



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 2021-272

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
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: Friday, 15 October 2021 11:38:46 AM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

[REDACTED]

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

The risk assessment that informed the NOTICE OF DECISION - S.62 Notice to carry out building work ("the Notice"), addressed to the Owners Corporation [REDACTED]. Dated 13 September 2021. The notice directed major construction works be undertaken in under three months. This timeframe will have been informed by a risk assessment. A copy of the risk assessment and the levels of risk reflected in the assessment have not been provided to Owners. Given that the time frame is unachievable, and therefore not based on a realistic timeframe to address the shortfalls, it can only be assumed that Access Canberra have identified the risk is extreme, with building collapse imminent. No other inspection has identified an imminent building collapse. The Notice did not include an evacuation notice, despite the (assumed) extreme risk of imminent collapse. A copy of the risk assessment is requested to inform legal liability.

I do not want to access the following documents in relation

to my request::

Thank you.

Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-272



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 15 October 2021, in which you sought access to:

- Risk assessment that informed the NOTICE OF DECISION -S.62 Notice to carry our building work ("the Notice"), addressed to the Owners Corporation [REDACTED]. Dated 13 September 2021.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD 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 12 November 2021.

Decision on access

Searches were completed for relevant documents and a number of documents were identified that fall within the scope of your request.

I have decided to refuse access to all identified documents as I consider them to be contrary to the public interest information under Schedule 1 section 1.14(1)(a).

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Material considered

In reaching my access decision, I have taken the following into account:

- the Act, particularly schedule 1, and
- the content of the documents that fall within the scope of your request.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Contrary to the public interest information under schedule 1 of the Act

The identified documents are entirely composed of or contain information that is considered to be contrary to the public interest under schedule 1 of the Act.

Schedule 1 covers information disclosure of which is taken to be contrary to the public interest. Information mentioned in this schedule is taken to be contrary to the public interest to disclose unless the information identifies corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Schedule 1 section 1.14(1)(a) states:

1.14 Law enforcement or public safety information

- 1) Information the disclosure of which would, or could reasonably be expected to—
 - a) prejudice the investigation of a contravention or possible contravention of the law in a particular case.**

The documents you are seeking form part of an ongoing investigation and are exempt from release currently.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the no pages are being released.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. As your request sought your own personal information, section 28(6) of the Act provides that your access application will not be published in CMTEDD 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.

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
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,



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
09 November 2021