ACT Government
Chief Minister, Treasury and Economic Development

# Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2018-0031

| Information to be published | Status |
|---|---|
| 1. Access application | Published |
| 2. Decision notice | Published |
| 3. Documents and schedule | Published |
| 4. Additional information identified | No |
| 5. Fees | N/A |
| 6. Processing time (in working days) | 35 |
| 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 |

**From:** [redacted]
**To:** CMTEDD FOI
**Subject:** Freedom of Information request
**Date:** Thursday, 8 February 2018 2:55:11 PM

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Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

**Your details**

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

| | |
|---|---|
| Title: | [redacted] |
| First Name: | [redacted] |
| Last Name: | [redacted] |
| Business/Organisation: | [redacted] |
| Address: | [redacted] |
| Suburb: | [redacted] |
| Postcode: | [redacted] |
| State/Territory: | [redacted] |
| Phone/mobile: | [redacted] |
| Email address: | [redacted] |

**Request for information**

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

| | |
|---|---|
| Under the Freedom of Information Act 2016 I want to access the following document/s (*required field): | I wish obtain the following:- 1. Any documents/complaints relating to noise made by Tipsy Bull / [redacted] against Hopscotch Bar located 1/5 Lonsdale Street Braddon ACT.. 2. Any communications/documents or emails from EPA to Hopscotch regarding Noise complaints 3. Any noise meter readings taken by EPA for noise from Hopscotch Bar 4. Any fines issued against Hopscotch for Breaching Noise regulations. 5. any communications from DPP regarding why the Fines from EPA was withdrawn. |
| I do not want to access the following documents in relation to my request:: | |

Thank you.
Freedom of Information Coordinator

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2018-0031

[redacted]

via email: [redacted]

Dear [redacted]

**FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 8 February 2018, in which you sought access to:

1. Any documents/complaints relating to noise made by Tipsy Bull / [redacted] against Hopscotch Bar located 1/5 Lonsdale Street Braddon ACT.
2. Any communications/documents or emails from EPA to Hopscotch regarding noise complaints.
3. Any noise meter readings taken by EPA for noise from Hopscotch Bar.
4. Any fines issued against Hopscotch for breaching noise regulations.
5. Any communications from DPP regarding why the fines from EPA were withdrawn.

On 9 February 2018 a partial transfer consisting of Point 5 of your request was made to the Director of Public Prosecutions (DPP).

**Authority**

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

**Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 3 April 2018.

**Decision on access**

Searches were completed for relevant documents with 9 documents being identified that fall within the scope of your request.

I have decided to grant full access to 4 documents and partial access to 5 documents (3 have been withheld pending the third party review period). The information redacted in the documents is contrary to the public interest as it is covered by legal professional privilege or would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included as 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 those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

**Statement of Reasons**

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

- the Act;
- the content of the documents that fall within the scope of your request;
- the views of relevant third parties; and
- the *Human Rights Act 2004*.

**Exemptions claimed**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Information subject to legal professional privilege.
Foilo 5 contains information provided to CMTEDD from the Director of Public Prosecutions. This information is in relation to Part 5 of your request. On 9 March 2018 the DPP advised you that information relevant to Part 5 of your request was exempt from release as it contained information which was subject to legal professional privilege in accordance with schedule 1, section 1.2 of the Act. As this information is replicated in folio 5 I have decided to withhold it from release.

Information Contrary to Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Factors favouring disclosure (Schedule 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors in favour of disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest':

- contribute to the administration of justice generally, including procedural fairness; and
- contribute to the maintenance of peace and order.

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents within the scope of the request may contribute to the administration of justice and to the maintenance of peace and order by allowing you to have a complete record of the interactions between Hopscotch, the ACT Government and yourself and the steps taken to address complaints made in relation to noise.

The documents provide a complete listing of all of the complaints you have made in relation to Hopscotch and the actions undertaken by the ACT Government to resolve these complaints. This includes evidence and outcomes of the testing used to determine if a breach of relevant noise pollution legislation has occurred and the interactions between all parties involved. The documents also provide information about the decisions made by the ACT Government in addressing the issue. I am satisfied that the release of these documents may be reasonably expected to contribute to the administration of justice and to the maintenance of peace and order by allowing you to see the reasons for the decisions and actions taken by the Environmental Protection Authority in handling this matter and the steps taken voluntary by Hopscotch to resolve the issue.

Factors favouring non-disclosure (Schedule 2.2)

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factors in favour of non-disclosure that I believe are relevant to determine if release of the information contained within these documents is within the 'public interest':

- prejudice trade secrets, business affairs or research of an agency or person;
- impede the administration of justice for a person;
- prejudice the flow of information to the police or other law enforcement or regulatory agency;
- prejudice an agency's ability to obtain confidential information; and
- prejudice the protection of an individual's right to privacy or other right under the *Human Rights Act 2004;*

In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2

allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. Having reviewed the documents and considering the information contained within each one, I am not satisfied that the contents could reasonably be expected to prejudice the business affairs of Hopscotch as they do not provide private or proprietary information in relation to the money making affairs of the business. Moreover, the third party has not provided any additional information in relation to how disclosure of this information could prejudice business affairs. As a result, I am not satisfied that release of these documents could prejudice the business affairs the parties involved in this matter.

In considering the factors in favour of disclosure, I considered that release of the information with the scope of the request may contribute to the administration of justice generally, including procedural fairness. As part of the test outlined in section 17, I have considered as a factor against disclosure the alternate possibility that release of the information within the scope of the request may impede the administration of justice for a person (or business).

In reviewing the documents, I note that the majority of the information under consideration for release is of a factual nature and includes information in relation to noise level recordings, correspondence between various parties and internal documents in relation to the handling of the complaints and the matter as a whole. In weighing this factor, I am satisfied that the information contained in the documents is not contentious or is likely to impede the administration of justice due to the low level of sensitivity of the information contained in the documents. Advice provided from the relevant business unit in CMTEDD confirms this view. Accordingly, I am not satisfied that release of this information could reasonably be expected to impede the administration of justice for any individuals or businesses associated with this matter.

The flow of information to the police or other law enforcement or regulatory agency and the agency's ability to obtain confidential information are essential for the operation of government and law enforcement. I am cognisant that release of information under Freedom of Information may impact the future flow of information as individuals may be concerned that the information they provide will be released more widely than they had initially intended it to be.

In *Animals Australia Inc and Department of Agriculture* [2015] AICmr 14 the Australian Information Commissioner, in addressing similar provisions under the Commonwealth Freedom of Information Act, was asked to consider if the release of information from a third party which was provided voluntarily should be withheld on the grounds that its release may impact the provision of similar voluntary information in the future. In making his decision the Information Commissioner was not satisfied that release of the information would impact the provision of future information. He noted that the information was voluntary and at any time, the individuals who provided the information

could choose to stop providing the information to the Department. Further the Commissioner noted that release of the information would be unlikely to impact the flow of future information as it was in the interests of the third party to provide the information to the Department if asked to do so by their employer.

On reviewing the documents within the scope of the request, I note that all of the information has been provided to the ACT Government in a voluntary manner as it has been in the interest of the individuals involved to do so. Taking into account the decision in *Animals Australia Inc and Department of Agriculture,* the subject matter of the documents and the fact that the information provided was voluntary, I am not satisfied that release of this information could be reasonably expected to prejudice flow of information to the police or other law enforcement or regulatory agency or the agency's ability to obtain confidential information.

Finally, I have considered the individuals involved in this matter and their right to privacy. I am satisfied that the protection of an individual's right to privacy, especially in the course of assisting in a line of enquiry with a government agency, is a significant factor as the parties involved have provided their personal information for the purposes of resolving issues in a timely and efficient manner which, in my opinion, outweighs the benefit which may be derived from releasing this information. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that pro disclosure intent of the Act can still be met while protecting the personal information of the individuals involved. As a result, I weigh the right to personal privacy more highly than the factors in favour of disclosure in this instance. As a result, I have decided that release of this information (names, email addresses and mobile phone numbers) could prejudice their right to privacy under the *Human Rights Act 2004.*

Having applied the test outlined in section 17 of the Act I weigh the factors in favour of disclosure (save for the factor against release of personal information contained in the documents) more highly than the factors against disclosure. As such, I have decided that information that contains the names, email addresses and mobile phone numbers of individuals is not in the public interest to release. Accordingly, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Pages 7-13, 15, 17, 22-23 and 25 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

**Third Party Consultation**

In making this decision, I completed consultation with relevant third party in accordance with section 38 of the Act. The third party objected to release of certain information on a number of grounds. As I have decided to release the 3 documents subject to consultation, I am required to withhold these documents until the end of the 20 working day review period to allow the third party to exercise their right of review. If no review is sought by the third party, these documents will be released to you on 1 May 2018.

**Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number folio's to be released to you is below the charging threshold of 50 pages.

**Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 6 April 2018. The information that has been withheld pending the review period will be made available on the CMTEDD disclosure log after 1 May 2018. Your personal contact details will not be published. You may view CMTEDD disclosure log at: https://www.cmtedd.act.gov.au/functions/foi/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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD 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

**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 the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
http://www.acat.act.gov.au/

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

3 April 2018

ACT Government
Chief Minister, Treasury and Economic Development

# FREEDOM OF INFORMATION REQUEST SCHEDULE

| NAME | WHAT ARE THE PARAMETERS OF THE REQUEST | Reference NO. |
|---|---|---|
| [redacted] | 1. Any documents/complaints relating to noise made by Tipsy Bull / [redacted] against Hopscotch Bar located 1/5 Lonsdale Street Braddon ACT.<br>2. Any communications/documents or emails from EPA to Hopscotch regarding Noise complaints<br>3. Any noise meter readings taken by EPA for noise from Hopscotch Bar<br>4. Any fines issued against Hopscotch for Breaching Noise regulations.<br>5. any communications from DPP regarding why the Fines from EPA was withdrawn. | 2018-0031 |

| Ref No | Page number | Description | Date | Status | Reason for Exemption | Online Release Status |
|---|---|---|---|---|---|---|
| 1 | 1-2 | Letter | 04-Jan-2017 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| 2 | 3 | Minute | 07-Feb-2017 | Full | N/A | Yes |
| 3 | 4-6 | Database printout as attachment to above Minute | 07-Feb-2017 | Full | N/A | Yes |
| 4 | 7 | Noise measurement print out as attachment to above Minute | 07-Feb-2017 | Full | N/A | Yes |
| 5 | 8-10 | Information extract from ASIC as attachment to above Minute | 07-Feb-2017 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| 6 | 11 | EPA Warning Letter | 08-Feb-2017 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| 7 | 12-28 | Incident reports print out | 22-Oct-2014 to 05-Sep-2017 | Partial | Schedule 2 section 2(a)(ii) Personal Information<br>Schedule 1 section 2 Legal professional privilege | Yes |
| 8 | 29-30 | Letter | 24-Mar-2017 | Full | N/A | Yes |
| 9 | 31-34 | Environment Protection – First Infringement Notice 2017006 | 28-Apr-2017 | Partail | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| Total No of Docs | | | | | | |
| 9 | | | | | | |

ACT Government
Chief Minister, Treasury and Economic Development

# MINUTE

**SUBJECT:** **Case Decision for noise from amplified music at Hopscotch Bar BRADDON**

To: Deputy Director, CEWP – David Middlemiss

From: Environment Protection Officer – Rodney Dix

Date: 6 February 2017

**Purpose**
To seek approval to issue a Warning Letter to the Director of Foundry Enterprises P/L trading as Hopscotch Bar BRADDON.

