



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 2023-230

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	27
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: FOI relating to use of s180 of Legislation Act
Date: Saturday, 1 July 2023 1:29:38 PM

You don't often get email from [Redacted]. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[Learn why this is important](#)

CMTEDD FOI,

- How many times has a Decision Maker called on s180(2) to review their decision relating to the demerit point register (secret hidden list) within the last 5 years, split down by **licensee occupation** and Financial Year?
- Were all parties advised in writing that a review was being conducted in those cases (consumer/complainant and licensee)?
- Were all parties notified of the final outcome of the review of the decision in those cases (consumer/complainant and licensee)?

The table below is an example of the split down of the information that we are seeking.

Occupation	FY	No. of Reviews where s180 has been used	No. where all parties advised of review in those cases	No. where all parties notified of the review decision in those cases
<i>Example</i>	<i>FY12/13</i>	<i>5</i>	<i>2</i>	<i>2</i>
<i>Example Builder</i>	<i>FY18/19</i>			
	<i>FY19/20</i>			
	<i>FY20/21</i>			
	<i>FY21/22</i>			
	<i>FY22/23</i>			
<i>Example Building Surveyor</i>	<i>FY18/19</i>			
	<i>FY19/20</i>			
	<i>FY20/21</i>			
	<i>FY21/22</i>			
	<i>FY22/23</i>			

Regards,

[Redacted Signature]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2023-230



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 1 July 2023. Specifically, you requested information relating to:

The use of s180 of the Legislation Act:

- i. How many times has a Decision Maker called on s180(2) to review their decision relating to the demerit point register (secret hidden list) within the last 5 years, split down by licensee occupation and Financial Year?*
- ii. Were all parties advised in writing that a review was being conducted in those cases (consumer/complainant and licensee)?*
- iii. Were all parties notified of the final outcome of the review of the decision in those cases (consumer/complainant and licensee)?*

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

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 14 August 2023.

Decision on access

A thorough search of CMTEDD records has failed to identify any information in relation to your request. Access Canberra has confirmed a search of their register revealed no evidence of any reviews of decision relating to the demerit point register in the last five years. Further, they noted that if the request is interpreted as including reviews of decisions to issue demerit points, as part of good regulatory practice and natural justice, Access Canberra considers and reviews its decisions in accordance with its Accountability Commitment and Compliance Frameworks. This is done without formally or explicitly calling on section 180 (2) of the *Legislation Act 2001*.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request as no documents are being released 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 and my decision will 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-2023>

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.

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
15 Constitution Ave
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,



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

9 August 2023