



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 2025-392
Date of Application	28 October 2025
Date of Decision	9 December 2025
Processing time (in working days)	30
Fees	N/A
Decision on Access	No Information Found
Information Requested (summary)	The expenditure that has been incurred by the ACT Government relating to an ACAT matter.
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 type="checkbox"/> Published <input checked="" 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

To
FOI Coordinator, Information Access Team
Chief Minister Treasury and Economic Development Directorate
ACT Government
GPO Box 158
CANBERRA ACT 2601

Date
22 October 2025

Subject
Request for information - LVC Determination

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To whom it may concern,

This letter sets out a request for access to information pursuant to Part 5 Division 5.1 Section 30 of the *Freedom of Information Act 2016* (the FOI Act). The table below identifies the specific documents in relation to which access is sought.

Background

By way of background, this application is made by [REDACTED]

There are numerous approved development applications that relate to the Land (or part thereof). This request for access relates to the Lease Variation DA202341419 (LV DA) approved 5 June 2023, which has had the following protracted journey:

- A Notice of Assessment of the Lease Variation Charge (LVC) was received on 7 March 2024, assessing the LVC payable at [REDACTED].
- An application for reconsideration was made on 11 June 2024. By letter dated 1 July 2024, the Commissioner for ACT Revenue confirmed that the original assessment of LVC stands.
- The matter was heard in ACAT (AT 69-2024) between 26 July 2024 when the application was made and 17 September 2025.
- In the period spanning July 2024 to April 2025, the ACT Commissioner for Revenue (the Commissioner) abandoned their original valuation, engaged a new valuer and sought for the LVC payable to be [REDACTED].
- On 22 August 2025 ACAT determined the LVC payable to be [REDACTED].
- On 16 October 2025 the Commissioner made an application to the Supreme Court seeking leave for appeal; maintaining their contention that the LVC payable to be [REDACTED].

The figures in question are substantial and the Commissioner's application to appeal terminates the Lessee's ability to progress any development of the Land until any appeal is resolved or withdrawn.

The community is entitled to scrutinise public expenditure on LVC litigation. Releasing totals, categories, approvals, and governance records advances accountability and prudent financial management, amid strong public interest. Any privileged details can be redacted without frustrating these aims.

Request for access

Specific interest	Access request
The expenditure that has been incurred by the ACT Government relating to ACAT matter AT 69-2024	#1 - Confirmation of the total expenditure incurred by the ACT Commissioner for Revenue relating to ACAT matter AT 69-2024.
	#2 - Itemised breakdown of the response to #1 to clearly identify, at minimum, the sub total associated with external legal counsel, the total associated with each expert engaged, the total associated with disbursements and the total associated with ACT Government Solicitors engagement.
	#3 - All documents prepared or received by anyone holding the office of the ACT Commissioner for Revenue that relate to, or discuss in any capacity, the budget and expenditure for ACAT matter AT 69-2024.
	#4 - All documents prepared by ACT Commissioner for Revenue office employees (including consultants holding contract positions) that relate to, or discuss in any capacity, the budget and expenditure for ACAT matter AT 69-2024.
	#5 - All records of correspondence between the ACT Commissioner for Revenue (the office and the individual) and ACT Treasury that relate to, or discuss the expenditure incurred.
	#6 - The hourly rates for barristers engaged by ACT Commissioner for Revenue, including [REDACTED].

In all instances our request includes all of the following: meeting notes, file notes, records of conversations (including Microsoft Teams chat log or equivalent digital communications print out), emails, letters, reports, briefing papers and all related drafts / post it notes / mark ups which comprise editing, peer review or internal sign off.

The applicant does not seek access to its 'Own Records'. 'Own Records' meaning emails already exchanged with the applicant and documents already submitted and/or received by the applicant.

Applicant contact

The applicant contact details are [REDACTED]. All communications with the applicant are to be in writing and the preferred means of contact is via email at [REDACTED].

Yours sincerely

[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2025-392



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 28 October 2025, in which you sought access to:

<i>Specific interest</i>	<i>Access request</i>
<i>The expenditure that has been incurred by the ACT Government relating to ACAT matter AT 69-2024</i>	<i>#1 - Confirmation of the total expenditure incurred by the ACT Commissioner for Revenue relating to ACAT matter AT 69-2024.</i>
	<i>#2 - Itemised breakdown of the response to #1 to clearly identify, at minimum, the sub total associated with external legal counsel, the total associated with each expert engaged, the total associated with disbursements and the total associated with ACT Government Solicitors engagement.</i>
	<i>#3 - All documents prepared or received by anyone holding the office of the ACT Commissioner for Revenue that relate to, or discuss in any capacity, the budget and expenditure for ACAT matter AT 69-2024.</i>
	<i>#4 - All documents prepared by ACT Commissioner for Revenue office employees (including consultants holding contract positions) that relate to, or discuss in any capacity, the budget and expenditure for ACAT matter AT 69-2024.</i>
	<i>#5 - All records of correspondence between the ACT Commissioner for Revenue (the office</i>

	and the individual) and ACT Treasury that relate to, or discuss the expenditure incurred.
	#6 - The hourly rates for barristers engaged by ACT Commissioner for Revenue, including [REDACTED]

In all instances our request includes all of the following: meeting notes, file notes, records of conversations (including Microsoft Teams chat log or equivalent digital communications print out), emails, letters, reports, briefing papers and all related drafts / post it notes / mark ups which comprise editing, peer review or internal sign off.

The applicant does not seek access to its 'Own Records'. 'Own Records' meaning emails already exchanged with the applicant and documents already submitted and/or received by the applicant.

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.

I am a tax officer for the purposes of the *Taxation Administration Act 1999*, and a delegate of the Commissioner of ACT Revenue for the purpose 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 9 December 2025.

Decision on access

Searches were completed for relevant documents and ACTRO has not identified any documentation in relation to your request. I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by ACTRO, under section 35(1)(b) of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request as no documents are being released to you.

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 73 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.

If you wish to request a review of my decision you may use this form [Apply for 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
15 Constitution Avenue
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 email at ACTRO.FOI@act.gov.au.

Yours sincerely,



Paul Amalos

Information Officer- ACT Revenue Office
Chief Minister, Treasury and Economic Development Directorate

9 December 2025