**Background**

- On 31 December 2016 EP&R received a complaint regarding amplified music from the bar
- On 4 January 2017 complaint letter hand delivered to the bar
- On 3 February 2017EPO Dix responded to a noise complaint and validated it with a reading of 77.7dB(A) making the music 22.7dB(A) over the noise zone standard at the time, please note 5dB(A) was taken from the standard of 45dB(A) as the complainant and activity manager have a common wall.

**Issues**
Nil

**Attachments**

1. Copy of database printout.
2. Copy of noise measurement print out.
3. Copy of the ASIC extract.

**Recommendations**
That you:

- Note the above; and
- Agree to issuing a Warning Letter to the Director of Foundry Enterprises P/L trading as Hopscotch Bar BRADDON.

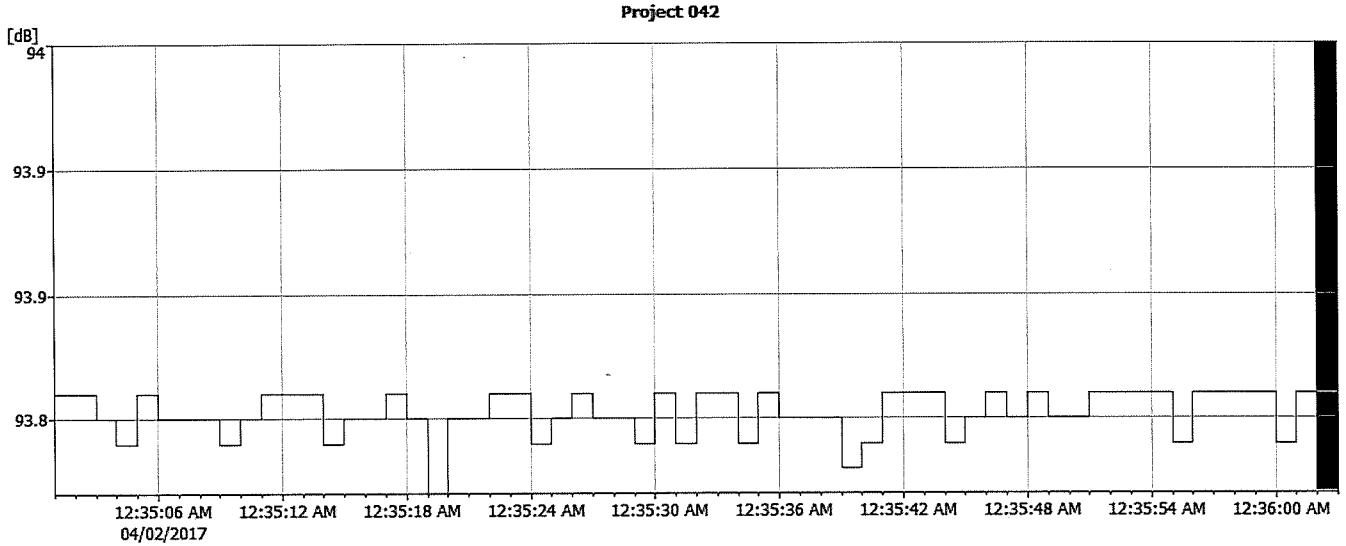
Rodney Dix
Environmental Protection Officer
Environment Protection

6 February 2017

7/2/2017

*AGREED/NOT AGREED/NOTED/PLEASE DISCUSS*

Project 042 | ARCHIVES\RD 3-4.02.2017 noise measurement\2250\Project 042

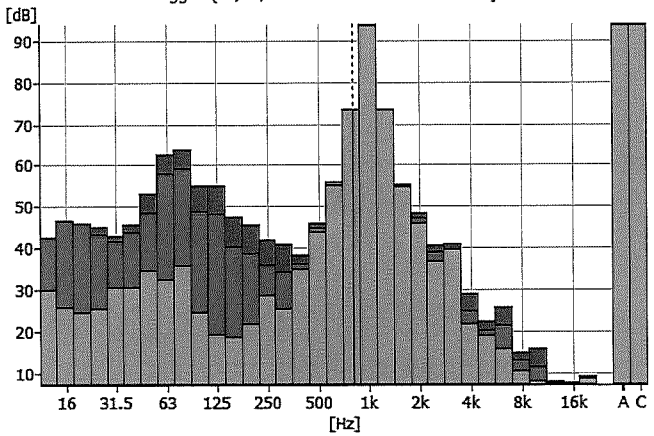



**Cursor values**
**Logged**
X: 12:36:02 AM - 12:36:03 AM
LAeq: 93.9 dB

| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LAFmax [dB] | LAFmin [dB] | Overload [%] | LAF10.0 [dB] | LAF90.0 [dB] | LCeq-LAeq [dB] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Total | 04/02/2017 12:35:01 AM | 04/02/2017 12:36:03 AM | 00:01:02 | 93.9 | 98.3 | 93.9 | 93.8 | 0.0 | 94.0 | 93.8 | 0.0 |
| Logged | 04/02/2017 12:36:02 AM | 04/02/2017 12:36:03 AM | 00:00:01 | 93.9 | 98.3 | 93.9 | 93.9 | 0.0 | 94.0 | 93.8 | 0.0 |

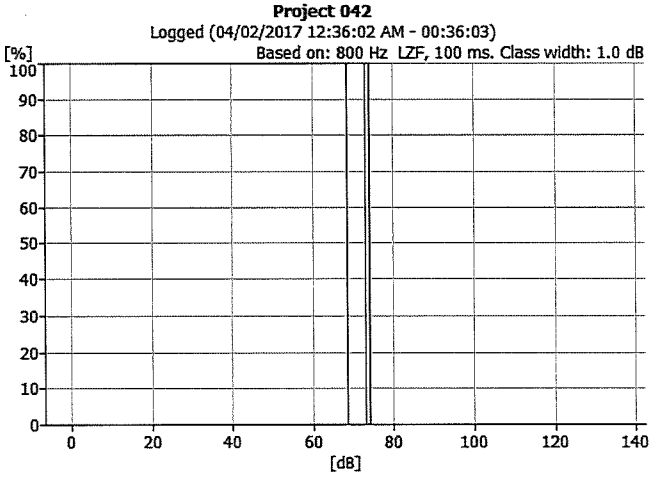
No marker features available. Requires license BZ-5503-A

