



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 2024-070
Date of Application	5 March 2024
Date of Decision	9 May 2024
Processing time (in working days)	43
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	All MBFF claim statistics compliant with legislative requirements and any documents pertaining to the MBFF held within Access Canberra.
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: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-070 - Request for Information Regarding the Master Builder's Fidelity Fund (MBFF)
Date: Tuesday, 5 March 2024 7:13:34 PM

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Good evening,

I am writing on behalf of concerned stakeholders to address one of many serious issues we have identified with the administration of the sudo-government entity Master Builder's Fidelity Fund (MBFF), a crucial component of the Residential Building Insurance (Home Warranty) schemes in the ACT. These schemes play a significant role in safeguarding the Canberra community, and it is imperative that they operate with utmost integrity and transparency.

Over the past three years, our investigative efforts have revealed many concerns regarding the MBFF's operations, particularly its lack of transparency and its seemingly close relationship with the Environment, Planning and Sustainable Development Directorate (EPSDD). Despite our efforts to prompt an inquiry into the MBFF, seek enforcement of regulatory oversight by the Minister, and propose legislative amendments, significant challenges still need to be addressed, undermining the community's trust and the efficacy of these protection measures.

Through diligent requests under the Freedom of Information Act and additional inquiries, we have accessed the MBFF's annual financial reports and court for governance documents. These efforts aim to shed light on the fund's operations and press the ACT Government for necessary regulatory action, which appears to be non-existent at present. Unfortunately, comprehensive claim statistics, crucial for evaluating the MBFF's performance, are still not disclosed.

Our findings suggest discrepancies in the availability and compliance of essential reports, raising questions about potential arrangements between EPSDD and the MBFF that may circumvent legislative requirements. Such concerns have been indirectly acknowledged by communications from Minister Vassarotti's office, indicating a possible non-standard agreement with the MBFF.

In light of these issues, we request:

- **All MBFF claim statistics compliant with legislative requirements, from the fund's inception to the present, held by the Commissioner of Fair Trading.**
- **Any documents pertaining to the MBFF held within Access Canberra.**

These documents are crucial for validating our concerns about potential maladministration by the minister and EPSDD. Ensuring transparency and accountability is paramount for the community's trust and the effectiveness of the MBFF.

Thank you for your attention to this critical matter. We look forward to your cooperation as soon as possible.

Sincerely,

[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 5 March 2024. Specifically, you sought:

- *All MBFF claim statistics compliant with legislative requirements, from the fund's inception to the present, held by the Commissioner of Fair Trading.*
- *Any documents pertaining to the MBFF held within Access Canberra.*

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 was required to provide a decision on your access application within 30 working days. However, following third party consultation, the due date is now 13 May 2024.

Decision on access

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

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the documents that fall within the scope of your request and the access decision for those documents.

I have decided to grant full access to two documents relevant to your request. I have granted partial access to seven documents as I consider them to contain:

- contrary to the public interest information under schedule 1; or
- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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 decisions is below.

Statement of Reasons

In reaching my access decisions, 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 interested third parties.

Exemption claimed

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

Contrary to the public interest information under schedule 1 of the Act

Document 7 (refer **Attachment A**) of the identified documents are entirely composed of or contain information that is considered to be contrary to the public interest under schedule 1 of the Act.

Cabinet information

These documents contain some information that would reveal a deliberation of Cabinet. Therefore, this information is considered to be contrary to the public interest under section 1.6 of schedule 1 of the Act as it contains Cabinet information and is exempt from release.

Under the Act schedule 1, section 1.6 *Cabinet Information* is:

(1) Information—

(a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose; or

(b) that is an official record of Cabinet; or

(c) that is a copy of, or part of, or contains an extract from, information mentioned in paragraph (a) or (b); or

(d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision).

The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

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

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.

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 in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (i) Promote open discussion of public affairs and enhance the government's accountability.*
- (ii) Contribute to positive and informed debate on important issues or matters of public interest.*
- (iii) Inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

I have placed substantial weight on the above factors favouring disclosure. The release of this information can reasonably be expected to provide information that will inform the community and increase their understanding of government operations, particularly in relation to the Master Builders Fidelity Fund.

