



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-333
Date of Application	16 October 2024
Date of Decision	10 December 2024
Processing time (in working days)	39
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	Entire WorkSafe ACT file in relation to a dog attack.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [REDACTED]
To: [WorkSafe](#)
Cc: [CMTEDD.FOI](#)
Subject: CMTEDDFOI 2024-333 - Claim by Liam Wallace - FOI request [HWLE-MATTER.C0194816.1240483]
Date: Wednesday, 16 October 2024 9:53:25 AM
Attachments: [REDACTED]

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Dear Commissioner,

Please find **attached** our letter of even date requesting information from WorkSafe ACT.

If you require anything further to comply with this request, please contact [REDACTED]

Kind regards,

[REDACTED]

Our Ref: [REDACTED]

16 October 2024

Jacqueline Agius
Work Health and Safety Commissioner
Office of the Work Health and Safety Commissioner
(Worksafe ACT)

BY EMAIL ONLY: worksafe@worksafe.act.gov.au
cc: cmteddfoi@act.gov.au

This document, including any attachments, may contain privileged and confidential information intended only for the addressee named above. If you are not the intended recipient please notify us. Any unauthorised use, distribution or reproduction of the content of this document is expressly forbidden.

Dear Commissioner

[REDACTED]
Worksafe ACT - Incident Investigation - [REDACTED]

We act on behalf of [REDACTED] in relation to a claim for damages made by [REDACTED]. [REDACTED] alleges that he was attacked by [REDACTED], at her residence at [REDACTED] in the ACT on **17 May 2024**.

We understand that Worksafe ACT received notifications from [REDACTED] and [REDACTED] employer in relation to the alleged dog attack. We also understand that Worksafe ACT subsequently conducted and completed an investigation into the alleged incident.

Request for Information

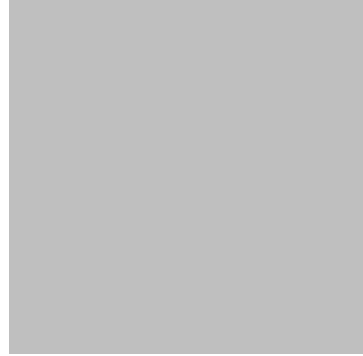
Please provide us with the entire Worksafe ACT file in relation to this incident (case [REDACTED]), including (but not limited to) any notifications, complaints, incident reports, proceedings, determinations, statements, investigation reports, photographs, correspondence, file notes, memoranda and any other documents related to the incident occurring on 17 May 2024.

Please find the **enclosed** authority to obtain information and documents signed by [REDACTED] as the owner of the dog, [REDACTED] and the owner of the premises where the alleged dog attack took place.

Please send copies of the documents electronically to [REDACTED]

Please do not hesitate to contact [REDACTED] on the number below if you have any queries. Otherwise, we look forward to receiving your response and thank you for your assistance.

Yours faithfully





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2024-333

Your ref: [REDACTED]



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 16 October 2024.

Specifically, you have sought access to the following information:

- *Please provide us with the entire WorkSafe ACT file in relation to this incident (case [REDACTED]), including (but not limited to) any notifications, complaints, incident reports, proceedings, determinations, statements, investigation reports, photographs, correspondence, file notes, memoranda and any other documents related to the incident occurring on 17 May 2024.*

Authority

I am an Information Officer appointed by the CMTEDD Director-General 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 within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **18 December 2024**.

Decision on access

Searches of CMTEDD records have identified five documents within the scope of your request.

I have decided to grant full access to one document and partial access to four documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

The information being released to you is provided at **Attachment B**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- views of consulted third parties
- *Human Rights Act 2004*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest.

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

- *No relevant sections identified.*

Public Interest Test

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.

Schedule 2: Factors to be considered when deciding the public interest.

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 are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(xiii) - contribute to the administration of justice generally, including*

procedural fairness.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

- *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.*

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

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 the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weigh the factor for nondisclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses and phone numbers of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, 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 that 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.