Logged | Post Wgt: | View As




**Cursor values**
X: 800 Hz
LZFmax: 73.6 dB
LZeq: 73.6 dB
LZFmin: 73.5 dB

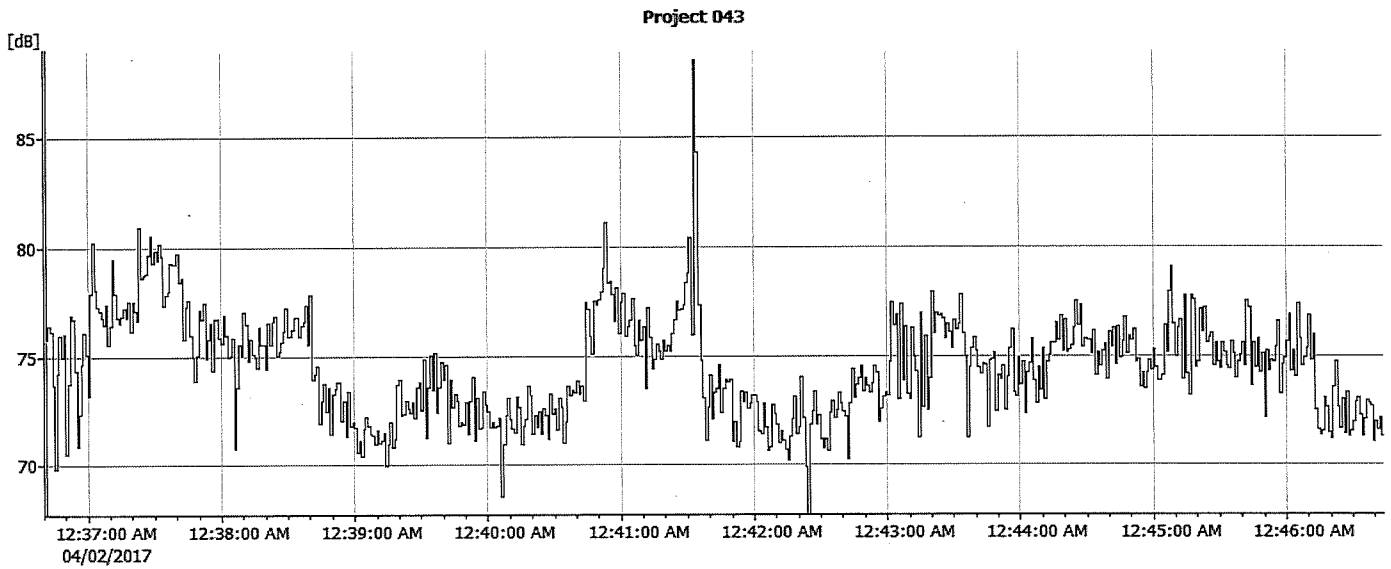
Logged




**Cursor values**
X: [68.0 ; 69.0[ dB
Level: 0 %
Cumulative: 100.0 %

Measured | Calculations

Project 043 | ARCHIVES\RD 3-4.02.2017 noise measurement\2250\Project 043

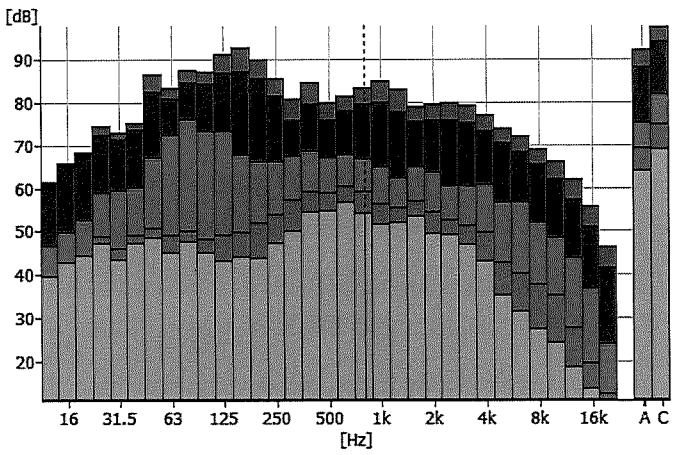



**Cursor values**
**Logged**
X: 12:36:40 AM - 12:36:41 AM
LAeq: 75.7 dB

| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LAFmax [dB] | LAFmin [dB] | Overload [%] | LAF10.0 [dB] | LAF90.0 [dB] | LCeq-LAeq [dB] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Total | 04/02/2017 12:36:40 AM | 04/02/2017 12:46:44 AM | 00:10:04 | 75.3 | 109.0 | 92.2 | 64.0 | 0.0 | 77.7 | 71.0 | 6.6 |
| Logged | 04/02/2017 12:36:40 AM | 04/02/2017 12:36:41 AM | 00:00:01 | 75.7 | 93.5 | | | 0.0 | --- | --- | 5.2 |

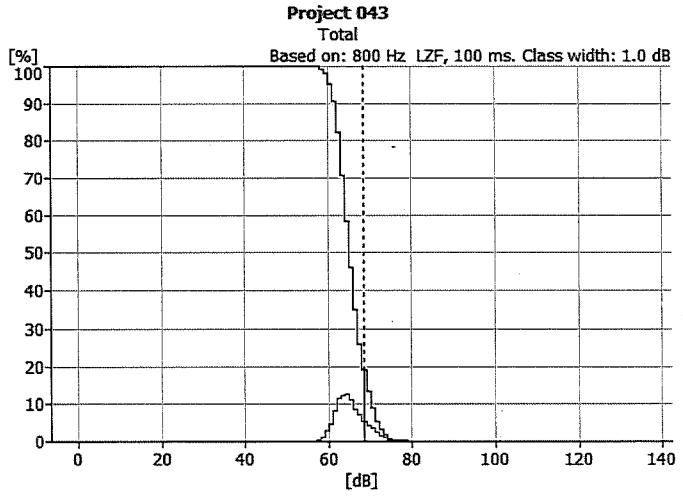
No marker features available. Requires license BZ-5503-A

Total | Post Wgt: | View As



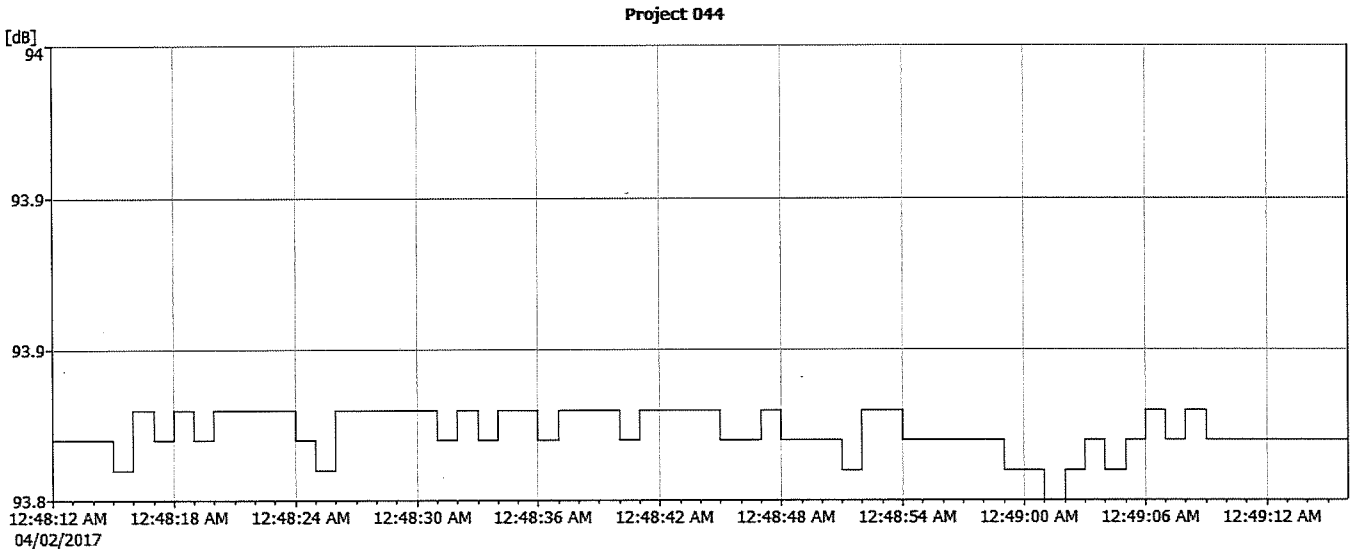

**Cursor values**
X: 800 Hz
LZFmax: 83.4 dB
LZSmax: 79.8 dB
LZeq: 66.7 dB
LZSmin: 59.2 dB
LZFmin: 54.1 dB

Total




**Cursor values**
X: [68.0 ; 69.0[ dB
Level: 5.6 %
Cumulative: 19.0 %

Project 044 | ARCHIVES\RD 3-4.02.2017 noise measurement\2250\Project 044

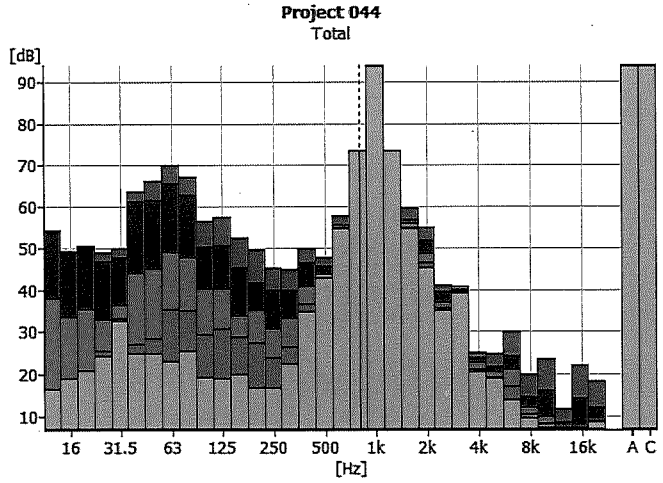



**Cursor values**
**Logged**
X: 12:49:15 AM - 12:49:16 AM
LAeq: 93.9 dB

| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LAFmax [dB] | LAFmin [dB] | Overload [%] | LAF10.0 [dB] | LAF90.0 [dB] | LCeq-LAeq [dB] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Total | 04/02/2017 12:48:12 AM | 04/02/2017 12:49:16 AM | 00:01:04 | 93.9 | 99.1 | 93.9 | 93.8 | 0.0 | 94.0 | 93.8 | 0.0 |
| Logged | 04/02/2017 12:49:15 AM | 04/02/2017 12:49:16 AM | 00:00:01 | 93.9 | 99.1 | 93.9 | 93.9 | 0.0 | 94.0 | 93.8 | 0.0 |

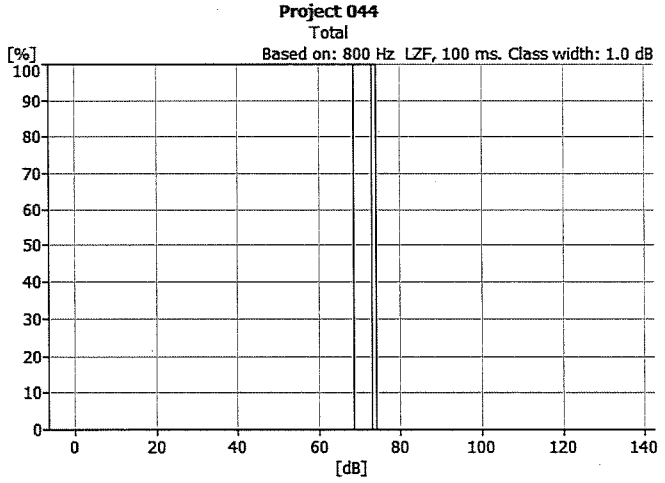
No marker features available. Requires license BZ-5503-A