I am satisfied that the factors favouring disclosure carry considerable weight. However, I also consider the following factor favouring nondisclosure to be relevant to the information contained within this request.

Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (ii) Prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*. The contact details of individuals working for private organisations where the information is not easily publicly available, such as direct phone numbers, including mobile numbers, and email addresses have similarly been redacted.

Noting that the public interest test does not apply to information that is already subject to schedule 1, as this information is already taken to not be in the public interest to release.

Having considered relevant factors under Schedule 1 and 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 is not in the public interest to release will ensure that the intent of the Act has been met.

Charges

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

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 published on the 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:

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 Information Access 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
9 May 2024



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

- All MBFF claim statistics compliant with legislative requirements, from the fund's inception to the present, held by the Commissioner of Fair Trading.
- Any documents pertaining to the MBFF held within Access Canberra.

CMTEDDFOI 2024-070

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Email Correspondence: RE_ Fidelity Fund claims status and report 2012 copy	29 June 2012	Partial Release	Sch 2, 2.2(a)(ii)	Yes
2	3	2022 MBFF Claim Summary - QE 311222 copy	2022	Full Release		Yes
3	4	2022 MBFF Claims Register - QE 311222 copy	2022	Full Release		Yes
4	5-7	Email Correspondence: MBFF Quarterly Reporting copy	15 March 2023	Partial Release	Sch 2, 2.2(a)(ii)	Yes
5	8-11	Email Correspondence: MBFF Quarterly Reporting June 2023 copy	2 August 2023	Partial Release	Sch 2, 2.2(a)(ii)	Yes
6	12-13	Email Correspondence: MBFF Quarterly Reporting Sept 2023 copy	21 December 2023	Partial Release	Sch 2, 2.2(a)(ii)	Yes
7	14-56	Email Correspondence: A45566762	5 February 2024	Partial Release	Sch 1, s1.6	Yes
8	57-60	Email Correspondence: Master Builders Fidelity Fund - Quarterly Reporting copy	5 February 2024	Partial Release	Sch 2, 2.2(a)(ii)	Yes
9	61-65	Email Correspondence: RE_ Master Builders Fidelity Fund - Quarterly Reporting 2024 copy	27 February 2024	Partial Release	Sch 2, 2.2(a)(ii)	Yes
Total No of Docs						
9						

From: "Cubin, Derise"
Sent: 29/06/2012 3:04 PM
To: "Gunston, Dianne" <Dianne.Gunston@act.gov.au>; "Phillips, Brett" <Brett.Phillips@act.gov.au>
Subject: RE: Fidelity Fund claims status and report

Hi Dianne & Brett

Thanks for this information - but just for your info we recently realised that they are obligated under the following sections/law to advise you as the Commissioner of this information

Section 103 2 (b)(iv) of the Building Act 2004, requires the giving of information to the commissioner for fair trading or any other entity prescribed under the prudential standards about decisions by the trustees to pay or refuse to pay claims.

Wendy checked the Building (Prudential Standards) Determination 2005 (DI 2005-250) and copied below Section 57 which deals with reporting to the commissioner for fair trading:-

Reporting to the commissioner for fair trading

57. The trustees must report to the commissioner for fair trading each decision by the trustees to pay or refuse a request under a fidelity certificate:

- (a) every three months, commencing from the date of approval of the approved scheme;
- and
- (b) if requested in a written direction from the Minister, within the period specified in the direction.

A direction made under paragraph (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

58. The report for the purposes of clause 57 must include, in respect of a financial year:

- (a) the number of requests for payment received by the trustees pursuant to fidelity certificates;
- (b) the amount sought under each request for payment pursuant to a fidelity certificate;
- (c) the number of payments made in response to requests for payment pursuant to fidelity certificates;
- (d) for each request for payment pursuant to a fidelity certificate that was paid, the amount that was paid, and
- (e) where a request for payment pursuant to a fidelity certificate was rejected, the reason for its rejection.