Charges

Processing charges are not applicable for this request because the number of pages 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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: 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 the ACAT at:

ACT Civil and Administrative Tribunal
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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

10 December 2024



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

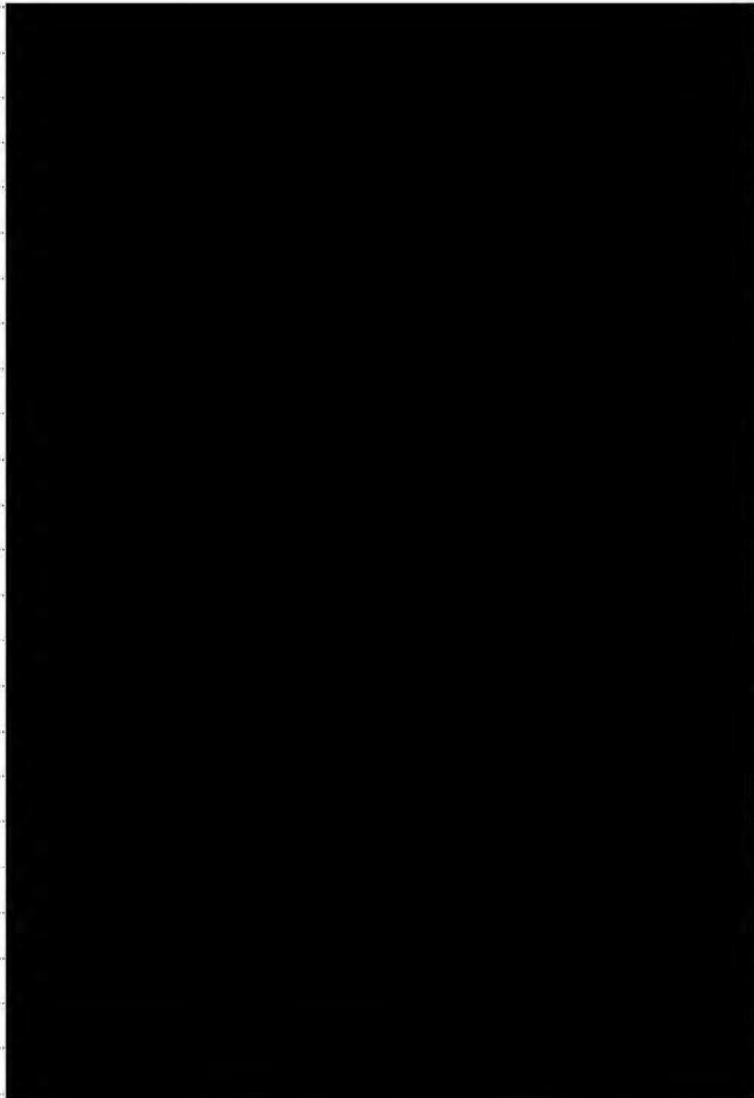
WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

Please provide us with the entire WorkSafe ACT file in relation to this incident (case [REDACTED]), including (but not limited to) any notifications, complaints, incident reports, proceedings, determinations, statements, investigation reports, photographs, correspondence, file notes, memoranda and any other documents related to the incident occurring on 17 May 2024.

CMTEDDFOI 2024-333

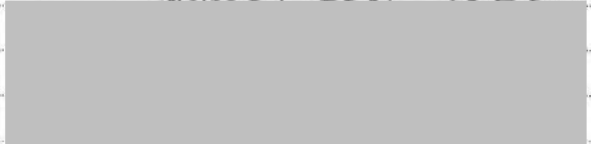
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Inspectors Notes	29 May 2024	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	3-5	Inspectors Notes with photos	Undated	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	6	Email – WHS Catchup	29 May 2024	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	7-8	Workplace Visit Report	29 May 2024	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	9-10	Email with photos	18 Jun 2024	Full release	N/A	Yes
Total No of Docs						
5						



1015 29/5/24
 Woburn Light Plumbe; Canberra
 23, Molonglo Mall
 Lyellburg
 Tom Martin

Sch 2.2(a)(ii)

bite on leg
 - Hospital for
 stitches, returned
 to be reopened &
 cleaned
 - still set treatment



- owner of dog had dog in crate, worker walked pasted inside house & door of crate was open & worker was bitten.

→ Undertaken a staff meetg to discuss incident & developed instruction

- never go into area with dog

- get owner to control dog

- develop policy

→ Requested

→ notes from staff meetg

→ completed policy

- discuss providing counselling to worker

0 10x0

10/10 28
Water tight
Plumbing
- Tom Martin
Cannons.

Sch 2.2(a)(ii)

- Deep bight
hospital
1/2 later

has gone back
NOT healing

2x weeks off.

- happened @ neighbour
house.

"New dog was not
nice and careful"

walked past cage
and was NOT locked.
caused premise.