Total | Post Wgt: | View As




**Cursor values**
X: 800 Hz
LZFmax: 73.7 dB
LZSmax: 73.6 dB
LZeq: 73.6 dB
LZSmin: 73.2 dB
LZFmin: 73.5 dB

Total




**Cursor values**
C: [68.0 ; 69.0[ dB
Level: 5.6 %
Cumulative: 19.0 %

Measured | Calculations

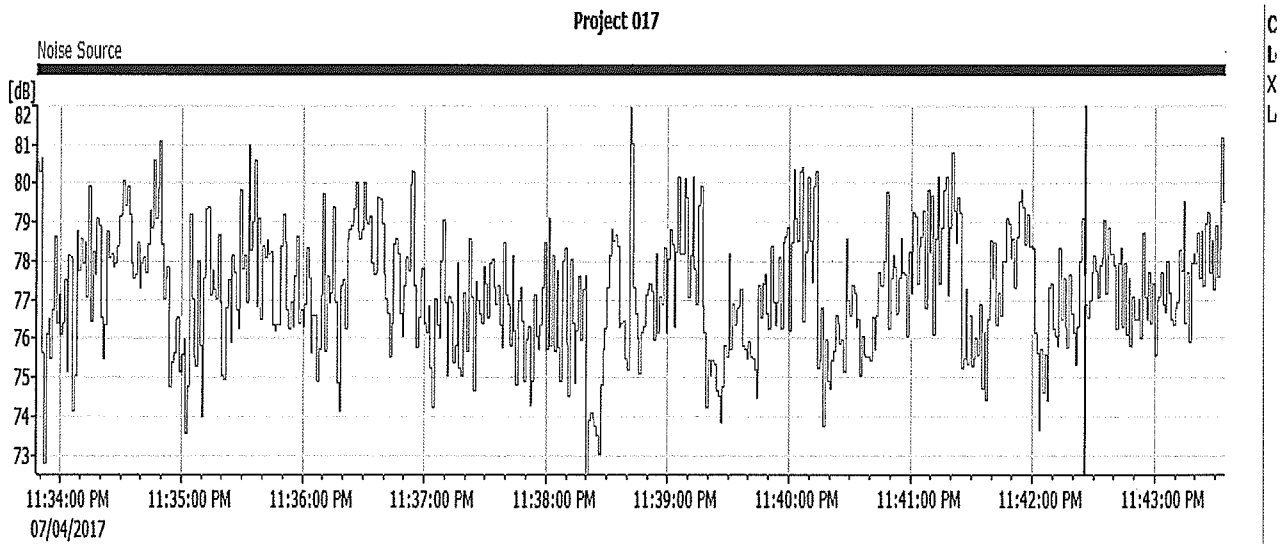
## Project 016

ARCHIVES\PB Hopscotch 7.4.17\2250\Tim\Project 016

| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LCeq-LAeq [dB] | LAF10.0 [dB] | LAF90.0 [dB] | Calib. Time | Deviation from last [dB] |
|---|---|---|---|---|---|---|---|---|---|---|
| Total | 07/04/2017 11:31:44 PM | 07/04/2017 11:32:50 PM | 00:01:06 | 93.5 | 101.5 | 0.0 | 93.6 | 93.4 | 07/04/2017 11:31:34 PM | 0.00 |
| Logged | 07/04/2017 11:32:49 PM | 07/04/2017 11:32:50 PM | 00:00:01 | 93.5 | 100.2 | 0.0 | 93.6 | 93.4 | | |

## Project 017

ARCHIVES\PB Hopscotch 7.4.17\2250\Tim\Project 017




| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LCeq-LAeq [dB] | LAF10.0 [dB] | LAF90.0 [dB] | Calib. Time | Deviation from last [dB] |
|---|---|---|---|---|---|---|---|---|---|---|
| Total | 07/04/2017 11:33:48 PM | 07/04/2017 11:43:35 PM | 00:09:47 | 77.5 | 100.4 | 5.9 | 79.6 | 74.6 | 07/04/2017 11:31:34 PM | 0.00 |
| Logged | 07/04/2017 11:42:25 PM | 07/04/2017 11:42:26 PM | 00:00:01 | 77.7 | 96.0 | 5.4 | 80.9 | 76.5 | | |

## Project 018

ARCHIVES\PB Hopscotch 7.4.17\2250\Tim\Project 018

| Measurement | Start Time | Stop Time | Elapsed Time | LAeq [dB] | LCpeak [dB] | LCeq-LAeq [dB] | LAF10.0 [dB] | LAF90.0 [dB] | Calib. Time | Deviation from last [dB] |
|---|---|---|---|---|---|---|---|---|---|---|
| Total | 07/04/2017 11:44:29 PM | 07/04/2017 11:45:31 PM | 00:01:02 | 93.5 | 98.2 | 0.0 | 93.6 | 93.4 | 07/04/2017 11:31:34 PM | 0.00 |
| Logged | 07/04/2017 11:45:30 PM | 07/04/2017 11:45:31 PM | 00:00:01 | 93.5 | 98.2 | 0.0 | 93.6 | 93.4 | | |

eSearch

Information extracted from ASIC at 15:00:24 on 06/02/2017

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**955A Extract - Corporation Current**

Back to eSearch Menu

**Bookmarks**

Company Identifiers
Organisation Details
ABN Details
Business Names
Company Addresses
Registered Office
Principal Place of Business
Company Officers
[redacted]
Issued Capital
ORD - 100
Share/Interest Holdings
ORD - 34
120 249 854
ORD - 33
[redacted]
ORD - 33
[redacted]
Document List Details
Contact Address

## ASIC/ABR Certification

This extract has been extracted from the Australian Securities and Investments Commission and the Australian Business Register national databases.
If you believe that this extract contains any error or omission please advise the ASIC/ABR promptly.

## Company Identifiers

| | | | |
|---|---|---|---|
| Organisation Name | FOUNDRY ENTERPRISES PTY LTD | | |
| ACN | 167 016 775 | ABN | 54 167 016 775 |
| Registration Date | 29/11/2013 | Review Date | 29/11/2017 |
| State Of Registration | Australian Capital Territory | | |

## Organisation Details

| | | | |
|---|---|---|---|
| Current | | Document Number | 2E0024925 |
| Organisation Name | FOUNDRY ENTERPRISES PTY LTD | | |
| Name Start Date | 29/11/2013 | | |
| Start Date | 29/11/2013 | | |
| Status | Registered | | |
| Type | Australian Proprietary Company | | |
| Class | Limited By Shares | Sub Class | Proprietary Company |
| Disclosing Entity | N | | |

## ABN Details

| | | | |
|---|---|---|---|
| ABN | 54 167 016 775 | ACN | 167 016 775 |
| Entity Name | FOUNDRY ENTERPRISES PTY LTD | | |
| Entity Type | Australian Private Company | ABN Status | Active |
| Effective From Date | 2013-12-02 | | |
| GST Since | 2014-04-01 | | |
| Address | ACT 2600 | | |

## Business Names

| | | | |
|---|---|---|---|
| NNI Number | 168054439 | | |
| Business Name | Hopscotch Bar | | |
| Status | Registered | Renewal Date | 2017-02-14 |
| Date Registered | 2014-02-14 | | |
| | | Migration Date | 20120528 |

| | |
|---|---|
| Principal Place of Business | 5 Lonsdale St Braddon ACT 2601 |
| Service of Notice Address | PO BOX 908 CANBERRA CITY ACT 2601 |

## Company Addresses

| | | | |
|---|---|---|---|
| Current | | Document Number | 2E0024925 |
| Address Type | Registered Office | | |
| Start Date | 29/11/2013 | | |
| Address | CORPORATE ACCOUNTING SOLUTIONS PTY LTD LEVEL 1 132 MELROSE DRIVE | | |

PHILLIP ACT
2606

| | | | |
|---|---|---|---|
| Current | | Document Number | 2E0024925 |
| Address Type | Principal Place of Business | | |
| Start Date | 29/11/2013 | | |
| Address | UNIT 1 5 LONSDALE STREET<br>BRADDON ACT<br>2612 | | |

**Company Officers**

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8038898 |
| Role | Director | | |
| Appointment Date | 29/11/2013 | | |
| Name | Sch 2 s2(a)(ii) | | |
| Birth Details | | | |
| Address | | | |

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8039030 |
| Role | Director | | |
| Appointment Date | 29/11/2013 | | |
| Name | Sch 2 s2(a)(ii) | | |
| Birth Details | | | |
| Address | | | |

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8038898 |
| Role | Secretary | | |
| Appointment Date | 29/11/2013 | | |
| Name | Sch 2 s2(a)(ii) | | |
| Birth Details | | | |
| Address | | | |

**Issued Capital**

| | | | |
|---|---|---|---|
| Current | | Document Number | 2E0024925 |
| Class Code | ORD | Class Title | ORD |
| Number Issued | 100 | | |
| Total Amount Paid | 100.00 | Total Amount Due | 0.00 |

**Share Holdings**

Note: For each class of shares issued by a company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8037952 |
| Class Code | ORD | Number Held | 34 |
| Beneficially Owned | N | Fully Paid | Y |

| | |
|---|---|
| Organisation Name | ISLAND INVESTMENTS PTY LTD |
| ACN | 120 249 854<br>71 120 249 854 |

| | |
|---|---|
| ABN | |
| Address | 17 ELIMATTA STREET<br>REID ACT<br>2612 |
| Joint Holding | N |

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8038898 |
| Class Code | ORD | Number Held | 33 |
| Beneficially Owned | Y | Fully Paid | Y |

| | |
|---|---|
| Name | Sch 2 s2(a)(ii) |
| Address | |
| Joint Holding | N |

| | | | |
|---|---|---|---|
| Current | | Document Number | 7E8039030 |
| Class Code | ORD | Number Held | 33 |
| Beneficially Owned | Y | Fully Paid | Y |

| | |
|---|---|
| Name | Sch 2 s2(a)(ii) |
| Address | |
| Joint Holding | N |

**Document List Details**

| | | | |
|---|---|---|---|
| Document Number | 7E8039030 ☐ | | |
| Form Code | 484 | Date Received | 09/06/2016 |
| Date Processed | 09/06/2016 | Pages | 2 |
| Effective Date | 09/06/2016 | | |
| 484 | Change to Company Details | | |
| 484A1 | Change Officeholder Name or Address | | |
| 484A2 | Change Member Name or Address | | |

| | | | |
|---|---|---|---|
| Document Number | 7E8038898 ☐ | | |
| Form Code | 484 | Date Received | 09/06/2016 |
| Date Processed | 09/06/2016 | Pages | 2 |
| Effective Date | 09/06/2016 | | |
| 484 | Change to Company Details | | |
| 484A1 | Change Officeholder Name or Address | | |
| 484A2 | Change Member Name or Address | | |

| | | | |
|---|---|---|---|
| Document Number | 7E8037952 ☐ | | |
| Form Code | 484 | Date Received | 09/06/2016 |
| Date Processed | 09/06/2016 | Pages | 2 |
| Effective Date | 09/06/2016 | | |
| 484A2 | Change to Company Details Change Member Name or Address | | |
| Document Number | 2E0024925 ☐ | | |
| Form Code | 201 | Date Received | 29/11/2013 |
| Date Processed | 29/11/2013 | Pages | 3 |
| Effective Date | 29/11/2013 | | |
| 201C | Application For Registration as a Proprietary Company | | |

ORDER SELECTED DOCUMENTS

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**Activity Location:** 1 5 LONSDALE STREET **BlockNo** 12 **SectionNo** 28

**Suburb:** BRADDON

Activity Manage

Sch 2 s2(a)(ii)

**Address:**

5 LONSDALE STREET

BRADDON

**Home Phone:**

**Business Phone:** 61073030

**Mobile:**

Complainant

Sch 2 s2(a)(ii)

**Address:**

Sch 2 s2(a)(ii)

**Home Phone:**

**Business Phone:**

**Mobile:** Sch 2 s2(a)(ii)

Complainant

Sch 2 s2(a)(ii)

**Address:**

Sch 2 s2(a)(ii)

**Home Phone:**

**Business Phone:** Sch 2 s2(a)(ii)

**Mobile:**

Complainant

[redacted]

**Address:**

2 5 LONSDALE STREET

BRADDON

**Home Phone:**

**Business Phone:**

**Mobile:** 0451 767 576

**Action Officer**

TIMOTHY GIBB

**Date Entered**

22/10/2014 9:00:00 AM

At 12.15hrs on 20 October 2014 Canberra Connect received a complaint from mar Sch 2 s2(a)(ii) regarding amplified music noise from the Hopscotch Bar affecting him during the day and his tenants in the evening.

