



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-389
Date of Application	26 November 2024
Date of Decision	14 January 2025
Processing time (in working days)	29
Fees	N/A
Decision on Access	Full Release
<b>Information Requested (summary)</b>	Any documents dated on or after 1 January 2021 recording the date on which the following documents were received by the Construction Occupations Registrar's office
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input type="checkbox"/> Published <input checked="" type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Cc:** [REDACTED]  
**Subject:** RE: CMTEDDFOI 2024-389 - Application for government information made pursuant to the Freedom of Information Act 2016 (ACT) regarding reports provided to the Registrar prepared in respect of Block 7 Section 209 Gungahlin  
**Date:** Wednesday, 4 December 2024 1:14:23 PM  
**Attachments:** [REDACTED]

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You don't often get email from [REDACTED] [Learn why this is important](#)

OFFICIAL

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Hi Emma

In relation to the below access application, I am seeking evidence of when Construction Occupations Registrar's office received each of the seven listed below reports (including for instance cover emails, letters - that are date stamped etc -that show when these reports were received by the Construction Occupations Registrar's office.

I am not seeking copies of the reports themselves – however if the cover of a report is for example date stamped with the date the report was received by the COR's office, can you include that cover page.

The FOI request also covers any internal document or report recording the date that any of the seven reports was received by the Construction Occupations Registrar's office.

Regards

[REDACTED]

**From:** CMTEDD FOI <CMTEDDFOI@act.gov.au>

**Sent:** Wednesday, 4 December 2024 12:38 PM

**To:** [REDACTED]

**Cc:** [REDACTED]; CMTEDD FOI <CMTEDDFOI@act.gov.au>

**Subject:** RE: CMTEDDFOI 2024-389 - Application for government information made pursuant to the Freedom of Information Act 2016 (ACT) regarding reports provided to the Registrar prepared in respect of Block 7 Section 209 Gungahlin

OFFICIAL

Good afternoon

In relation to the below access application, I am seeking clarification from you. Can I confirm that with the seven listed below reports you are seeking for instance cover emails, letters (that are date stamped etc), that show when these reports were received by the Construction Occupations Registrar's office? That you are not seeking copies of the reports themselves, just evidence of when Construction Occupations Registrar's office received them.

*Any documents (including any internal or external correspondence) dated on or after 1 January 2021 recording the date on which the following documents were received by the Construction Occupations Registrar's office:*

- 1. Report titled 'Report into Community Pool Concourse at 'Infinity Towers', 1 Anthony Rolfe Avenue Gungahlin ACT', authored by [REDACTED] of Consultile and dated 13 January 2021;*
- 2. Report titled 'Infinity Towers Leaking of Permanent Movement Joint into Apartment Corridors', authored by [REDACTED] of Advanced Structural Designs and dated 29 March 2021;*
- 3. Report titled 'Infinity Towers Gungahlin – Pool Concourse and associated leaking', authored by [REDACTED] of Advanced Structural Designs and dated June 2021;*
- 4. Report titled 'Report into Level 4 Carpark Leaks and Waterproofing at 'Infinity Towers', 1 Anthony Rolfe Avenue Gungahlin ACT', authored by [REDACTED] of Consultile and dated 16 June 2021;*
- 5. Report titled 'Report on Community Pool and Pool Concourse and Other Structural Matters at Infinity Towers – 1 Anthony Rolfe Ave, Gungahlin ACT', authored by [REDACTED] of Geoff Ninnies Fong & Partners Pty Ltd and dated October 2021.*
- 6. Report titled 'Record of Inspection' undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 4 March 2024; and*
- 7. Report titled 'Record of Inspection' undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 5 March 2024.*

Kind regards

Emma

**Emma Hotham (she/her) | Director, Freedom of Information**

Phone: 02 6207 0811 | [emma.hotham@act.gov.au](mailto:emma.hotham@act.gov.au)

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

Level 1, 220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**From:** [REDACTED]