Dianne – we can chat more next week

Cheers Derise

Derise Cubin | Senior Manager | Compliance

Office of Regulatory Services | Justice and Community Safety Directorate
Callam Offices Easty Street Woden | Phone 02 6205 3732



From: Gunston, Dianne
Sent: Friday, 29 June 2012 2:57 PM
To: Phillips, Brett
Cc: Cubin, Derise
Subject: Fidelity Fund claims status and report

Hi Brett,

Attached and below FYI as discussed with Jerry yesterday. I will look at our existing reports, assess how we can use this information and discuss with Derise next week.

Dianne Gunston
Executive Co-ordinator
Office of Regulatory Services
Justice and Community Safety Directorate
Phone: 6205 0210



From: Jerry Howard
Sent: Thursday, 7 June 2012 3:22 PM
To: 'Gunston, Dianne'
Subject: Fidelity Fund claims status and report

Dianne

The last time we met, we discussed sharing some intelligence on builders who have disappeared, died or declared insolvent. We provide these reports to the Minister and I am also providing you with a report of claims that have been paid and the status of claims currently being assessed against builders. Some of these builders may pop up again on your radar. As you know, the Fidelity Fund has been operating since 2002 and we have not, as yet, refused a claim made by owners against the Fund. Not sure if the government shares the reports with ORS.

Regards
 Jerry Howard

Jerry Howard
 DEPUTY
 EXECUTIVE
 DIRECTOR
 Master
 Builders
 Association of
 the ACT

1 Iron Knob St,
 Fyshwick ACT
 2609
 PO Box 1211,
 Fyshwick ACT
 2609

Tel: Sch 2.2(a)(ii)

Mob: Sch 2.2(a)(ii)

Fax: (02) 6249
 8374

Sch 2.2(a)(ii)

www.mba.org.au

[u](#)

Financial Year	Count
2002-03	0
2003-04	1
2004-05	0
2005-06	0
2006-07	0
2007-08	2
2008-09	2
2009-10	7
2010-11	4
2011-12	7
2012-13	11
2013-14	10
2014-15	10
2015-16	4
2016-17	37
2017-18	15
2018-19	7
2019-20	4
2020-21	1
2021-22	14
2022-23	4
Total	140

Cert No	Claim Date	Amount sought for payment by the FF	Approved or Rejected	Reason for rejections	Amount Paid	Completion Date
26 units	21/04/2020	Not specified	Approved	Approved in part	\$12,985.50	
14 units	21/04/2020	Not specified			\$0.00	
61130		2nd claim			\$25,420.00	2/12/2022
70083	12/09/2021	\$79,361.00	Approved		\$85,000.00	13/09/2022
69197	8/06/2022	\$500,000.00	Approved			
68623	30/08/2022	\$30,000.00	Approved			
70089	30/10/2022	\$10,000.00	Approved			

From: "Ashlee Berry" [Sch 2.2(a)(ii)] >
Sent: 15/05/2023 2:54 PM
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Subject: MBFF Quarterly Reporting
Attachments: MBFF Claims Summary - QE 310323.pdf, MBFF Claims Register - QE 310323.pdf

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Hi Derise,

Please find

attached the following reports for the Master Builders Fidelity Fund (31 March 2023 quarter):

- Register of claims
- Claims Summary

If you have any questions, please contact me.

Regards,

Ashlee Berry

MEMBER SERVICES DIRECTOR

Master Builders Association of the ACT

1 Iron Knob St, Fyshwick ACT 2609

PO Box 1211, Fyshwick ACT 2609

Tel: (02) 6175 5900

Mob: [Sch 2.2(a)(ii)]

[Sch 2.2(a)(ii)]

www.mba.org.au

Any personal information collected by the Master Builders Association of the ACT will be dealt with in accordance with the Australian Privacy Principles. View the [Master Builders ACT privacy policy](#).