At 16.30hrs on 21 October 2014 I had a conversation with Sch 2 s2(a)(ii) about his complaint. He explained to me that his business is affected by the music during the day and he has tenants in apartments that are affected by the music at night.

I explained dour procedures to him and told him to call Canberra Connect if affected

again after a week.

Complaint letter sent 22 October 2014

**TIMOTHY GIBB** **29/04/2015 11:00:18 AM**

At 23.25hrs on 25 April 2015 Canberra Connect received a complaint from Sch 2 s2(a)(ii) regarding amplified music from the Hopscotch bar is affecting her.

At 11.00hrs on 29 April 2015 I had a conversation with Sch 2 s2(a)(ii) about her complaint. I explained to her our procedures and told her to call Canberra Connect if affected and an officer would attend and take a noise reading.

NFA

**ROHAN PEEK** **15/06/2015 2:30:47 PM**

On 15-6-15 I received a call from Sch 2 s2(a)(ii) from AFP regarding a noise complaint they had received over the weekend. He asked if EP officers could attend a meeting with the AFP and the owner and manager of the Schnitzel Haus. EPO Gibb and myself attended and discussed issues with the owner/manager. I advised that a letter had previously been sent to HOPSCOTCH and they should contact Canberra Connect next time they are affected.

EPO Gibb and I went next door to HOPSCOTCH and spoke to Sch 2 s2(a)(ii) and Sch 2 s2(a)( They advised they had not received a complaint letter in the past. We went over the NZS with them and did some complimentary readings from the front boundary and next door in the schnitzel Haus. I asked them to adjust the levels down and to reduce the bass. I suggested they go and purchase a decibel meter and said I would be happy to come back and help them set it up.

Complaint letter and info sheet emailed 15-6-15

**ROHAN PEEK** **16/06/2015 3:22:09 PM**

On 16-5-15 EPO Gibb and I attended Hopscotch bar and help the owners Sch 2 s2(a) and Sch 2 s2(a)(i) to set up their SLM and suggested they contact an acoustics consultant to get the stereo system fitted with a limiter.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**TOM NILSEN** **22/06/2015 2:12:59 PM**

On 20 June 2015 a complaint was received from Canberra Connect by the Schnitzel Hause business at 2/5 Lonsdale Street Braddon who was affected by amplified noise from a neighbouring business the Hopscotch Bar also of 5 Lonsdale Street Braddon.

I attended the Schnitzel Hause with EPO Gibb and began observations at 19:25hrs. I could hear loud amplified music coming from the Hopscotch Bar – the music was a live musician. I observed EPO Gibb take some spot readings with the sound level meter, indicating the noise was in the order of 75-80dB. The manager of the Schnitzel Hause told me that the amplified music was driving away his customers (he said two tables at the start of the evening trade found the noise unbearable). When EPO Gibb and I were there I could see the restaurant was full inside with patrons.

EPO Gibb and I went next door and spoke with the manager of the Hopscotch Bar. EPO Gibb asked for the amplified music to be turned down. The music was turned down.

Note that there was a lot of patron noise at both venues. The Schnitzel Hause also had outside speakers which I could hear after the Hopscotch Bar had turned their music down.

I left at 19.45hrs

**ROHAN PEEK** **03/07/2015 6:25:41 PM**

On 26-6-15 at 17.36 I received an AH call regarding amplified music noise from Hopscotch Bar. I advised I would attend. When I arrived the amplified music was at the same level as the patron noise I advised I was unable to take a reading at this time. While I was discussing the situation with the complainant the amp music level increased. I set up the equipment and took a reading. The result was L10 81dB(A) I went over and advised the owners of Hopscotch that they were over the 60dB(A). They advised they had checked the levels earlier in the night. I showed them the levels I was getting and they lowered the volume of the music so it was no longer the dominant noise. They said it was hard for them to check as the complainant would not let them on to their property so the could check at the compliance point.

I offered to speak to the complainant and see if I could resolve the issue. I asked Sch 2 s2(a)(ii) the complainant if he would allow them on to his front area. He informed me that the owner would not allow it to happen. I suggested that Sch 2 s2(a)(ii) and Sch 2 s2(a)(ii) the owner of hopscotch meet out the front to discuss the issue and see if they could sort it out between themselves as both business could suffer if this became a neighbour hood dispute. They agreed to meet on the footpath at the front of the two businesses and swapped phone numbers. Sch 2 s2(a)(ii) said he would call Sch 2 s2(a)(ii) direct when he was affected.

On my return to the office I downloaded the data and found that the last calibration reading did not save properly. I advised both businesses that a warning was not going to be issued for this occasion.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**TIMOTHY GIBB** **03/08/2015 10:20:20 AM**

At 21.40hrs on 31 July 2015 I received an on call complaint regarding amplified music from the Hopscotch bar affecting the complainants business.

I spoke to complainant and informed him I was busy on other jobs and I would call him back when I was finished at 00.55hrs I tried to call complainant and phone rang out two times.

NFA

**TOM NILSEN** **03/08/2015 12:08:45 PM**

On 1 August 2015 at 21:30hours I received a call from Canberra Connect. [redacted] from the Schnitzel Hause was complaining about noise from the Hopskotch Bar. I drove to the site but it began to rain heavily as I approached Civic. The rain persisted as I arrived in Braddon at approx 22:15 hours. I telephoned [redacted] and advised that unfortunately due to standard operating procedures I was unable to take a valid noise reading because the rain interferes with measurement of noise. I asked [redacted] to telephone again when next affected by the noise.
[redacted] expressed displeasure at this advice and asked for our office to call him on Monday to discuss the matter further. I noted [redacted] request and ended the telephone conversation.

Action - EPO Gibb to follow up on Monday.

**PATRICK BACON** **06/08/2015 8:45:48 AM**

4.08.2015 Access Canberra received a complaint from Sch 2 s2(a)(ii) regarding excessive noise from the neighbours.
06.08.2015 at 08:41 EPO Bacon contacted the complainant and advised, as it is an ongoing matter, that he needs to request the on-call officer.
NFA

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**RODNEY DIX** **10/08/2015 8:50:25 AM**

On 7 August 2015 at 19.05hrs Access Canberra received a complaint from Sch 2 s2(a)(ii) Sch 2 s2(a)(ii) of the Schnitzel House concerning noise from amplified music at the Hopscotch Bar. I called Sch 2 s2(a)(ii) who advised his customers were affected by noise, I advised I would attend.

At approx 20.10hrs I attended the Schnitzel House. I could clearly hear amplified music and patron noise coming from the Hopscotch Bar. I spoke to Sch 2 s2(a)(ii) who advised the noise along the inside boundary was excessive. I advised there was too much background noise from his patrons, Sch 2 s2(a)(ii) advised the best time was around 22.30-23.00hrs. I asked what time did the business close, he advised 24.00hrs. I advised I would return around 23.00hrs to take a noise measurement.

At approx 22.55hrs I attended the Schnitzel House, I could clearly hear amplified music and patron noise from the Hopscotch Bar.

Weather: 0 Oktas, no wind and temperature 1'C.

Meter calibrated and measurement of meter taken, saved as Project 7. I placed the meter in the open court yard near the entrance ramp for the Schnitzel House. Measurement started at 23.00hrs. noise from the music and patrons was observed at 74dB(A), where there were brief periods of no music the noise from patrons was observed 70 – 73dB(A). L10 – 73.9dB(A) and L90 – 63.9dB(A). LC – LA = 5.6dB.

Predominant noise was music and patron noise. I saved the measurement and proceeded into the restaurant. There were two patrons inside with staff. I could hear the music through the wall but it was very low. The noise from the staff was louder than the music. I waited and the noise did not increase. I called Sch 2 s2(a)(ii) and advised the noise outside was affected by patron noise and the noise inside was lower than at 20.30hrs with background noise to loud.

I left the site.

**PATRICK BACON** **17/08/2015 9:21:17 AM**

15.08.2015 at 17.20 EPO Bacon received a call from EPO Ryan to attend an ongoing noise dispute at the Schnitzel Haus, Braddon.
17.33 Received a call from EPO Ryan stating that the complainant would prefer that EPA officers attend at 22:00 that evening.
09:55 EPO Bacon attended the Schnitzel Haus, no complainant arrived. At 22:20 EPO Bacon departed.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**ROHAN PEEK** **25/08/2015 4:30:34 PM**

On 22-8-15 at 18:30 I received an AH call regarding amp music noise from Hopscotch Bar. The Access Canberra Switch advised that the complainant had said that the noise was so loud he had patrons leaving. I called the complainant and advised I was on another job and would be at least an hour or so away. I informed him I would call when available. At 20.00 I called the complainant who advised there was no point attending as his restaurant was full and his patron noise would affect the reading. I suggested he call back once his patrons had left if the noise was still an issue. He said he would call me at 22.00. I did not hear from him again.

**ROSLYN BELINFAN** **31/08/2015 10:46:47 AM**

31.8.15: Phone call received from [redacted]

**ROSLYN BELINFAN** **31/08/2015 12:40:22 PM**

31.8.15: Ph call received from [redacted] of Schitzel Haus of Braddon via Access Canberra Call Centre re:ongoing noise issue from neighbouring premises Hopscotch Bar

[redacted] was requesting to know what was going on with the ongoing noise complaint & demanding that EPA do something as he stated that nothing had been done. [redacted] advised he was frustrated with the lack of EP action to date & appeared to be quiet agitated throughout the duration of the phone call.

[redacted] stated on a number of occasions throughout the telephone conversation that EP Officers continued to make excuses as to why noise readings couldn't be undertaken. I attempted to explain the reasons EPOs could not take noise readings in the rain & if there was significant background noise from patrons (people noise) etc etc

I also tried to reiterate EP SOPS & explain that EP Officers may well be attending other jobs & could not always attend at the time a complaint was lodged.

