



**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 2019-112

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)	18
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:** Tuesday, 14 May 2019 11:57:10 AM

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I'd like to request under the Freedom of Information Act 2016 (ACT) data in relation to the foreign ownership surcharge.

That surcharge came into effect on July 1, 2018, and applies to all foreigners owning ACT residential land that is not their principal place of residence. According to the ACT Revenue Office, those foreign land holders were given 30 days to notify that office of their liability to pay the surcharge. That 30 days has now passed.

I request any reports, data or summary information available relating to that surcharge. I seek only aggregate, deidentified data, therefore privacy concerns do not apply.

Specifically I seek information showing:

How many property owners are recorded as needing to pay the surcharge.

Where their properties are, and how many each of them own. Having no desire to breach anyone's privacy, deidentified data is fine, but I'd like to request as fine grained information as possible, ie, properties meeting the criteria by street, ABS SA1 level, suburb or as detailed as is available. I'd like to request that data in spreadsheet format, excel, CSV file or other machine readable format, not PDF, JPEG or photographic copies of documents.

Any available data on the value of those properties. The surcharge is calculated at a rate of 0.75% of average unimproved value, which means the AUV must also be reported. I'd like the data on those unimproved values.

Total revenue expected to be generated from the surcharge now that the number of payees is known.

Country of origin of those paying the surcharge.

Type of property - ie unit, house, apartment complex etc.

Any other relevant data that is collected as part of the reporting process associated with the surcharge.

Happy to negotiate on the specifics of this request to refine it to only the specific information required.

I make this request in my capacity [REDACTED] on the grounds that this information is in the public interest. Charging for access to documents is counter to the public interest, so I request that any fees associated with this request be waived. As mentioned I'm happy to negotiate on the scope of this request to reduce as much as possible any unnecessary work required of the FoI officer handling this request.

Thanks for your assistance, my contact details are below.

[REDACTED]

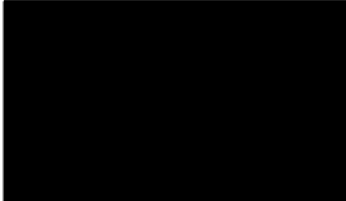
[REDACTED]




**ACT**  
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Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI2019-112



via email: 

Dear 

### **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 14 May 2019. Your application sought access to reports, data or summary information held by the ACT Revenue Office (ACTRO) relating to the foreign landowner land tax surcharge.

Specifically, you are seeking information regarding:

- *How many property owners are recorded as needing to pay the [foreign landowner land tax] surcharge;*
- *Where their properties are, and how many each of them own;*
- *Any available data on the value of those properties;*
- *Total revenue expected to be generated from the surcharge now that the number of payees is known;*
- *Country of origin of those paying the surcharge;*
- *Type of property; and*
- *Any other relevant data that is collected as part of the reporting process associated with the surcharge.*

### **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. I am also a tax officer for the purposes of the *Taxation Administration Act 1999* (TAA) and a delegate of the Commissioner for ACT Revenue for the operation of section 96 of the TAA.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 13 June 2019.

### **Decision on access**

I am satisfied that appropriate searches were completed and data relevant to your information request is held by ACTRO.

I am providing summary information on the number of properties assessed as subject to the foreign investor surcharge and the associated revenue (in total and by locality), as at 17 May 2019.

In making this disclosure, I note the operation of the secrecy provisions under Division 9.4 of the TAA which requires that tax officers must not disclose any information obtained under or in relation to the administration of a tax law, except for certain permitted disclosures. Under section 96 of the TAA, the Commissioner for ACT Revenue may disclose information obtained under or in relation to the administration of a tax law that does not and is not likely to directly or indirectly identify a particular taxpayer or disclose matters about the personal affairs of a particular taxpayer. Please be aware that disclosures under section 96 of the TAA are discretionary.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because no folios are to be released to you under the Act.

### **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 14 June 2019. Your personal contact details will not be published.

You may view CMTEDD disclosure log at  
<https://www.cmtedd.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 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](mailto:actfoi@ombudsman.gov.au)

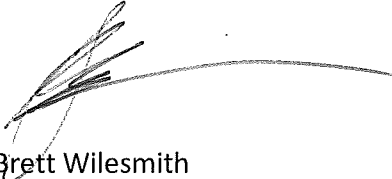
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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  
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](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive name.

Brett Wilesmith  
Information Officer  
Revenue Management  
Chief Minister, Treasury and Economic Development Directorate  
11 June 2019

Enc



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME		WHAT ARE THE PARAMETERS OF THE REQUEST				Reference NO.
		Data in relation to the foreign ownership surcharge - any reports, data or summary information available relating to that surcharge.				CMTEDDFOI2019-112
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Foreign ownership surcharge summary as at 17/05/2019	May 2019	Full release	N/A	Yes or No
Total No of Docs						
1						

## Foreign Ownership Surcharge Summary as at 17 May 2019

<b>Property Locality</b>	<b>Number of Properties</b>	<b>Revenue Generated</b>
Belconnen	15	\$17,379.27
Canberra Central	13	\$36,545.80
Gungahlin	12	\$6,505.54
Tuggeranong	2	\$4,095.25
Woden Valley	5	\$7,959.57
Molonglo Valley	1	\$2,494.15
<b>Grand Totals</b>	<b>48</b>	<b>\$74,979.58</b>