**Sent:** Tuesday, 26 November 2024 5:13 PM

**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>

**Subject:** CMTEDDFOI 2024-389 - Application for government information made pursuant to the Freedom of Information Act 2016 (ACT) regarding reports provided to the Registrar prepared in respect of Block 7 Section 209 Gungahlin

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Dear Construction Occupations Registrar

**Application for government information made pursuant to the *Freedom of Information Act 2016 (ACT)* regarding reports provided to the Registrar prepared in respect of Block 7 Section 209 Gungahlin**

This letter is an application made by [REDACTED] under section 30 of the *Freedom of Information Act 2016 (ACT)* (**FOI Act**) for access to the government information specified below:

*Any documents (including any internal or external correspondence) dated on or after 1 January 2021 recording the date on which the following documents were received by the Construction Occupations Registrar's office:*

1. Report titled 'Report into Community Pool Concourse at 'Infinity Towers', 1 Anthony Rolfe Avenue Gungahlin ACT', authored by [REDACTED] of Consultile and dated 13 January 2021;
2. Report titled 'Infinity Towers Leaking of Permanent Movement Joint into Apartment Corridors', authored by [REDACTED] of Advanced Structural Designs and dated 29 March 2021;
3. Report titled 'Infinity Towers Gungahlin – Pool Concourse and associated leaking', authored by [REDACTED] of Advanced Structural Designs and dated June 2021;
4. Report titled 'Report into Level 4 Carpark Leaks and Waterproofing at 'Infinity Towers', 1 Anthony Rolfe Avenue Gungahlin ACT', authored by [REDACTED] of Consultile and dated 16 June 2021;
5. Report titled 'Report on Community Pool and Pool Concourse and Other Structural Matters at Infinity Towers – 1 Anthony Rolfe Ave, Gungahlin ACT', authored by [REDACTED] of Geoff Ninnes Fong & Partners Pty Ltd and dated October 2021.
6. Report titled 'Record of Inspection' undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 4 March 2024; and
7. Report titled 'Record of Inspection' undertaken on 29 February 2024, authored by Zac

*Le Lievre of Access Canberra and dated 5 March 2024.*

Notices under the FOI Act in relation to this application should be sent to the following email addresses:



The application does not seek access to personal information about the applicant.

Please let us know if you require anything further to process this application.

Regards





## **FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION**

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 26 November 2024. Specifically, you have sought access to the following information:

*“Any documents (including any internal or external correspondence) dated on or after 1 January 2021 recording the date on which the following documents were received by the Construction Occupations Registrar’s office:*

1. *Report titled ‘Report into Community Pool Concourse at ‘Infinity Towers’, 1 Anthony Rolfe Avenue Gungahlin ACT’, authored by [REDACTED] of Consultile and dated 13 January 2021;*
2. *Report titled ‘Infinity Towers Leaking of Permanent Movement Joint into Apartment Corridors’, authored by [REDACTED] of Advanced Structural Designs and dated 29 March 2021;*
3. *Report titled ‘Infinity Towers Gungahlin – Pool Concourse and associated leaking’, authored by [REDACTED] of Advanced Structural Designs and dated June 2021;*
4. *Report titled ‘Report into Level 4 Carpark Leaks and Waterproofing at ‘Infinity Towers’, 1 Anthony Rolfe Avenue Gungahlin ACT’, authored by [REDACTED] of Consultile and dated 16 June 2021;*
5. *Report titled ‘Report on Community Pool and Pool Concourse and Other Structural Matters at Infinity Towers – 1 Anthony Rolfe Ave, Gungahlin ACT’, authored by [REDACTED] of Geoff Ninnes Fong & Partners Pty Ltd and dated October 2021.*
6. *Report titled ‘Record of Inspection’ undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 4 March 2024; and*
7. *Report titled ‘Record of Inspection’ undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 5 March 2024”*

On 4 December 2024, a member of our team contacted you for clarification of your scope and later that day you clarified that you:

*“...are seeking evidence only of when Construction Occupations Registrar’s office received each of the seven listed above reports and not copies of the reports themselves.”*

## **Authority**

I am an Information Officer appointed by the CMTEDD 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 within 30 days. Therefore, a decision is due by **15 January 2025**.

