



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 2019-010

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)	10
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

To: ACT Government EPSDD Information Management Team (epsdfoi@act.gov.au)

Request for Access to Government Information

I request access to the following information held by the ACT Government:

Contact details (current address, phone number and email address) of the leaseholder of [REDACTED] Moncrieff, ACT.

Background:

I am the leaseholder and occupier of [REDACTED] Moncrieff. I have been trying unsuccessfully to contact my neighbouring leaseholder to discuss reimbursement of his share of the costs of our common fence. I also wish to speak to him in relation to the build-up of rubbish on his block, and his plans for development of the block. (The block is still undeveloped after the crown lease was granted on 25 May 2016.)

The leaseholder of [REDACTED] is [REDACTED]. I was in contact with him online (via Messenger) between April and October 2017. He had advised me he was now living in Melbourne and was not in a financial position to build on the block. I suggested to him that he should advise LDA (now SLA) accordingly. He said he was 'too scared' to call LDA or the ACT Revenue Office as he couldn't afford the land rent. He is no longer contactable by me online and I have no idea whether his situation has since changed.

A title search conducted on 24 November 2018 confirms [REDACTED] is still registered as the sole proprietor. However I have ascertained he is no longer at the registered address of [REDACTED] Franklin ACT 2913.

If [REDACTED] is still the sole proprietor, his current contact details must be known by the SLA and ACT Revenue Office as presumably he pays rates, land rent etc. If [REDACTED] is no longer the proprietor, I can only assume the block has been resumed by SLA or allocated to another leaseholder. In either event, I consider it reasonable that the ACT Government disclose the contact details of the leaseholder (at least to the degree of detail one would expect to find through a title search) as I have done all that is reasonably necessary to make contact with my neighbour.

My Contact Details:

[REDACTED]

Yours sincerely,

[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2019-010

[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 14 January 2019, in which you sought access to the contact details of the land holder of [REDACTED] Moncrieff ACT by the way of a rates notice.

Authority

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 is required to provide a decision on your access application by 12 February 2019.

Decision on access

A search for documents was conducted and resulted in 1 document being identified that falls with the scope of your request.

Having considered the document identified, I have decided to refuse to deal with your access application in accordance with section 43(1)(e) of the Act as I am satisfied that the information you have sought is contrary to the public interest to release in accordance with Schedule 1.3(6) of the Act. Schedule 1.3(6) prevents the disclosure of any 'information which is prohibited by a secrecy provision of a law'. Schedule 1.3(7) defines a 'secrecy provision' as a provision of law that applies to information obtained in the exercise of a function under the law and prohibits people mentioned in the provision from disclosing the information.

The document sought contains information collected by the ACT Revenue Office and is in relation to a land owner and taxpayer. This information was collected during the administration of the *Taxation Administration Act 1995* (TAA). Division 9.4 of the TAA prohibits release of information obtained during the administration of the TAA except for in certain prescribed circumstances. Your request does not satisfy these circumstances.

Taking into account the secrecy provision of the TAA and the operation of the FOI Act, I have decided to refuse to deal with your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this part of the request because no documents are to be release.

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 in response to your access application will be published in the CMTEDD disclosure log after 4 February 2019. 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: actfoi@ombudsman.gov.au

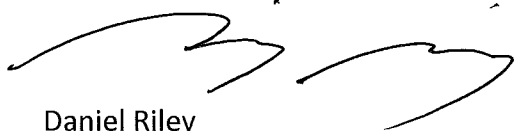
ACT Civil and Administrative Tribunal (ACAT) Review

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
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
29 January 2019