



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 2025-396 |
| Date of Application | 28 October 2025 |
| Date of Decision | 19 December 2025 |
| Processing time (in working days) | 38 |
| Fees | N/A |
| Decision on Access | Full Release |
| Information Requested (summary) | Information in relation to Extension of Time (EOT) fee waivers granted in the last 10 years. |
| 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 checked="" type="checkbox"/> Published <input 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: [CMTEDD FOI](#)
To: [CED, FOI](#)
Cc: [CMTEDD FOI](#)
Subject: RE: CED 25-096-Possible Partial Transfer-EOT Fee Waivers Granted by Treasury
Date: Tuesday, 28 October 2025 5:36:04 PM

OFFICIAL

Good afternoon Ange,

CMTEDD accepts partial transfer of the request. Thank you very much.

Kind Regards,

Chris

Freedom of Information Coordinator

Phone: 02 6207 7754 | Email: CMTEDDFOI@act.gov.au

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

Level 1, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: CED, FOI <CEDFOI@act.gov.au>
Sent: Tuesday, 28 October 2025 11:48 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: CED 25-096-Possible Partial Transfer-EOT Fee Waivers Granted by Treasury

OFFICIAL

Good morning team

The attached access application is seeking information which is likely to be held by Treasury (information relating to waivers granted under the *Financial Management Act 1996* for commercial properties)

The applicant was provided the attached *List of EOT (Extension of Time) fee waivers granted over the past 10 years* in response to our FOI 25-014.

The applicant is now seeking further details in relation to the waivers granted for the **commercial** properties listed.

Specifically,

a. A summary or spreadsheet listing all the EOT fee waivers granted in relation to commercial properties only over the past 10 years, including the following details for each waiver:

i. The section or regulation of the legislation relied upon; and

ii. The specific grounds on which the waiver was granted which may include a brief description of the circumstances in which, or reason why, the waiver was granted.

iii. The type of entity to which the waiver was granted (i.e. company, partnership, individual).

iv. The location / identifiers of each commercial property for which a waiver was granted.

v. The name of the each entity to whom the waiver was granted

CED only holds the information for 7 of the waivers granted, being those granted under the *Planning and Development Act 2007*.

We have been advised that the remaining information is likely to be held by Treasury, can you please advise if partial transfer of this application is accepted.

Happy to discuss if there are any questions.

Kind regards

Angelina Aloisi (she/her) | **Assistant Director, Information Access**

Phone: 02 6207 7912 | Email: CEDFOI@act.gov.au

Governance, Ministerial and Coordination | City and Environment Directorate | ACT Government

480 Northbourne Avenue, Dickson | GPO Box 158, Canberra ACT 2601 | www.act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

8 October 2025

Our Ref: [REDACTED]

The FOI Information Office
City and Environment Directorate (CED)

BY EMAIL FIRST: CED.FOI@act.gov.au

Dear Colleagues

FREEDOM OF INFORMATION REQUEST


1. We act on behalf of [REDACTED]
2. On 18 July 2025, our client submitted a Freedom of Information Request to CED for information in relation to Extension of Time (**EOT**) fee waivers granted in the last 10 years.
3. Our client was granted access to the requested information on 29 August 2025. Please find **enclosed** a copy the notice of decision and the documents provided for your reference.
4. The documents produced showed several EOT fee waivers that were granted relied upon on the '*Planning and Development Act 2007, Hardship Provisions*' as the legislative basis but for commercial properties.
5. Accordingly, pursuant to the *Freedom of Information Act 2016* (ACT), we request access to the following documents:
 - a. A summary or spreadsheet listing all the EOT fee waivers granted in relation to **commercial properties** only over the past 10 years, including the following details for each waiver:
 - i. The section or regulation of the legislation relied upon; and
 - ii. The specific grounds on which the waiver was granted which may include a brief description of the circumstances in which, or reason why, the waiver was granted.
 - iii. The type of entity to which the waiver was granted (i.e. company, partnership, individual).
 - iv. The location / identifiers of each commercial property for which a waiver was granted.
 - v. The name of the each entity to whom the waiver was granted.
6. We ask that the documents be sent to the following address:
[REDACTED]

Physical Documents



Electrical Documents



7. We request the documents be provided electronically, where possible.
8. Please do not hesitate to contact our office on  should you wish to discuss or require any clarification about this request.

Yours faithfully





FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), partially transferred to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 28 October 2025.