## **Decision on access**

A search of CMTEDD records was performed using the information you provided.

Information found as relevant to your request is provided at **Appendix A**. Please note that as these reports were provided via Dropbox and Objective, the attached document gives you the information relating to when they were uploaded and received.

## **Release of documents**

I have decided to grant full access to the relevant information.

## **Statement of Reasons**

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

No Schedule 1 factors were identified as relevant.

## **Public Interest Test**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

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.

## **Schedule 2: Factors to be considered when deciding the public interest.**

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 (Section 2.1)**

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*

I have placed substantial weight on the above factors favouring disclosure. The release of this information will provide you with contextual information about the timing of decisions made in relation to Infinity Towers – 1 Anthony Rolfe Ave, Gungahlin ACT.

I did not identify any factors favouring nondisclosure.

### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

### **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 will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

### **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 provided to you, 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](mailto: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  
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 the CMTEDD FOI Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

Handwritten signature of Emma Hotham, consisting of the letters 'EH' in a stylized, cursive font.

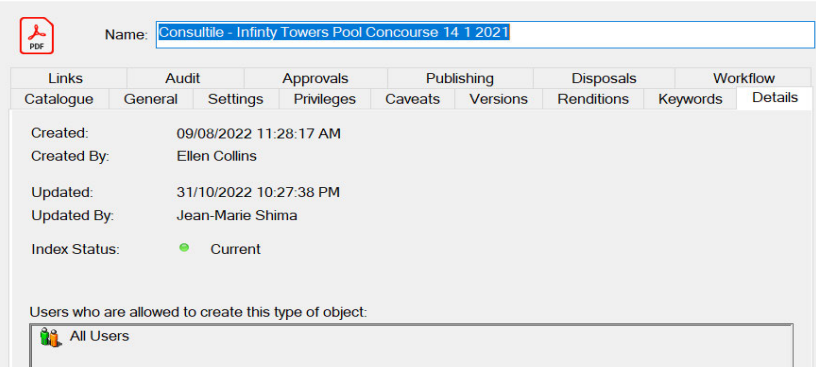
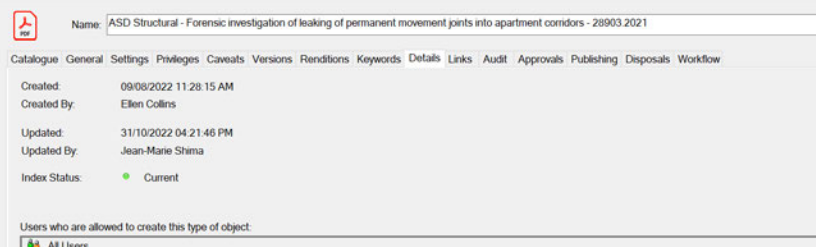
Emma Hotham

Information Officer

Chief Minister, Treasury and Economic Development Directorate

14 January 2025

**Appendix A**

Report title	The date the Registrar's office/ teams received the report
<p><i>'Report into Community Pool Concourse at 'Infinity Towers', 1 Anthony Rolfe Avenue Gungahlin ACT', authored by [REDACTED] of Consultile and dated 13 January 2021;</i></p>	<p>03 August 2022 via Dropbox link emailed by the strata manager [REDACTED]</p> <p>Report uploaded to Objective 09 August 2022</p> 
<p><i>'Infinity Towers Leaking of Permanent Movement Joint into Apartment Corridors', authored by [REDACTED] of Advanced Structural Designs and dated 29 March 2021;</i></p>	<p>03 August 2022 via Dropbox link emailed by the strata manager [REDACTED]</p> <p>Report uploaded to Objective 09 August 2022</p> 

'Infinity Towers Gungahlin – Pool Concourse and associated leaking',  
authored by [redacted] of Advanced Structural Designs and dated June 2021;

03 August 2022 via Dropbox link emailed by the strata manager [redacted]

Report uploaded to Objective 09 August 2022

ASD Report Pool Concourse and Associated Leaking - June 2021' Properties (...)

