



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 2019-017

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)	25
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: Fw: FOI request regarding the property sales statistics within Canberra [SEC=UNCLASSIFIED]
Date: Monday, 21 January 2019 10:33:55 AM

----- Original Message -----

Subject: FOI request regarding the property sales statistics within Canberra
[SEC=UNCLASSIFIED]

From: [REDACTED]
To: [REDACTED]
CC:

Good morning

I am seeking the following information from ACT Revenue Office under the FOI Act

Data to be sampled from Financial Year 2015 to Financial year 2018 to include:

- List all stamp duties collected on properties sold in Canberra within the above time frame
- The settlement amount of each individual property of the above (or, and the stamp duty amount collected)
- The suburb location of these properties
- The property type (e.g. house, apartment, townhouse, land)
- Date when the settlement was completed (or the stamp duty was registered)

Thank you for your assistance and please don't hesitate to contact me if you required

further clarifications regarding this request, I can be reached on [REDACTED]

Regards

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-017

[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 information held by the ACT Revenue Office in regards to property sales for the 2015 – 2018 financial years.

Specifically, you sought access to:

- *A list of all stamp duties collected on properties sold in Canberra within the above time frame;*
- *The settlement amount of each individual property of the above (or, and the stamp duty amount collected);*
- *The suburb location of these properties;*
- *The property type (e.g. house, apartment, townhouse, land); and*
- *The date when the settlement was completed (or the stamp duty was registered).*

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 with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 19 February 2019.

Outcome of Documents Search

Based on the estimated time it would take to process your request, I am proposing to refuse to deal with this access application under section 43(1)(a) of the Act. Processing the request would require the ACT Revenue Office (ACTRO) to identify, collate, examine and potentially consult with relevant third parties on the information held by ACTRO. This would substantially inhibit ACTRO in its ability to exercise its functions.

I am advised by the relevant business units that while some of the documents held on file may contain information on the sale statistics requested, current data recording does not involve separately indexing the information that you have requested. As a result, a search of individual documents held in relation to each data set would be required. For example this may include a review of every contract from every property that transacted during

those periods. Any relevant data found would need to be inputted into a new document, as the information you sought does not presently exist in its own form.

It should also be noted that under sections 95 and 96 of the *Taxation Administration Act 1999*, the disclosure of information obtained through the administration of a tax law may only occur where the Commissioner is satisfied that the release of information will not directly or indirectly identify a tax payer or their personal affairs.

Proposed Decision on Access

As the request does not pertain to existing documents held by ACTRO, and the time it would take to review relevant documents, I am proposing to refuse to deal with this access application under section 43(1)(a) of the Act.

I am satisfied that dealing with this request in its current form would require an unreasonable and substantial diversion of ACTRO resources pursuant to section 44(1)(a) of the Act.

Consultation Period

Section 46(1) of the Act requires me to provide you with the opportunity to amend your application before I can make a decision to refuse to deal with your request. The time allowed to allow you to amend your request under section 46(4)(a) is 10 working days.

If no response is received from by **25 February 2019**, I will make a decision to refuse to deal with your application under section 43(1)(a) of the Act.

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,

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

Brett Wilesmith
Information Officer
Revenue Management
Chief Minister, Treasury and Economic Development Directorate

11 February 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-017

[REDACTED]
via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to my letter dated 11 February 2019, in which I proposed to refuse to deal with your access application to access to information held by the ACT Revenue Office (ACTRO) in regards to property sales for the 2015 to 2018 financial years.

Specifically, you sought access to:

- *A list of all stamp duties collected on properties sold in Canberra within the 2015 to 2018 financial years;*
- *The settlement amount of each individual property of the above (or, and the stamp duty amount collected);*
- *The suburb location of these properties;*
- *The property type (e.g. house, apartment, townhouse, land); and*
- *The date when the settlement was completed (or the stamp duty was registered).*

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.

Decision on Access

As stated in my letter dated 11 February 2019, I am satisfied that dealing with this request in its current form would require an unreasonable and substantial diversion of ACTRO resources pursuant to section 44(1)(a) of the Act, as the time taken to identify, collate and examine the information held by ACTRO would substantially inhibit the ability of the ACTRO to exercise its functions.

Further, as current data recording does not involve separately indexing the information that you have requested, a search of individual documents held in relation to each data set would be required. Consequently, relevant data found would need to be inputted into a new document, as the information you sought does not presently exist in its own form.

I remind you again that under sections 95 and 96 of the *Taxation Administration Act 1999*, the disclosure of information obtained through the administration of a tax law may only occur where the Commissioner is satisfied that the release of information will not directly or indirectly identify a tax payer or their personal affairs.

Pursuant to section 46(1), prior to refusing to deal with this part of your request under section 43(1)(a) of the Act, I was required to provide you with the opportunity to amend your application. The time allowed for you to amend your request under section 46(4)(a) of the Act is 10 working days. You were required to amend the scope of your request by 25 February 2019.

As no response was received from you by 25 February 2019, I have decided to refuse to deal this access request under section 43(1)(a) of the Act.

Charges

Processing charges are not applicable for this request.

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 decisions in response to your access application will be published in the CMTEDD disclosure log. Your personal details will not be released.

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 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

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Brett Wilesmith
Information Officer
Revenue Management
Chief Minister, Treasury and Economic Development Directorate
26 February 2019