Specifically, you have sought access to the following information:

“a. A summary or spreadsheet listing all the EOT fee waivers granted in relation to commercial properties only over the past 10 years, including the following details for each waiver:

- i. The section or regulation of the legislation relied upon; and*
- ii. The specific grounds on which the waiver was granted which may include a brief description of the circumstances in which, or reason why, the waiver was granted.*
- iii. The type of entity to which the waiver was granted (i.e. company, partnership, individual).*
- iv. The location / identifiers of each commercial property for which a waiver was granted.*
- v. The name of the each entity to whom the waiver was granted”*

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.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **7 January 2026**.

Decision on access

Searches of CMTEDD records have identified the information in **Attachment A**.

Pursuant to section 38(6)(b) of the Act, I have decided to **defer access to some** of the information identified as of concern to an affected third party. Third parties affected may apply for review of my release decision within 20 working days, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred for this 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
- third party views

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 nondisclosure in **Schedule 2** of the Act.

No Schedule 1 factors have been identified within the information provided.

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 within 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.*

- *Section 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

Providing access to these documents allows the community to scrutinise financial decisions and confirm that funds are managed responsibly and in accordance with legislative and policy requirements. The information requested relates to Extension of Time Fee waivers, which is a topic of considerable relevance to the community.

Access to this information would enable stakeholders to engage in meaningful dialogue based on accurate and complete information. This promotes transparency and accountability by enabling the community to understand not only the outcome but also the considerations and processes that led to it.

I am satisfied that these factors favouring disclosure carry significant weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

- *Section 2.2(a)(viii) - prejudice the economy of the Territory.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Factors for nondisclosure that have been considered include *Schedule 2, section 2.2(a)(viii) prejudice the economy of the Territory*. However, outcomes of extension of time waivers would be published in budget papers, meaning that the weight applied to this factor would be nil.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term ‘business affairs’ was interpreted as meaning ‘the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs’. *Schedule 2 section 2.2(a)(xi)* allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. However, as no commercially sensitive information is being disclosed and the prejudice to business affairs via reputation harm or competitive pressure is unlikely, this factor has only carried minimal weight.

Having applied the test outlined in section 17 of the Act I have decided that the factors for disclosure outweigh those for nondisclosure. All relevant information will be disclosed, noting some is currently deferred awaiting third party outcomes.

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 74(1) 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

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.

Yours sincerely



Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate

19 December 2025

| The section or regulation of the legislation relied upon | The specific grounds on which the waiver was granted which may include a brief description of the circumstances in which, or reason why, the waiver was granted. | The type of entity to which the waiver was granted (i.e. company, partnership, individual) | The location / identifiers of each commercial property for which a waiver was granted. | The name of each entity to whom the waiver was granted |
|--|--|--|--|--|
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - Provided the benefit of the Government's 2014 economic stimulus package. | Company | Block 78, Section 29 Fyshwick | Janrule Pty Ltd |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - Land Titles Office administrative error | Company | Block 4 Section 88 Gungahlin | B.M.D Pty Ltd |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - unprecedented events in Canberra | Company | Deferred release | |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - internal processing issue contributed to delays of DA approval | Company | Block 14 section 22 Mitchell | Gajjh Property Development Pty Ltd |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - in light of the size of the fee and financial | Club | Block 14, Section 17, McKellar | Belconnen Soccer Club Limited |

| | | | | |
|---|---|---------|--------------------------------|-------------------------------|
| | difficulty that would be faced by the Club in paying it, as well as the Club's not-for-profit status and the broader benefits it provides to the community. | | | |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - The Government's priority for the site is to obtain the best outcome for the community with regards to its development. | Company | Block 6, Section 79 Giralang | Giralang Property Pty Ltd |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - ACT border closed to Victoria between 8 July 2020 and 9 October 2020. | Trustee | Block 2, Section 4, Beard | UFS Property Trust |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion - Provided the benefit of the Government's 2014 economic stimulus package. | Club | Block 14, Section 71, McKellar | Belconnen Soccer Club Limited |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion | Club | Block 14, Section 71, McKellar | Belconnen Soccer Club Limited |
| Section 131(1)(a) Financial Management Act 1996 | Treasurer's discretion | Club | Block 14, Section 71, McKellar | Belconnen Soccer Club Limited |

| | | | | |
|--|--|------------------|---|--------------------|
| <p>Section 131(1)(a) Financial Management Act 1996</p> | <p>Treasurer's discretion - The Government's priority for the site is to obtain the best outcome for the community with regards to its development.</p> | <p>Not known</p> | <p>The lessee of Block 6, Section 79 Giralang</p> | <p>TP Dynamics</p> |
| <p>Section 131(1)(a) Financial Management Act 1996</p> | <p>Treasurer's discretion - the Government's priority for the site is to obtain the best outcome for the community with regards to its development and in alignment with the Government's policies to encourage and support diversification.</p> | <p>Club</p> | <p>Block 58, Section 346, Kambah</p> | <p>Burns Club</p> |