



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 2019-0139

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)	18
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

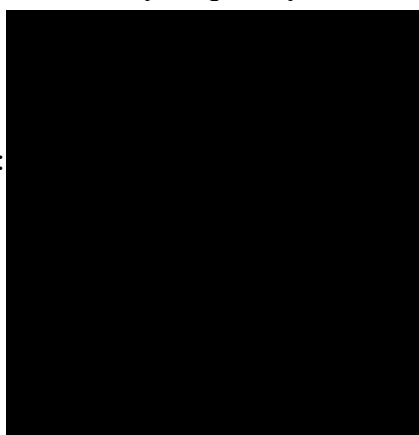
From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Friday, 21 June 2019 12:45:27 PM

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:
First Name:
Last Name:
Business/Organisation:
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:



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):

To whom it may concern, Could I have details for the following please under 1. The nominee or builders details for the building licence of Tranquility Living Pty Ltd acn (612 531 272) 2. This includes Name, business address, postal address, and email address. 3. Personal details of ACT builders licence number 2018490 (believed to be Kevin Wilson) 4. Builders details of licence being used to construct a development at 15 Lumeah, Street Narrabundah ACT. 5. Also the same detail for the property at 55 Annabelle view, Coombs ACT. Your help in getting me this detail would be greatly appreciated. Please feel free to contact me should you need further information [REDACTED]

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: CMTEDDFOI2019-139



via email: 

Dear 

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 21 June 2019, in which you sought access to:

1. *"The nominee or builders' details for the building licence of Tranquility Living Pty Ltd acn (612 531 272);*
2. *This includes Name, business address, postal address, and email address;*
3. *Personal details of ACT builders licence number 2018490 (believed to be Kevin Wilson);*
4. *Builders details of licence being used to construct a development at 15 Lumeah, Street Narrabundah ACT;*
5. *Also the same detail for the property at 55 Annabelle view, Coombs ACT".*

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 of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 19 July 2019.

Decision on access

Searches were completed within the construction licencing database for relevant information and this was transcribed into an email which then fell within the scope of your request.

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

I have decided to grant partial access to 1 document relevant to your request as I consider it to contain some information that on balance, is 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 *Human Rights Act 2004*.

Public Interest Test under schedule 2 of the Act

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.

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 (Schedule 2.1)

2.1(a)(xiii) contribute to the administration of justice generally, including procedural fairness

Factors favouring non-disclosure (Schedule 2.2)

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 considered the factors identified as relevant in this matter, I consider that the release of the information you have requested may contribute to procedural fairness by allowing you to have a complete record of the data associated with building licence number 2018490.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the application process for a legislated licence is a significant factor as the parties involved have provided

their personal information for the purposes of direct communication between the applicant and the regulatory business unit which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. 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.

Having applied the test outlined in section 17 of the Act and deciding that release of email addresses contained in the documents are not in the public interest to release, I have chosen to exclude this specific information (email addresses) in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that excluding 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.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request because the total number of pages to be released to you does not exceed 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 18 July 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

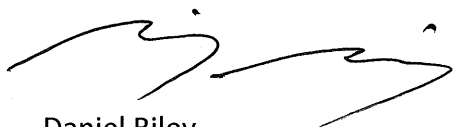
ACT Civil and Administrative Tribunal (ACAT) Review

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

17 July 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	<ol style="list-style-type: none"><i>"The nominee or builders' details for the building licence of Tranquility Living Pty Ltd acn (612 531 272);</i><i>This includes Name, business address, postal address, and email address;</i><i>Personal details of ACT builders licence number 2018490 (believed to be Kevin Wilson);</i><i>Builders details of licence being used to construct a development at 15 Lumeah, Street Narrabundah ACT;</i><i>Also the same detail for the property at 55 Annabelle view, Coombs ACT"</i>	CMTEDDFOI 2019-139

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email of information transcribed from the Construction Licencing Database.	1 July 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
1						

From: [Zsuzsa, Rachel](#)
To: [CMTEDD FOI](#)
Subject: FW: Freedom of Information request CMTEDDFOI 2019-139 [SEC=UNCLASSIFIED]
Date: Monday, 1 July 2019 1:47:53 PM

Good afternoon,
Please below information.
Please let me know if you require any further information.
Regards
Rachel

1. The nominee or builders details for the building licence of Tranquility Living Pty Ltd acn (612 531 272);

The nominee's for Tranquility Living Pty Ltd are Kevin John Wilson and Andrew Bannink.

2. This includes Name, business address, postal address, and email address;

Kevin John Wilson – No business address in system, postal Po Box 339 Mawson ACT 2607, email - **Sch 2.2(a)(ii)**

Andrew Bannink – Business Address 19 Endurance Avenue Queanbeyan NSW 2620, postal address same as business address, email - **Sch 2.2(a)(ii)**

3. Personal details of ACT builders licence number 2018490 (believed to be Kevin Wilson);

Licence number belongs to Tranquility Living Pty Ltd, 19 Endurance Avenue Queanbeyan NSW 2620, **Sch 2.2(a)(ii)**

4. Builders details of licence being used to construct a development at 15 Lumeah, Street Narrabundah ACT;

The builder's details for the above property are TRANQUILITY HOMES CANBERRA PTY LTD, licence number 20121381, Nominee for this project is Kevin Wlison.

5. Also the same detail for the property at 55 Annabelle view, Coombs ACT.

The builder's details for the above property are TRANQUILITY HOMES CANBERRA PTY LTD, licence number 20121381, Nominee for this project is Kevin Wlison.