



**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 2021-333

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	45
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:** [Nagpal, Madan](#) on behalf of [CMTEDD FOI](#)  
**To:** [REDACTED]  
**Subject:** Revised Scope : 2021-333 Freedom of Information request - Question [REDACTED]  
**Date:** Monday, 13 December 2021 10:50:00 AM

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[REDACTED]

It was a pleasure speaking with you this morning. As discussed we have now revised the scope as per below. Kindly send me an authorisation from [REDACTED] when you get a chance. Based on the revision of scope the updated application date will **today the 13<sup>th</sup> December 2021.**

**All documents relating to existence and rectification of [REDACTED]  
[REDACTED] for the period from 11 September 2015 to date.**

Kindly confirm the acceptance of above revised scope via an e-mail.

Kind Regards

Madan

**Madan Mohan Nagpal (he/him) | Freedom of Information Coordinator | Information Access Team**  
Phone: 02 6207 7754 | Email: [cmteddfoi@act.gov.au](mailto:cmteddfoi@act.gov.au)  
**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**  
Level 5, 220 London Circuit, Canberra | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

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**From:** [REDACTED]  
**Sent:** Saturday, 11 December 2021 7:50 AM  
**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>  
**Subject:** RE: 2021-333 Freedom of Information request - Question [REDACTED]  
[REDACTED]

**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.

Hi Madan

I will be on leave this week. Is there a convenient time on Monday I could give you a quick call?

Regards

[REDACTED]



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI2021-333



## **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 23 November 2021, in which you sought access to all documents related to

Specifically, you are seeking: “All documents held by the Construction Occupations Registrar in respect of defects in the property [redacted] for the period from 11 September 2015 to date”.

The scope of this request was clarified on 13 December 2021 to “All documents relating to existence and rectification of [redacted] for the period from 11 September 2015 to date”.

### **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 was required to provide a decision on your access application by 27 January 2022 however, following third-party consultations and the requested extension of 14 working days, the due date is now 18 February 2022.

### **Decision on access**

Searches were completed for relevant documents and a number of documents were identified that fall within the scope of your request, however based on the information provided by Access Canberra, the regulatory arm of CMTEDD, I have decided to refuse access to all information in relation to this matter. 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 requirements of the Act
- The contents of identified documents
- Advice received from the relevant business unit within Access Canberra

### **Exemption claimed**

My reason for deciding not to grant access to the identified documents is that the information you have requested is contrary to the public interest information under schedule 1 of the Act.

Access Canberra, the regulatory arm of CMTEDD has advised that this matter is currently under active investigation and in a negotiation phase with the builder. The release of this information at this stage could prejudice the ongoing furtherment of these negotiations and potentially set back a successful resolution of the issues.

Accordingly, I consider this information to be contrary to the public interest under section 1.14(1)(a) of schedule 1 and have decided to refuse access to this information at this time.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* 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 in response to your access application will be published in the CMTEDD disclosure log between 3-10 days from the date of decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **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](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 02-62077754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Katharine Stuart  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate  
18 February 2022