[redacted] continued to verbalise his dissatisfaction for the entirety of conversation. I advised [redacted] I would pass his contact details onto Snr EPO Dix (Mgr) to discuss the matter further. Email sent to EPO Dix to contact [redacted]

NFA required at this time. Ros

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**RODNEY DIX** **01/09/2015 3:33:08 PM**

On 1 Sept 2015 at approx 13:30hrs I called and spoke to [redacted], owner of the Schnitzel Haus.

[redacted] asked if I was the manager of the Regulation area, I advised I was. [redacted] wanted to know what could be done about the noise coming from the Hopscotch Bar as it was affecting his business. I advised the EPA could not take any further action unless a valid noise measurement was taken, [redacted] wanted to know what happened to the valid measurement that was taken before, I advised the officer did not complete the require operating procedures so the noise measurement could not be used.

I advised when officer took a noise measurement, the noise from patrons at both the Schnitzel Haus and Hopscotch Bar was comparable to the music noise and when measurements were taken inside the noise from staff compromised the noise measurement. [redacted] asked if an officer could attend when they called, I advised they could but due to the issues associated with staff we could organise a time when the business has no clients and take the measurement without extraneous noises. [redacted] advised he would discuss this with Sch 2 s2(a)(ii) and get back with a proposed date.

I gave [redacted] my contact number.

**TOM NILSEN** **17/09/2015 5:12:37 PM**

12 September 2015, call from Canberra Connect to attend noise pollution incident. Complainant was Schnitzel Hause affected by Hopskotch Bar.. On route to callout with EPO Williams the manager of the restaurant telephoned me to cancel the call out because he was no longer affected.

NFA.

**RODNEY DIX** **04/01/2017 8:11:38 AM**

On 31 Dec 2016 at 22.11hrs Access Switch received a complaint from [redacted] of 2/5 Lonsdale Street Braddon (Snitzel House) concerning noise from amplified music at the Hopscotch Bar at 5 Lonsdale Street.

I called [redacted] who advised his customers were affected by the music playing at the Hopscotch Bar and he wanted something done about it. I asked [redacted] how often the music affects his patrons, [redacted] advised every Friday and Saturday night. I advised officers had been out to measure the noise and the noise from patrons in his business affected the noise measurement. [redacted] said that the noise had been validated but the measurement was corrupted and he was still angry about that. I advised I would follow up the complaint. [redacted] was not happy with this response and wanted something done now. I advised I would follow up the matter.

4 Jan 2017 complaint letter delivered by EPO Ryan.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PETER RYAN** **09/01/2017 1:11:23 PM**

I received a call from the complainant advising he is affected by amp music from Hopscotch Bar.

I called the complainant and advised that the letter went out on the 4/1/17 and I would respond after the 11/1/17.

We had a discussion re SOP's and NFA was taken.

**RODNEY DIX** **06/02/2017 2:43:18 PM**

On 3 Feb 2017 at 23.47hrs Access Switch received a complaint from [redacted] of Tipsy Bull at shop 2/5 Lonsdale Street BRADDON concerning noise from amplified at the Hopscotch Bar. I called [redacted] who advised he was affected by noise, I advised I would attend.

At approx 0.30hrs I attended the Tipsy Bull. I noted there were a large number of patrons and music coming from the Hopscotch Bar. The music was the dominant noise. I spoke to the staff at the Tipsy Bull who advised [redacted] had left but advised they would call him, I was passed a phone where [redacted] advised he was affected by noise in the open garden area.

Weather:
0 Oktas, no wind and temperature 18'C.

Equipment:
Bruel & Kjaer Calibrator #1730708, Calibrated – 21/12/2016
Bruel & Kjaer Meter #2690277, Calibrated 02/11/2016

Meter calibrated prior to measurement with deviation 0.00dB and measurement of calibrator taken, saved as Project 042. Meter placed in the middle of the open dining area facing towards the Hopscotch Bar. Closest reflective surface was >3m. Measurement started at approx 0.35hrs. Observations during the measurement:
Noise from amplified music – 76dB(A)
0.40hrs music – 70dB(A)
0.41hrs motorbike – 78dB(A)
0.41.30hrs – motorbike – 91dB(A)
0.43 hrs music – 75

Duration 10.04 minutes. L10 – 77.7dB(A) and L90 – 71.0dB(A), Lc-La = 6.6dB. Predominant noise was amplified music from Hopscotch Bar. Saved as Project 043. Measurement of calibrator taken and saved as Project 044. I spoke to [redacted] and advised I had validated the measurement and would review the file and advise what action would be taken.

I proceed to the Hopscotch Bar and spoke to the manager. I advised I had validated a noise complaint and would be reviewing further action. The person asked if they needed to turn the music down, I advised no but the matter should be discussed with the owners to resolve the matter.

Case decision pending for warning letter

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**RODNEY DIX** **09/02/2017 4:32:46 PM**

Case decision approved for warning letter.

On 9 Feb 2017 at approx 17.00hrs I attended the Hopscotch Bar and hand delivered a warning letter to the bar manager. The person advised they would ensure the addressee would receive the notice.

**PETER RYAN** **13/02/2017 9:25:41 AM**

on the 10/2/17 at 23.20hrs I received a noise complaint re the noise from the Hopscotch Bar and I spoke to the complainant and advised that the Warning Letter was only just issued and the Authority will not attend until next weekend the 17th or so.

We had a discussion re and I advised ZI would put the complaint in the data base and he was happy with this.

**LUKE PEARSON** **20/02/2017 12:48:07 PM**

@22.41 18 Feb. 17 - [redacted] rang the AC AH switch to advise he was affected by amp music. A short time later I rang [redacted] twice - the complainant did not answer. I did not attend.

**TIMOTHY GIBB** **27/02/2017 11:36:19 AM**

At 21.02hrs on 25 February 2017 I received an on call complaint regarding the loud music from Hopscotch was affecting the complainant.

I tried to call complainant and had to leave him a message.

NFA

**PATRICK BACON** **09/03/2017 12:08:24 PM**

5.3.17 [redacted] contacted Access Canberra After Hours and reported that amplified music from Hopscotch bar was affecting him and his business.
I attended at approximately 21:00 and proceeded to take a noise measurement from the courtyard of the 'Tipsy Bull'.

I then had a conversation with the manager of Hopscotch, [redacted] and advised him that I had taken a reading that looked like it could possible be a breach of the NZS.

Upon review, this noise reading was deemed invalid as the people noise was approximately 65-68 and the music was approximately 68dB(A).

[redacted] has been informed of this via a message I left on his phone.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PATRICK BACON** **09/03/2017 1:11:07 PM**

Hi Rod,

There are 6 complaints that are definitely from [redacted] These were lodged on the following dates (times included when they were recorded):

•1.8.2015 at 21:30
•31.8.15
•31.12.16 at 22:11
•3.2.17 at 23:47
•18.2.17 at 22:41
•5.3.17 at 18:00

However, a fair few of the complaints in the database are recorded as having been lodged by 'the Management at Schnitzel Haus'. This makes it difficult to determine whether it was [redacted] or one of the other owners, who lodged to complaint.
Those dates are as follows:

•15.6.15
•20.6.15
•31.7.15
•15.8.15
•22.8.15
•12.9.15
•6.1.17
•10.2.17
•25.2.17

Patrick Bacon| Environment Protection Officer | Environment Protection
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.environment.act.gov.au

From: Dix, Rodney
Sent: Thursday, 9 March 2017 9:15 AM
To: Bacon, Patrick
Subject: FW: Tipsy Bull [SEC=UNCLASSIFIED]
Importance: High

Pat

Can you please detail dates and times [redacted] has lodged a complaint concerning noise from Hopscotch.

Thanks

Rodney Dix | Manager
Phone: +61 2 6207 2586| Fax: +61 2 6207 6084 |Email: rodney.dix@act.gov.au

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

Environment Protection | Access Canberra | ACT Government
Level 2 North - Dame Pattie Menzies House|16 Challis Street Dickson | GPO Box 158
Canberra ACT 2601 | www.environment.act.gov.au

From: [redacted]
Sent: Wednesday, 8 March 2017 4:24 PM
To: Dix, Rodney
Subject: Tipsy Bull
Importance: High

Hi Rodney

I'm compiling a detail complaint letter to the Commissioner for Fair Trading, can you please forward a list of complaints that i have made against Hopscotch for excessive noise.

Thanks

[redacted]

**RODNEY DIX** **17/03/2017 8:33:15 AM**

On 12 March 2017 at 0.23hrs Access Switch received a complaint from [redacted] of the Tipsy Bull, 5 Lonsdale Street BRADDON concerning noise from amplified music at Hopscotch, 5 Lonsdale Street. I called [redacted] who advised he was affected by the noise from Hopscotch. I advised I would attend.

At approx 1.00hrs I attended the Tipsy Bull. I could clearly hear amplified music coming from Hopscotch ,the music was the dominant noise. As I was setting up the noise meter the music was turned down considerable and was not the dominant noise. I advised [redacted] the music was not the dominant noise due to patron noise. I left the site.

**RODNEY DIX** **17/03/2017 9:32:36 AM**

On 12 March 2017 at 22.09hrs Access Switch received a complaint from [redacted] of the Tipsy Bull, 5 Lonsdale Street BRADDON concerning noise from amplified music at Hopscotch, 5 Lonsdale Street. I called [redacted] who advised he was affected by the noise from Hopscotch. I advised I would attend.

At approx 23.30hrs I attended the Tipsy Bull. I could clearly hear amplified music coming from Hopscotch, the music was the dominant noise. As I was walking towards the office the music was turned down. I spoke to [redacted] who agreed the music had been turned down. [redacted] advised officers may need to enter his premises by a rear access in order to bypass the security from Hopscotch identifying the EPA officers.

I left the site.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PETER RYAN** **22/03/2017 10:12:21 AM**

At 22.00hrs on 21/3/17 the complainant contacted the afterhours switch.

I did not receive the call due to technical issues with the afterhours phone service. I advised EPO DIX on the 22/3/17 re the issue and he advised he would contact the call centre and advise the issue is still present.

I tried to call complainant on the 22/3/17 and I had to leave him a message for him to call me.

**PATRICK BACON** **12/04/2017 1:59:53 PM**

7.4.2017 EPO Bacon attended Tipsy Bull in response to an afterhours complaint. Full sound report and Case Decision Pending.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PATRICK BACON** **12/04/2017 2:01:39 PM**

On 7 April 2017 Access Canberra After Hours Switch received a complaint from [redacted] of Tipsy Bull at shop 2/5 Lonsdale Street BRADDON concerning noise from amplified at the Hopscotch Bar. I called [redacted] who advised he was affected by noise, I advised I would attend.

