



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 2019-003

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)	2
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]

Sent: Monday, 7 January 2019 9:26 PM

To: EPSDFOI <EPSDFOI@act.gov.au>

Subject: FOI Application - Certificate of Occupancy for [REDACTED] ACT

To whom it may concern,

I'm seeking either a copy of the Certificate of Occupancy, or confirmation that one did not exist prior to May 2018, for the residence at 3 [REDACTED] ACT [REDACTED]
[REDACTED]

[REDACTED] leased the property from January 2017 through to May 2018 through Independent Property Group, paying full market rent and believing the property was able to be legally occupied. We lived in the property with our three children for the duration of the lease. We've since been made aware that the property likely did not have a Certificate of Occupancy issued at the time we were leasing it, and that such a certificate has only been issued in the last few months (if at all).

I was advised by Access Canberra that a Freedom of Information Request to your office would be the correct way to go about confirming if the property has a Certificate of Occupancy issued, and if so, the date of issue.

Can you please advise if you can assist in this matter, and if you require anything further from me.

Thank you in advance,





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Economic Development

Our ref: CMTEDDFOI 2019-003

[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 8 January 2019, in which you sought access to a copy of the certificate of occupancy for [REDACTED] 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 6 February 2019.

Decision on access

Searches were completed for relevant documents and 1 document was identified that falls within the scope of your request.

I have included as **Attachment A** to this decision a schedule outlining the 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 full access to the relevant document. The document released to you is provided as **Attachment B** to this letter.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages 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. 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 15 January 2019. Your personal contact details will not be published. You may view the 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 the 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 02 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Sarah McBurney
Information Officer
Information Access
Chief Minister, Treasury and Economic Development Directorate
10 January 2019



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME		WHAT ARE THE PARAMETERS OF THE REQUEST				Reference NO.
[REDACTED]		Copy of the Certificate of Occupancy, or confirmation that one did not exist prior to May 2018, for the residence at [REDACTED] ACT [REDACTED]				CMTEDDFOI2019-003

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate B20125454C1 - [REDACTED]	21 Sep 2018	Full Release	N/A	Yes
Total No of Docs		[REDACTED]				
1						



Certificate of Occupancy and Use

Certificate No.: **B20125454C1**

Access Canberra Building Services

ABN 16 479 763 216
8 Darling Street Mitchell
GPO Box 158 ACT 2601
www.act.gov.au/accesscbr

This Certificate is issued in accordance with Section 69 (2) of the Building Act 2004.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupation and use.

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
					Australian Capital Territory

Plans
B20125454/A
B20125454/B
B20125454/C

Building Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
1a(l)	New	DA EXEMPT-RESIDENCE		NA		B20125454N1	MASTERTON CANBERRA PTY LTD
10a	New	DA EXEMPT-GARAGE		NA		B20125454N1	MASTERTON CANBERRA PTY LTD
10a	New	DA EXEMPT-PERGOLA		NA		B20125454N1	MASTERTON CANBERRA PTY LTD

Comments

Important Note:

1. Statutory warranties and statutory warranty insurance or a statutory warranty fidelity certificate apply in relation to some or all of the building work.

2. The issue of this certificate in respect of a building or a portion of a building does not affect the liability of a person or other entity to comply with the provisions of an ACT law, including the Building Act 2004, relating to the building or portion of the building.

Issued by: SophieAnne Bell

Issued on: 21/09/2018

Delegate of the ACT Construction
Occupations Registrar.