name \*

Family name \*

[Redacted]

[Redacted]

### Caller address

Interstate address

Address line 1 \*

[Redacted]

Address line 2

[Redacted]

Suburb \*

State

Postcode

[Redacted]

ACT

[Redacted]

Primary phone number \*

Other phone

[Redacted]

## Incident details

Date of Incident \*

19 May 2018

Time of Incident \*

16:15

Location \*

Mt Rogers

Suburb \*

FRASER

Animal type \*

Dog

Animal description \*

[REDACTED] white, black patch on one eye. Caller has photos.

Details of Incident \*

[REDACTED] was off-leash. Caller's [REDACTED] was on leash. [REDACTED] ran straight towards her dog and grabbed it by the neck - no warning, barking or growling. Injuries were abrasions and a puncture wound.

Dog has Identification tag?

 Yes No

Tag details (if available)

Do you know where the animal comes from?

[REDACTED]

**Advise caller report will be forwarded to Domestic Animals. A ranger will contact the caller if further information is required.**

 Ranger contacted?





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**Notification closure of Dog Attack Case Number: 810258**

Dear 


On 19th May 2018 an incident occurred involving your dog "Kaiser" a male Black/Tan Short Haired  registration number 

At the time you were walking your along Mount Rogers Reserve.

DAS has investigated and has now closed this incident and has taken regulatory action against the owner of the offending dog, under the *Domestic Animals Services Act 2000*.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

Ranger: Lyn   
Licensing and Compliance  
Transport Canberra & City Services  
8 August 2018  
Ph: 13 22 81



**ACT**  
Government

Dear [REDACTED]

**INFRINGEMENT NOTICE    Infringement No: 751038090  
(DOMESTIC ANIMALS ACT 2000)**

On 23<sup>rd</sup> May 2018 an incident occurred involving your dog "Oscar" a White and Black [REDACTED] microchip no: [REDACTED] and registration number: [REDACTED]

At the time you were walking your dog off lead along Mount Rogers Reserve. On this occasion you were the carer causing an attack / harass on another dog.

There were minor injuries sustained to the other dog, which did not require medical attention. The complainant's dog received a puncture wound and abrasion to the neck region of its body.

DAS has investigated the incident and has determined the following infringement under the *Domestic Animals Services Act 2000* has been issued and is enclosed with this letter.

- Section 49A(1)The person is the carer for the dog; and the dog attacks or harasses person or animal (\$350). Infringement No: 751038090.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

Ranger: Lyn [REDACTED]  
Licensing and Compliance  
Transport Canberra & City Services  
1 August 2018  
Ph: 62072257

## Payment options:

**EFT:** Use your online banking service to make payment using the details below.  
 Account Name: DAS Infringement  
 BSB: 037-866  
 Account Number: This is your 9 digit Infringement Number

**ONLINE:** [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR) (Visa and Mastercard only)

**PHONE:** call Access Canberra on 13 22 81 and have your Infringement number ready.

For more information visit: [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

## Important Information

**Administering Authority**  
 GPO Box 158  
 Canberra ACT 2601

You have **28 days** in which to do one of the following:

### 1. Pay the total amount on the notice

If you pay the penalty within the 28 days (or any additional time allowed by Administering Authority) then, unless the infringement notice is withdrawn and any penalty refunded-

- (i) any liability for the offence is discharged; and
- (ii) you will not be prosecuted in court for the offence; and
- (iii) you will not be taken to have been convicted of the offence.

**OR**

### 2. Extension of time to pay penalty

2.1 The person on whom an infringement notice or reminder notice is served (the person) may apply in writing to the administering authority, within 28 days after the date of service of the notice, for a stated additional time (of not longer than 6 months) in which to pay the infringement notice penalty.

(a) If the person applies to the administering authority within the 28 days for additional time to pay and the additional time is allowed – pay the infringement penalty within the additional time allowed by the administering authority; or

(b) If the person applies to the administering authority within the 28 days for additional time to pay and the application is refused – pay the infringement penalty within 7 days after the person is told of the refusal or 28 days after the date of service of the notice, whichever is later.

**OR**

### 3. Dispute the liability

3.1 The person may apply, in writing, to the administering authority, within 28 days after the date of service of the notice, for withdrawal of the notice, stating the reason.

3.2 If the person wishes to dispute liability for the offence, the matter may be referred to the Magistrates court; and

3.3 If the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs and be subject to other court orders.

### 4. If you do not pay the infringement notice or dispute liability

4.1 If the person does not pay the infringement notice penalty, or dispute liability for the offence within 28 days (or any additional time allowed by the administering authority), a reminder notice may be served on the person for the offence or the person may be prosecuted in court for the offence; and

4.2 If a reminder notice is served on the person, the infringement notice penalty is increased by the amount payable by the person for the cost of serving the reminder notice.