At approx 23.20 hrs I attended the Tipsy Bull. I noted that there was a dominant noise of music coming from the Hopscotch Bar. I spoke to Complainant [redacted] of the Tipsy Bull and explained that I would conduct a reading of the sound that was affecting him.

Weather:
0 Oktas, no wind and temperature 12'C.

Equipment:
Bruel & Kjaer Calibrator #1730708, Calibrated – 21/12/2016
Bruel & Kjaer Meter #3001642, Calibrated 21/12/2016

Meter calibrated prior to measurement with deviation 0.00dB and measurement of calibrator taken, saved as Project 016. Meter placed in the open dining area facing towards the Hopscotch Bar. A photo was taken of the SLM in this location. Closest reflective surface was >3m. Measurement started at approx 23.33hrs. Observations during the measurement:
Noise from amplified music – 78-80dB(A)
23.35.10hrs song change – 70-76dB(A)
23.35.45hrs people noise – approximately 79dB(A)
23.26.59hrs song chnage– 76-78dB(A) with deep bass component
23.38.21hrs song change – 75-78dB(A)
23.38.40 brief peak of people noise 82dB(A)
23.41.30 song change

23.43.30 recording paused

Duration approx 10 minutes (9min 47sec). L10 – 79.6dB(A) and L90 – 74.6dB(A), Lc-La = 5.9dB. Predominant noise was amplified music from Hopscotch Bar. Saved as Project 017. Measurement of calibrator taken and saved as Project 018. I spoke to [redacted] and advised I would review the file and advise what action would be taken.

I proceed to the Hopscotch Bar and spoke to the manager. I advised I may have validated a noise complaint and would be reviewing further action. I advised that they also refer the matter to the owners and provided my business card.

Case decision pending for First Infringement Notice.

**PATRICK BACON** **12/04/2017 3:35:33 PM**

Note: The nearest reflective surface during the recoding on the night of 7.4.2017 was 2m NOT 3m as listed in the previous database entry.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PATRICK BACON** **24/04/2017 11:57:02 AM**

24.4.2017 Bacon contacted Hopscotch and attempted to speak to the Activity Manager, Sch 2 s2(a)(ii) however, he was not available. A message has been left requesting a call back RE arranging a meeting to discuss the Infringement Notice and a plan to move forward.

**PATRICK BACON** **27/04/2017 4:35:13 PM**

28.4.2017 First Infringement Notice to be hand delivered, with date of issue being 28.4.2017.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**RODNEY DIX** **28/04/2017 2:54:00 PM**

On 28 April 2017 at 10.30hrs EPO Bacon and I attended Hopscotch Bar. Sch 2 s2(a)(ii) Sch 2 s2(a)(ii) and a third person, Sch 2 s2(a)(ii) from Hopscotch were present.

I introduced myself and Patrick and thanked them for meeting with them. I explained we were there following noise complaints which had resulted in a valid noise reading. As a result of the noise measurement an infringement notice would be served. I provided Sch 2 s2(a)(ii) with an envelope which contained the infringement notice. I observed Sch 2 s2(a)(ii) sign EPO Bacons note book during the meeting.

I explained the complaint process and that a complaint letter and official warning letter had been sent to the business because of the noise complaints. All three persons from Hopscotch wanted to know why a vexatious complaint was acted on as the person next door had made a number of complaints about the business. I explained the Act required an affected person at a place and didn't go into detail about vexatious complaints. I advised EPA officers had taken a noise measurement on several occasions and on two occasions the noise was measured above the NZS, I explained the noise measurement process. With regard to the measurement which resulted in the infringement notice, the matter was referred to the Regulatory Advisory Committee and a decision was made to issue an infringement notice based on the evidence provided, I explained the RAC and process. The person's advised they would dispute the notice, I advised information on how to dispute the notice was contained on the back of the infringement notice.

I advised the purpose of the meeting was mainly to work with the business moving forward so the two businesses could work together and not involve Govt Regulators.

Daniel Curtin from ORS attended the site.

Persons from Hopscotch advised they had tried to work with the business next door but the person was vexatious and wouldn't join in conversation. The matter had gone to their landlord and they had taken measures to reduce noise levels. [redacted] advised they had three businesses and couldn't be on site all the time and there would be times when they were above the NZS.

Further discussions were had concerning the complaints made by the business next door. I advised they had Patrick and my contact details and if they had any questions to call us.

Daniel Curtin went into detail about the RAMP.

**PATRICK BACON** **29/05/2017 12:05:06 PM**

29.5.2017 Bacon spoke with [redacted] and emailed him a witnesses guide to making a statement.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PATRICK BACON** **29/05/2017 12:05:47 PM**

29.5.2017 EPA received both an email and a fax containing a letter of dispute from the managers of Ho9pscotch Bar detailing their intention to take the matter to court.

**PATRICK BACON** **07/06/2017 2:36:57 PM**

7.6.2017 at approximately 13:15 I attended "Tipsy Bull" and obtained a witness statement from [redacted]

**PATRICK BACON** **28/06/2017 11:55:01 AM**

28.6.2017 the EPA received advice from the DPP to attend further complaints. This information was passed on to [redacted] who will call when affected.

On-Call: Please attend further complaints.

**TIMOTHY GIBB** **12/07/2017 11:15:39 AM**

At 18.20hrs on 8 July 2017 I received a on call complaint regarding live music from Hopscotch bar was affecting the complainants business.

I tried to call complainant but I had to leave a message.

Please see complaint 170712-000791 in CRM database for new history.

NFA

**PATRICK BACON** **18/07/2017 12:07:39 PM**

13.7.2017 Bacon received a complaint from [redacted] regarding noise coming from 'Hopscotch Bar'.
Bacon advised that he would attend.

Just prior to arrival, [redacted] advised that the noise had stopped, and that it sounded like 'a race was being called on the PA system'.

# Incident Report

*12-Feb-18*

**IncidentNo** 5969 **IncidentType:** Noise - Amplified Music

**PATRICK BACON** **16/08/2017 3:37:35 PM**

12.8.2017 Bacon received a complaint from [redacted] regarding amplified music at Hopscotch Bar.
Bacon then attempted contacting the Complainant, but was unable to reach him.

**PATRICK BACON** **16/08/2017 3:40:22 PM**

Sch 1 s2 [redacted]

**TIMOTHY GIBB** **05/09/2017 8:19:50 AM**

At 19.15hrs on 1 September 2017 Complaint received about music from the bar, I did not attend as complainant is Sch 1 s2 [redacted]

NFA

# TIPSY BULL

24 March 2017

Mr David Snowden
Commissioner for Fair Trading
Chief Operations Officer – Access Canberra
Chief Minister, Treasury and Economic Development
Po Box 582
DICKSON ACT 2602

Dear Mr Snowden

**Environment Protection Complaints – Non-Action**

Thank you for your time on the telephone this morning to my associate.

As she briefly discussed with you, I am writing regarding the non-action of several complaints that have been made by myself to the Environment Protection Authority (EPA) regarding the extreme noise levels consistently emerging from the business Hopscotch, located at 5 Lonsdale Street, Braddon.

I am owner and manager of the business Tipsy Bull, located next door to Hopscotch at 2/5 Lonsdale Street. I have held residence since June of 2015, originally with the business The Schnitzel Haus Braddon. Shortly after opening my business it became apparent to me that the noise levels surfacing from Hopscotch were to an unacceptable level and it was impacting the quality of service I was able to provide to my patrons. As a result, The Schnitzel Haus Braddon lodged its first complaint with the EPA on June 15th 2015 and since then we have collectively, across both The Schnitzel Haus Braddon and now Tipsy Bull made sixteen more attempts with little reprieve. On only several occasions out of the fourteen an inspector has arrived promptly, but on numerous times an inspector has not presented at all. Below is an outline of the dates of complaints:

| Schnitzel Haus | Tipsy Bull |
|---|---|
| 15.6.15 | 3.2.17 |
| 20.6.15 | 10.2.17 |
| 31.7.15 | 18.2.17 |
| 1.8.15 | 25.2.17 |
| 15.8.15 | 5.3.17 |
| 22.8.15 | 11.3.17 |
| 31.8.15 | 22.3.17 |
| 12.9.15 | |
| 31.12.16 | |
| 6.1.17 | |

The complaint made on February 3rd 2017 resulted in an inspector attending our site at approximately 11.45pm and conducting a noise pollution test which returned a reading of 70dB(A). As you would be aware, the Environment Protection Act 1997 provides the permissible level to be 50dB(A) after 10pm in the Civic area. A warning letter was issued to the owners of Hopscotch, [redacted] regarding their non-compliance with the law. In addition to my many attempts for assistance from the EPA I have also been in communication with ACT Liquor to advise them of Hopscotch's offence under the Liquor Act 2010, however they have advised me that they are not able to proceed with action until EPA issue a fine.

I have been in regular communication with Mr Rodney Dix from EPA regarding Hopscotch's ongoing non-compliance with the law. After making another complaint on March 11th Mr Dix personally attended our premises around midnight and noted that once he was sighted by a security guard at Hopscotch their music was instantly turned down before Mr Dix could take further action.

On March 22nd 2017 Hopscotch held a regular event they advertise as 'Tranny Bingo' night. On this particular evening, I lodged a complaint at approximately 10pm regarding not only the high noise levels but also the offensive language that was coming from Hopscotch which resulted in a group of my patrons becoming upset and leaving. I notified ACT Policing of this as well as it is an offence under s 4A(1) of the Summary Offences Act 1988 to use offensive language in or near a public place. On this occasion, the shared landlord of Hopscotch and Tipsy Bull, [redacted] also witnessed the noise and language.

In addition to noise pollution, I have also complained to the EPA on February 18th 2017 regarding Hopscotch's lack of control of their patrons littering and smoking in front of Tipsy Bull, and the damage done by them to my fence.

As I am sure you can appreciate, these issues have been persistent and there seems to be a prolonging of taking any serious action on the part of EPA. I have followed the correct procedures throughout the last two years but the same issues continue to surface on a regular basis. I am now seeking your assistance for a resolution that involves Hopscotch being held accountable for their non-compliance with the law, and to ensure that they be made to comply with the law in the future.

I welcome the opportunity to speak with you further and can be contacted at your earliest convenience.