Name: ASD Report Pool Concourse and Associated Leaking - June 2021

Links	Audit	Approvals	Publishing	Disposals	Workflow			
Catalogue	General	Settings	Privileges	Caveats	Versions	Renditions	Keywords	Details

Created: 09/08/2022 11:28:22 AM  
Created By: Ellen Collins

Updated: 09/08/2022 11:29:21 AM  
Updated By: Ellen Collins

Index Status: ● Current

Users who are allowed to create this type of object:

All Users

'Report into Level 4 Carpark Leaks and Waterproofing at 'Infinity Towers',  
1 Anthony Rolfe Avenue Gungahlin ACT', authored by [redacted]  
[redacted] of Consultile  
and dated 16 June 2021

03 August 2022 via Dropbox link emailed by the strata manager [redacted]

Report uploaded to Objective 09 August 2022

'Consultile - Carpark leaks and Waterproofing 16 6 21' Properties (objective.ac...)

Name: Consultile - Carpark leaks and Waterproofing 16 6 21

Links	Audit	Approvals	Publishing	Disposals	Workflow			
Catalogue	General	Settings	Privileges	Caveats	Versions	Renditions	Keywords	Details

Created: 09/08/2022 11:28:26 AM  
Created By: Ellen Collins

Updated: 09/08/2022 11:29:48 AM  
Updated By: Ellen Collins

Index Status: ● Current

Users who are allowed to create this type of object:

All Users

*Report on Community Pool and Pool Concourse and Other Structural Matters at Infinity Towers – 1 Anthony Rolfe Ave, Gungahlin ACT’, authored by [redacted] of Geoff Ninnes Fong & Partners Pty Ltd and dated October 2021*

03 August 2022 via Dropbox link emailed by the strata manager [redacted]

### Report uploaded to Objective 09 August 2022

R25016 - GNFP Report on Pool and Concourse defects Infinity Towers Gungahlin ACT 110821 Draft1A' Properties (objective.act.gov.au:443)

Name: R25016 - GNFP Report on Pool and Concourse defects Infinity Towers Gungahlin ACT 110821 Draft1A

Catalogue General Settings Privileges Caveats Versions Renditions Keywords Details Links Audit Approvals Publishing Disposals Workflow

Created: 09/08/2022 11:28:27 AM  
Created By: Ellen Collins  
Updated: 09/08/2022 11:31:15 AM  
Updated By: Ellen Collins  
Index Status: ● Current

Users who are allowed to create this type of object:  
All Users

*Record of Inspection’ undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 4 March 2024*

Inspection undertaken by Access Canberra investigator on 29 February 2024

### Report uploaded to Objective on 04 March 2024

20240229 - Record of inspection - Part 1, Water Ingress into Tower B roof acc... - □ ×

Name: 20240229 - Record of inspection - Part 1, Water Ingress into Tower B roof access stairs

Links	Audit	Approvals	Publishing	Disposals	Workflow			
Catalogue	General	Settings	Privileges	Caveats	Versions	Renditions	Keywords	Details

Created: 04/03/2024 11:42:01 AM  
Created By: Zac Le Lievre  
Updated: 05/03/2024 12:37:46 PM  
Updated By: Zac Le Lievre  
Index Status: ● Current

Users who are allowed to create this type of object:  
All Users

Record of Inspection' undertaken on 29 February 2024, authored by Zac Le Lievre of Access Canberra and dated 5 March 2024

Inspection undertaken by Access Canberra investigator on 29 February 2024  
Report uploaded to Objective on 05 March 2024

20240229 - Record of inspection - Part 2, Water Ingress into Tower A roof ac...

Name: 20240229 - Record of inspection - Part 2, Water Ingress into Tower A roof access stairs

Links	Audit	Approvals	Publishing	Disposals	Workflow			
Catalogue	General	Settings	Privileges	Caveats	Versions	Renditions	Keywords	Details

Created: 05/03/2024 12:38:12 PM  
Created By: Zac Le Lievre

Updated: 05/03/2024 12:38:21 PM  
Updated By: Zac Le Lievre

Index Status: ● Current

Users who are allowed to create this type of object:

All Users