Financial Year	Count
2002-03	0
2003-04	1
2004-05	0
2005-06	0
2006-07	0
2007-08	2
2008-09	2
2009-10	7
2010-11	4
2011-12	7
2012-13	11
2013-14	10
2014-15	10
2015-16	4
2016-17	37
2017-18	15
2018-19	7
2019-20	4
2020-21	1
2021-22	14
2022-23	4
Total	140

Cert No	Claim Date	Amount sought for payment by the FF	Approved or Rejected	Reason for rejections	Amount Paid	Completion Date
64075	13/02/2023	\$28,531.00				

From: "Ashlee Berry" [Sch 2.2(a)(ii)] >
Sent: 02/08/2023 9:39 AM
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Subject: MBFF Quarterly Reporting
Attachments: MBFF Claims Summary - QE 300623.pdf, MBFF Claims Register - QE 300623.pdf

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Hi Derise

Please find

attached the quarterly reports for the Master Builders Fidelity Fund.

If you have any queries, please contact me via email or on my mobile below.

Regards,

Ashlee Berry

MEMBER SERVICES DIRECTOR

Master Builders Association of the ACT

1 Iron Knob St, Fyshwick ACT 2609

PO Box 1211, Fyshwick ACT 2609

Tel: (02) 6175 5900

Mob [Sch 2.2(a)(ii)]

[Sch 2.2(a)(ii)]

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2011-12	7
2012-13	11
2013-14	10
2014-15	10
2015-16	4
2016-17	37
2017-18	15
2018-19	7
2019-20	4
2020-21	1
2021-22	14
2022-23	4
Total	140

Cert No	Claim Date	Amount sought for payment by the FF	Approved or Rejected
64075	13/02/2023	\$28,531.00	Rejected
74449	1/04/2023	Not specified	
68494	24/03/2023	Not specified	Rejected
68017	3/04/2023	Not specified	
45 projects	5/06/2023	Various	Rejected
83 projects	5/06/2023	Not specified	Rejected

Reason for rejections	Amount Paid	Completion Date
Claim received outside the 5yr period	\$0.00	2/06/2023
Invalid Claim	\$0.00	27/06/2023
	\$0.00	27/06/2023
	\$0.00	27/06/2023

From: "Ashlee Berry" [Sch 2.2(a)(ii)] >
Sent: 21/12/2023 3:53 PM
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Subject: MBFF Quarterly Reporting
Attachments: MBFF Claims Summary QE 300923.pdf

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Good
afternoon
Derise,
Please

find **attached** the summary for MBFF for the quarter ending 30 September 2023.

There were no claims received during this quarter.

Regards,

Ashlee Berry

MEMBER SERVICES DIRECTOR

Master Builders Association of the ACT

1 Iron Knob St, Fyshwick ACT 2609

PO Box 1211, Fyshwick ACT 2609

Tel: (02) 6175 5900

Mob: [Sch 2.2(a)(ii)]

[Sch 2.2(a)(ii)]

www.mba.org.au

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2015-16	4
2016-17	37
2017-18	15
2018-19	7
2019-20	4
2020-21	1
2021-22	14
2022-23	4
Total	140

From: "Bennett, JamesP" <JamesP.Bennett@act.gov.au>
Sent: 05/02/2024 12:28 PM
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Cc: "Kingham, Amy" <Amy.Kingham@act.gov.au>; "Kemp, Alison" <Alison.Kemp@act.gov.au>
Subject: Sch 1 1.6

OFFICIAL

Hi Derise

Please see attached recent review brief and docs.

One of our recs relates to updating governance and reporting requirements, including instruments such as the prudential standards.

We will talk with you further about this but initial thoughts would be to update the reporting requirement of claims data to no longer be to the commissioner for fair trading, but to the Minister. EPSDD would then administer and share any insights/consumer issues with the commissioner.

Amy Kingham is leading this project for us and we will be in touch in a few weeks.

Thanks
James

Sch 1 1.6

The following documents have been redacted in full under the following provisions:

Document number. (page ref.)

Document 6, Page numbers 15-56

Exemption Provision

Sch 1, s1.6

From: "Cubin, Derise"
Sent: 05/02/2024 12:09 PM
To: "Ashlee Berry (Master Builders Association ACT)"[Sch 2.2\(a\)\(ii\)](#) >
Subject: Master Builders Fidelity Fund - Quarterly Reporting
Attachments: MBFF Claims Summary - QE311223.pdf, MBFF Claims Register - QE 311223.pdf

OFFICIAL

Dear Ashlee

Thank you for this information.