- water tight have
spoke about locking
animals away.
- Policy is getting
in place.

- Staff Meeting.
MINS to be sent.

~~Need~~
Need to inform
Domestic Services.

- Send Policy to
Andrew once
developed.

- offer counseling.
- 10.36 am



Water Tight

PLEASE USE
THE MAIN DOOR
FROM THE CENTRAL
COURTYARD →

© 6195 9991

Water Tight
© 6195 9991

23 23

Beach

K

MIUD

85

NOTICE

From: Sch 2.2(a)(ii)
Sent: 29/05/2024 11:02 AM
To: "Woolgar, Andrew" <Andrew.Woolgar@worksafe.act.gov.au>
Cc: Sch 2.2(a)(ii)
Subject: Work Health and Safety Catchup 29/05/2024 re Dog Bite

You don't often get email from Sch 2.2(a)(ii). [Learn why this is important](#)

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Hi Andrew,
Thanks for your time today.

As discussed, please see below the extract of our meeting notes from our full staff meeting on 21 May 2024 - 6:30 AM GMT+10

Additional items we will implement based on your advice include

1. Making customers aware of our dog policy/pet prior to us arriving
2. Offer counselling to the person who was bitten

I will also make sure we email you a copy of the policy once it has been created and is in place.

▼ OHS topic 2

OHS discussion, incident, near miss or conversation
Job 31050 Near Miss Incident Report:

Dog Bite!

This has become a serious injury requiring additional surgery.

Discuss as a team what we think we need to include in a policy around working around customer dogs.

- the importance of never going into a location alone with a clients dog.
- when ever a dog is on site talk to the client
- always ask a client to separate the dog
- ensure it is secure
- ensure all staff on site know where it is at all times

After this meeting, Ben (HSR manager) will work on putting together a policy around this.

Need to lodge it in access canberra dangerous dog register

Action

▼ Other Business

▼ Other Business 1

Best Regards,

Tom Martin

Director - Water Tight Canberra Pty Ltd - Canberra's Reliable Plumbing, Drainage and Gasfitting Service

Phone: 02 6195 9991

Website: www.watertightcanberra.com.au



WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00205624
Lead Inspector: Andrew Woolgar
Inspector ID: P32662
Lead inspector email address: andrew.woolgar@act.gov.au
Is there any accompanying inspectors? Yes
Tamara Teer P37224
Date visit commenced: 29 May, 2024 10:15
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: WATERTIGHT PLUMBING & DRAINAGE SERVICES PTY LIMITED
Trading as:
ACN:
ABN: 85605421298
Industry Group:
Address: 25 Molonglo Mail Fyshwick ACT 2609
Contact Name: WATERTIGHT PLUMBING & DRAINAGE SERVICES PTY LIMITED
Contact Number: 61959991
Contact Email: See 2.2.1.11

Details of Visit:

Address: [\[REDACTED\]](#)
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On the 29/05/2024 at 10:15 Inspectors Woolgar and Teer undertook a workplace assessment at Watertight Plumbing and Drainage Services Pty Ltd 23 Molonglo Mall Fyshwick to investigate a notifiable incident. Met with the PCBU for Watertight Plumbing and Drainage Services Pty Ltd and discussions revealed:

- [REDACTED] had attended site with trades person. The [REDACTED] was walking pass a dog crate and the dog came out of the dog crate and bite the worker.
- The [REDACTED] has attended hospital for treatment.
- A staff meeting has occurred since to the incident to develop appropriate safe system of work to minimise the risk of workers being bitten by dogs while undertaking repair work at residential properties.
- A formal policy is being developed and worker will be consulted and instructed to minimise the risk ion the future.

Requested copies of the following be forwarded to WorkSafe ACT for perusal:

- Minutes of the staff meeting discussing the incident
- The policy once completed.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email 1: [REDACTED]

Email 2:

Email 3:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

From: [REDACTED]
Sent: 18/06/2024 10:55 AM
To: "Siwakoti, Sundar" <Sundar.Siwakoti@worksafe.act.gov.au>
Subject: Notification of incident - [REDACTED]

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Hi Sundar,
As
discussed,
am
emailing

you from my [REDACTED]. Please find below/attached photos showing arrangements for my dog on the day of the incident on 17 May.

The video file is too large so may need to arrange another way for me to provide to you

My address is [REDACTED]

Kind regards