Kind Regards,

[redacted]

Owner, Tipsy Bull
2/5 Lonsdale Street
Braddon ACT 2612

[redacted]

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2018-0031

[redacted]

via email: [redacted]

Dear [redacted]

**FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 8 February 2018, in which you sought access to:

1. Any documents/complaints relating to noise made by Tipsy Bull / [redacted] against Hopscotch Bar located 1/5 Lonsdale Street Braddon ACT.
2. Any communications/documents or emails from EPA to Hopscotch regarding Noise complaints.
3. Any noise meter readings taken by EPA for noise from Hopscotch Bar.
4. Any fines issued against Hopscotch for Breaching Noise regulations.
5. Any communications from DPP regarding why the Fines from EPA was withdrawn.

**Authority**

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

**Timeframes**

In accordance with section 38(6)(b) of the Act, access was deferred until 1 May 2018 to allow the third parties to exercise their right of review with the ACT Ombudsman. The ACT Ombudsman's Office has now confirmed that no requests for review have been made by the relevant third party. As a result, I am able to release the deferred documents to you.

**Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents that were released to you have already been published. This letter and the documents

attached to this letter will also be published on the CMTEDD disclosure log. Your personal contact details will not be published.

You may view CMTEDD disclosure log at
https://www.cmtedd.act.gov.au/functions/foi/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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD 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

**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 the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
http://www.acat.act.gov.au/

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,

Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

1 May 2018

ACT Government
Chief Minister, Treasury and Economic Development

# FREEDOM OF INFORMATION REQUEST SCHEDULE

| NAME | WHAT ARE THE PARAMETERS OF THE REQUEST | Reference NO. |
|---|---|---|
| [redacted] | 1. Any documents/complaints relating to noise made by Tipsy Bull / [redacted] against Hopscotch Bar located 1/5 Lonsdale Street Braddon ACT.<br>2. Any communications/documents or emails from EPA to Hopscotch regarding Noise complaints<br>3. Any noise meter readings taken by EPA for noise from Hopscotch Bar<br>4. Any fines issued against Hopscotch for Breaching Noise regulations.<br>5. any communications from DPP regarding why the Fines from EPA was withdrawn. | CMTEDDFOI 2018-0031 |

| Ref No | Page number | Description | Date | Status | Reason for Exemption | Online Release Status |
|---|---|---|---|---|---|---|
| 1 | 5-6 | Letter | 4-1-17 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| 2 | 7 | EPA Warning | 9-2-17 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| 3 | 1-4 | Infringement Notice | 28-4-17 | Partial | Schedule 2 section 2(a)(ii) Personal Information | Yes |
| | | | | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |

| Total No of Docs |
|---|
| 3 |

ACT Government
Chief Minister, Treasury and Economic Development

Sch 2 s2.2(a)(ii)
Manager
Hopscotch Bar
5 Lonsdale Street
BRADDON ACT 2612

Dear Sch 2

On the 31st December 2016 Environment Protection received a complaint regarding noise. The person believes noise from amplified music at your property is excessive and disturbs their amenity.

In dealing with similar complaints in the past Environment Protection Officers have found the most effective way to resolve the issues is to talk with the people alleged to be making the noise. At that time it is possible to explain the requirements of the *Environment Protection Act 1997* (the Act), including the permitted noise levels and time periods in which those levels apply.

I am seeking your assistance, as the occupier of the premises to ensure the noise is not excessive. Could you please contact me by phone on 6207 2586 to discuss the complaint in more detail.

Environment Protection Officers, in response to further complaints will attend and take noise measurements. Excessive noise is a minor environmental offence and the Act does provide for penalties in cases where excessive noise occurs.

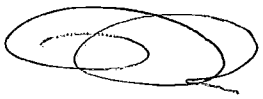
For your information the noise zone standards for Town Centre areas are as follows:

| | | |
|---|---|---|
| Monday – Saturday | 7 am - 10 pm | - 60 dB (A) |
| | 10 pm - 7 am | - 50 dB (A) |
| Sunday and Public holidays | 8 am - 10 pm | - 60 dB (A) |
| | 10 pm - 8 am | - 50 dB (A) |

Please note, where there is a common wall between properties the noise zone standard is adjusted down by 5dB(A).

I look forward to talking with you and resolving any genuine noise problem.

Yours sincerely



Rodney Dix
Environment Protection Officer
Environment Protection
4 January 2017

ACT Government
Chief Minister, Treasury and Economic Development

# ENVIRONMENT PROTECTION AUTHORITY

## WARNING

**Contravention of the *Environment Protection Act 1997* (the Act)**

| | |
|---|---|
| Issued on the: | 9 February 2017 |
| To: | Director, Sch 2 s2.2(a)(ii) [redacted] |
| Place of business: | Foundry Enterprises Pty Ltd Trading as Hopscotch Bar<br>5 Lonsdale Street<br>BRADDON ACT 2601 |

At 0.35hrs on 4 February 2017 an Environment Protection Officer attended a complaint in regard to amplified music noise emanating from your establishment Hopscotch Bar, 5 Lonsdale Street BRADDON.

In accordance with the *Environment Protection Act 1997* (the Act) the noise emitted from the premises was measured and recorded the amplified music as having an L10 value of 77.7dB(A).

The amplified music being played at this time from your establishment was 32.7dB(A) above the noise standard. Under section 5(a) of the Act this is deemed to cause environmental harm.

Loud noise such as this is disturbing for others and is an offence under the Act. The Environment Protection Authority has considered this incident and has decided that on this occasion no further action will be taken. For your information the noise zone standards for City Centre areas are as follows:

| | |
|---|---|
| Monday – Saturday | 7 am - 10 pm - 60 dB(A) |
| | 10 pm - 7 am - 50 dB(A) |
| Sunday and Public holidays | 8 am - 10 pm - 60 dB(A) |
| | 10 pm - 8 am - 50 dB(A) |

If noise is being emitted from a premises on a territory lease with a common wall with premises on another territory lease, the noise standard is 5dB(A) below the noise standard that would otherwise apply.

You can contact me on 6207 2586 to discuss the matter further if you wish.

This warning is issued by Rodney Dix an Authorised Officer under the *Environment Protection Act 1997.*

Signature of Authorised Officer

8 Feb 2017
Date

**Please note that the *Environment Protection Act 1997* provides penalties for such breaches and if the alleged offence continues, further action will be considered.**

ACT Government
Chief Minister, Treasury and Economic Development

# ENVIRONMENT PROTECTION - FIRST INFRINGEMENT NOTICE 2017006

Issued under *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

**Date Notice Served:** 28 April 2017

**To:** Director Sch 2 s2.2(a)(ii)
Foundry Enterprises Pty Ltd

**ACN:** 167 016 775

**Place of business:** 'Hopscotch' Bar
5 Lonsdale Street
Braddon ACT 2601

**RAPS CODE:** 190005

Receipted here

It is alleged that between **11:33pm** and **11:42pm** on **Friday 7th April 2017** noise from amplified music at 'Hopscotch Bar'- 5 Lonsdale Street, Braddon was above the areas zone noise standards.

In accordance with the *Environment Protection Act 1997* (the Act) the noise being emitted from the amplified music at 5 Lonsdale Street, Braddon was measured. The $L_{10}$ was found to be 79.6 dB(A), being 34.6dB(A) above the allowable noise zone standards of that area at that time.

Committed an Offence against the law stated hereunder:

1. ***Environment Protection Regulations 2005***

Offence provision: 39(2)

(2) A person commits an offence if-
(a) the person is an occupier of a place in the ACT; and
(b) noise is emitted from a thing in the place; and
(c) the noise causes environmental harm in an affected place.

Was committed at: **'Hopscotch Bar' 5 Lonsdale Street, Braddon, ACT 2601**

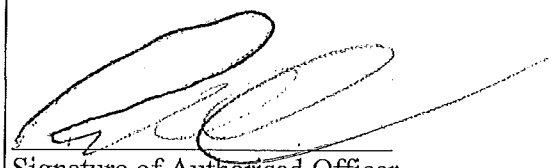
Infringement penalty: **$1000.00**

**Attention Shopfront: Please fax a copy of paid infringement to Environment Protection, 6207 6084**

General Enquiries: Phone Access Canberra on 13 22 81

Payment must be received within 28 days of the date of service of the notice.

This notice is served by Patrick Bacon, an Authorised Officer under the *Environment Protection Act 1997*



Signature of Authorised Officer

28/4/2017

Date

See notes overleaf for method of payment, dispute of liability and consequences if prosecuted in court.

## METHOD OF PAYMENT

1. By posting a cheque or money order (made out to Receiver of Public Monies) to the:

   Environment Protection Authority
   GPO Box 158
   Canberra City 2601

2. By payment over the counter during office hours at:

   Environment and Sustainable Development
   Floor 2, Dame Pattie Menzies House
   16 Challis Street
   Dickson ACT

3. By payment during business hours to all Canberra Connect Shopfronts at:

| **Woden Shopfront** | **Belconnen Shopfront** | **Dickson Shopfront** | **Tuggeranong Shopfront** |
|---|---|---|---|
| Woden Library Building<br>Cnr Furzer and Corinna Streets<br>Phillip ACT 2606 | Level Ground Floor<br>Swanson Plaza<br>Swanson Court<br><br>Belconnen ACT 2616 | Ground Floor<br>Dickson Motor Registry<br>13-15 Challis Street<br><br>Dickson Act 2602 | Unit No 17-21<br>Homeworld Centre<br>Anketell Street<br><br>Tuggeranong ACT 2900 |

(**Attention Manager of Shopfront**: this fine has a Raps Code 190005, please fax a copy of payment to Environment Protection, 6207 6084.)

## IMPORTANT INFORMATION

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 the Environment Protection 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; and

**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 Environment Protection 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. The infringement notice penalty payable by a person under an infringement notice or reminder notice is payable within 28 days after the date of service of the notice;
   (a) if the person applies to the Environment Protection Authority within the 28 days for additional time to pay and the additional time is allowed—within the additional time allowed by the Environment Protection Authority; or
   (b) if the person applies to the Environment Protection Authority within the 28 days for additional time to pay and the application is refused—within 7 days after the day 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 Environment Protection Authority, within 28 days after the date of service of the notice, for withdrawal of the notice, stating the reason, which may be one of the following:

- You did not commit the offence;
- The offence could not have been avoided by your reasonable efforts; or
- It would be unreasonable in the circumstances to prosecute you for the commission of the offence.

3.1 If the person wishes to dispute liability for the offence, the issue may be referred to the Magistrates Court; and

3.2 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; and

**4. If you do not pay the infringement notice penalty, 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 Environment Protection 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, $34.00.