However, it has been brought to my attention that the reports are not meeting the requirements of section 58 of the *Building (Prudential Standards) Determination 2005* in relation to detail.

Happy to discuss if helpful .

[Building \(Prudential Standards\) Determination 2005 | HTML view \(act.gov.au\)](#)
Reporting to the commissioner for fair trading

57. The trustees must report to the commissioner for fair trading each decision by the trustees to pay or refuse a request under a fidelity certificate:

- (a) every three months, commencing from the date of approval of the approved scheme; and
- (b) if requested in a written direction from the Minister, within the period specified in the direction.

A direction made under paragraph (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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- (b) the amount sought under each request for payment pursuant to a fidelity certificate;
- (c) the number of payments made in response to requests for payment pursuant to fidelity certificates;
- (d) for each request for payment pursuant to a fidelity certificate that was paid, the amount that was paid, and
- (e) where a request for payment pursuant to a fidelity certificate was rejected, the reason for its rejection.

Regards

Derise

Derise Cubin | ACT Commissioner for Fair Trading

Executive Branch Manager

Licensing and Registration Branch , Access Canberra

Phone: 6205 3732 | Mobile:[Sch 2.2\(a\)\(ii\)](#) | derise.cubin@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Centre, Woden | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au/accessCBB



We acknowledge the Traditional Custodians of the ACT. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: Ashlee Berry <Sch 2.2(a)(ii)>
Sent: Friday, January 26, 2024 12:00 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: Master Builders Fidelity Fund - Quarterly Reporting

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Good afternoon
Derise,

Please find **attached** the quarterly reports for the Master Builders Fidelity Fund.

If you have any queries, please let me know.

Regards,

Ashlee Berry
Member Services Director

Master Builders Association of the ACT
1 Iron Knob Street, Fyshwick ACT 2609
PO Box 1211, Fyshwick ACT 2609
P: (02) 6175 5900 | W: www.mba.org.au
M: Sch 2.2(a)(ii)

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Please think before you print this email.

Financial Year	Count
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2003-04	1
2004-05	0
2005-06	0
2006-07	0
2007-08	2
2008-09	2
2009-10	7
2010-11	4
2011-12	7
2012-13	11
2013-14	10
2014-15	10
2015-16	4
2016-17	37
2017-18	15
2018-19	7
2019-20	4
2020-21	1
2021-22	14
2022-23	6
Total	142

Cert No	Claim Date	Amount sought for payment by the FF	Approved or Rejected
74449	5/05/2023	Not specified	Approved
68017	3/04/2023	Not specified	Rejected

From: "Ashlee Berry" [Sch 2.2(a)(ii)]
Sent: 27/02/2024 9:45 AM
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Subject: RE: Master Builders Fidelity Fund - Quarterly Reporting
Attachments: MBFF Claims Register 311223.pdf

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Dear
 Derise
 Thank you
 again for

your email.

Please find attached an updated record of the claims received by the Fund throughout 2023.

I will ensure that all the future reporting contains the required information as per the Prudential Standards.

If there is anything further, please let me know – happy to give you a call and discuss.

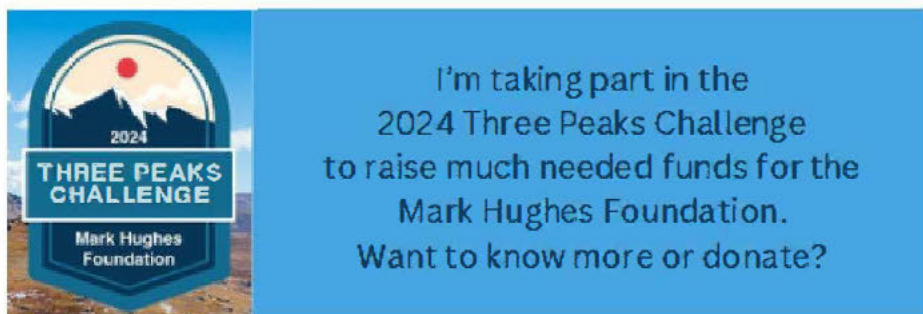
Regards,

Ashlee Berry
Member Services Director

Master Builders Association of the ACT

1 Iron Knob Street, Fyshwick ACT 2609
 PO Box 1211, Fyshwick ACT 2609
 P: (02) 6175 5900 | W: www.mba.org.au
 M: [Sch 2.2(a)(ii)]

