



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 2020-200

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	No
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

From: [REDACTED]
To: [CMTEDD FOI](#); FOI@treasury.gov.au
Cc: [REDACTED]
Subject: FOI Request
Date: Friday, 16 October 2020 11:47:07 AM
Attachments: [Fw RE.msg](#)

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.

To Whom it May Concern,

I make a Freedom of Information Request under the Freedom of Information Act 2016 and the Freedom of Information Act 1982.

I wish to know what the about the receiving of this email (attached) and if any action was taken to resolve its questions and/or respond.

Secondly, I wish to request an answer to the questions asked in this email.

Kind regards,

[REDACTED]



From: [REDACTED]
To: [REDACTED]
Subject: Fw: RE:
Date: Friday, 16 October 2020 11:40:15 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

From: [REDACTED]
Sent: Monday, September 21, 2020 11:51 AM
To: [REDACTED] HomeBuilder@treasury.gov.au <HomeBuilder@treasury.gov.au>
Cc: homebuilder@act.gov.au <homebuilder@act.gov.au>
Subject: RE:

To Whom it May Concern,

There are questions around the HomeBuilder Grant, in particular around substantial renovations and what is applicable for the grant, that we wish to ask. In particular, we want to question whether a detached addition, which acts and is defined under planning law as an extension of the existing residence, is applicable for the grant.

In Schedule 3 (Definitions) of the National Construction Code (Vol. 2), an alteration is broadly defined as including an addition or extension to the building. Screenshot of the direct definition provided below.

Alteration, in relation to a building, includes an addition or extension to a building.

It defines Class 1 Buildings as per the below screenshot:

A6.1 Class 1 buildings

A Class 1 building includes one or more of the following sub-classifications:

- (1) Class 1a is one or more buildings, which together form a single dwelling including the following:
 - (a) A detached house.
 - (b) One of a group of two or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit.
- (2) Class 1b is one or more buildings which together constitute—
 - (a) a boarding house, guest house, hostel or the like that—
 - (i) would ordinarily accommodate not more than 12 people; and
 - (ii) have a total area of all floors not more than 300 m² (measured over the enclosing walls of the building or buildings); or
 - (b) four or more single dwellings located on one allotment and used for short-term holiday accommodation.

It also states in explanatory notes:

A single Class 1 **dwelling** can be made up of more than one building. For example, it may include what is ordinarily called a house, plus one or more habitable 'outbuildings' such as sleepouts. Note that a habitable building such as a sleepout cannot be classified as a Class 10 building.

This note is on Page 33 of the same code mentioned above.

It is clear from the above definitions that nationally, detached extensions are viewed as an addition to the existing building under law. This is also the understanding in ACT Planning law. Is this understanding reflected in applications for the HomeBuilder Grant, and if not, why not?

Thank you in advance for your assistance,






ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDDFOI 2020-200



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 16 October 2020, in which you sought access to:

Specifically, you are seeking: “documents in relation to the receipt of an email sent on 21 September 2020 in regard to the Homebuilder Grant and the actions taken to resolve the enquiry”.

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 13 November 2020.

Decision on access

A search of CMTEDD records has not identified any documentation in relation to your request. The search was conducted using the information you provided.

The ACT Revenue Office has confirmed that they received the email of 21 September 2020 but did not respond as they were only copied into the email. They have also suggested that The Commonwealth Department of Treasury is best suited to respond and have provided a link to the information you are seeking:

<https://treasury.gov.au/coronavirus/homebuilder>

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 because the total number folio's to be 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. A description of the access application and my decision will be published in the CMTEDD disclosure log after 6 November 2020. 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.

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
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

30 October 2020