



## Freedom of Information Request – Extension of Time Penalties

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment and Sustainable Development Directorate (ESDD) on 10 April 2013, in which you requested the following documents:

*“extension of time penalties on construction within the confines of the ACT....*

- a) The legislation relating to the introduction of late penalties*
- b) Any subsequent changes to the legislation in relation to late penalties and the briefing documentation in relation to these changes*
- c) the number of penalties imposed annually for the past 5 years in relation to*
- d) The revenue raised for the past five years*
- e) the Government’s policy/legislation in relation to land banking”*

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

### **Schedule detailing decisions**

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either ‘Release’ or ‘Partial release’. In some instances I have addressed information as “not relevant to the scope of your request”. This reference has only been used where information contained in a document has been reviewed and found not to relate to the terms of your request.

### **Decision**

The Directorate has identified three documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt/exempt or provided to applicants with deletions and I have decided to exempt some parts of some documents which are not relevant to the scope of your request.

ACT Planning and Development Legislation are publicly available and therefore have not been provided with the other documents. The relevant documents can be found here:  
<http://www.legislation.act.gov.au/a/2007-24/default.asp>

The data collected by the Directorate relating to the number of extension of time applications, and the revenue raised, is not split between commercial and residential sites. As this data is not available the total number of applications and total revenue has been provided instead.

### **Review rights**

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by ESDD. If you wish to seek a review you should write to:

The Director-General  
Environment and Sustainable Development Directorate  
GPO Box 1908  
CANBERRA ACT 2601

Email: [ESDDFOI@act.gov.au](mailto:ESDDFOI@act.gov.au)

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

### **Online FOI Publication Policy**

Please be aware that under the ACT Government's "*Online FOI Publication Policy*" (the Policy), information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

A copy of the policy, with details about what information may be published on the internet, is available online at:

[http://www.cmd.act.gov.au/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

If you have any queries in relation to this matter, please contact Heather Johnston.

Yours sincerely



Craig Simmons  
Director  
Construction Occupations

8 May 2013