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From: Cubin, Derise <Derise.Cubin@act.gov.au>
Sent: Monday, February 5, 2024 12:09 PM
To: Ashlee Berry [Sch 2.2(a)(ii)]
Subject: Master Builders Fidelity Fund - Quarterly Reporting

OFFICIAL

Dear Ashlee

Thank you for this information.

However, it has been brought to my attention that the reports are not meeting the requirements of section 58 of the *Building (Prudential Standards) Determination 2005* in relation to detail.

Happy to discuss if helpful .

[Building \(Prudential Standards\) Determination 2005 | HTML view \(act.gov.au\)](#)

Reporting to the commissioner for fair trading

57. The trustees must report to the commissioner for fair trading each decision by the trustees to pay or refuse a request under a fidelity certificate:

- (a) every three months, commencing from the date of approval of the approved scheme; and
- (b) if requested in a written direction from the Minister, within the period specified in the direction.

A direction made under paragraph (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

58. The report for the purposes of clause 57 must include, in respect of a financial year:

- (a) the number of requests for payment received by the trustees pursuant to fidelity certificates;
- (b) the amount sought under each request for payment pursuant to a fidelity certificate;
- (c) the number of payments made in response to requests for payment pursuant to fidelity certificates;
- (d) for each request for payment pursuant to a fidelity certificate that was paid, the amount that was paid, and
- (e) where a request for payment pursuant to a fidelity certificate was rejected, the reason for its rejection.

Regards

Derise

Derise Cubin | ACT Commissioner for Fair Trading
Executive Branch Manager

Licensing and Registration Branch - Access Canberra

Phone: 6205 3732 | Mobile: [Sch 2.2\(a\)\(ii\)](#) | derise.cubin@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | ACT Government

Cosmopolitan Centre, Woden | GPO Box 158 Canberra City ACT 2601 | www.act.gov.au/accessCBB



We acknowledge the Traditional Custodians of the ACT. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: Ashlee Berry [Sch 2.2\(a\)\(ii\)](#)

Sent: Friday, January 26, 2024 12:00 PM

To: Cubin, Derise <Derise.Cubin@act.gov.au>

Subject: Master Builders Fidelity Fund - Quarterly Reporting

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Good afternoon
Derise,

Please find **attached** the quarterly reports for the Master Builders Fidelity Fund.

If you have any queries, please let me know.

Regards,

Ashlee Berry
Member Services Director

Master Builders Association of the ACT
1 Iron Knob Street, Fyshwick ACT 2609
PO Box 1211, Fyshwick ACT 2609
P: (02) 6175 5900 | W: www.mba.org.au
M: Sch 2.2(a)(ii)

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Cert No	Claim Status P - Processing C - Completed	Claim Date	Amount sought for payment by the FF	Approved or Rejected
68329	C	9/01/2023	Not specified	Approved
68494	C	24/03/2023	Not specified	Rejected
74449	C	5/05/2023	Not specified	Approved
68017	C	3/04/2023	Not specified	Rejected
75221-75239	C	5/06/2023	Not specified	Rejected
75869-75874	C	5/06/2023	Not specified	Rejected
75876-75894	C	5/06/2023	Not specified	Rejected
75389-75471	C	5/06/2023	Not specified	Rejected

Reason for rejections	Amount Paid	Completion Date
	\$50,098.13	3/03/2023
No defective work or loss	\$0.00	27/06/2023
	\$2,156.83	15/11/2023
No defective work or loss	\$0.00	22/08/2023
Invalid Claim - ineligible party making the claim	\$0.00	27/06/2023
Invalid Claim - ineligible party making the claim	\$0.00	27/06/2023
Invalid Claim - ineligible party making the claim	\$0.00	27/06/2023
Invalid Claim - ineligible party making the claim	\$0.00	27/06/2023