



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 2018-0018

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)	15
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: Monday, 21 January 2019 11:10:34 AM

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:

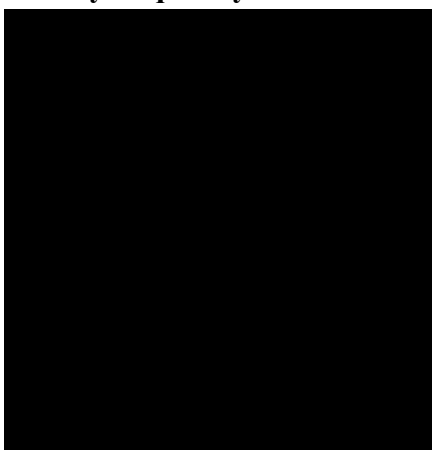
Suburb:

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):

I want to access the documents relating to the findings for the internal review of case number 6886 undertaken by Tanya Rough for [REDACTED]. The date range should cover the period: 1 November 2018 - 21 January 2019.

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: CMTEDDFOI 2019-018

[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 21 January 2019, in which you sought access to:

"...the documents relating to the findings for the internal review of case number 6886 undertaken by Tanya Rough for [REDACTED] Chifley. The date range should cover the period: 1 November 2018 - 21 January 2019."

On 31 January 2019 you confirmed that you are not seeking access to any documents authored by [REDACTED] and sent to Access Canberra. You also advised that

"The documents we do seek is the internal report written by Tanya rough for case number 6886, this includes potential breaches by the builder and certifier. This document would be passed to the registrar for final review prior to issuing an rectification order on the first nominee [REDACTED]". The documents have been authored by and / or created by Tanya Rough who undertook an internal review of this case". "The date range should cover the period: 1 November 2018 - 21 January 2019".

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 is required to provide a decision on your access application by 19 February 2019.

Decision on access

A search of CMTEDD records has failed to identify any documentation in relation to your request. On 30 January 2019 the Building and Planning Compliance team advised that Ms Rough is no longer an employee of the ACT Government. They also advised that they

"...understand that Tanya did make references to a draft, although the document in question was not stored on shared systems/database and therefore cannot be located.

They further stated:

“We believe the reference was that the draft would be actioned and completed by the specified dates, as noted in email correspondence between Tanya and the applicant. In summary, we have conducted all relevant searches and we are unable to provide a reference to the document in question, nor can we confirm if the document exists”.

On 8 February 2019 the Building and Planning Compliance team approached the ICT Security team and requested an asset audit of Ms Rough’s asset.

On 11 February 2019 ICT Security failed to identify any documentation in relation to your request with the information provided by yourself and the Building and Planning Compliance team.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

Charges

Processing charges are not applicable for this request as no documents were found.

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 15 February 2019. Your personal contact details will not be published. You may view the CMTEDD disclosure log at:

<http://www.cmd.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 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

12 February 2018