

## **Freedom of Information Publication Coversheet**

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-048

Information to be published	Status
. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
1. Additional information identified	No
5. Fees	N/A
5. Processing time (in working days)	31
7. Decision made by Ombudsman	N/A
3. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
LO. Additional information identified by ACAT	N/A

From:

To: CMTEDD FOI

Subject: Freedom of Information request

Date: Wednesday, 4 March 2020 12:04:53 PM

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:	

#### 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):

I would like to access 1) all correspondence between all parties ( Access Canberra, ACT gov teams, third party external non-ACT teams and the private builder) related to the on-going investigation for a matter that I reported to Access Canberra back in August 2019. Access Canberra reference number Incident: 190820-000000 In specific I would like to access 1) Copy of the investigation report by ACT Inspectors ( Ajith Buddhasa and Jonathan Swale) . Both these inspectors visited my home on 10th Sept 2019 to inspect my home. 2) Copy of 2 x warning letters sent by Cory Dashwood to the builder RAM constructions. 3) Any correspondence between ACT gov and RAM constructions in relation to the investigation. Thanks

I do not want to access the following documents in relation to my request::

Thank you.

Freedom of Information Coordinator



Our ref: CMTEDDFOI 2020-048



#### 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 4 March 2020, in which you sought access to documents in relation to RAMS Constructions.

#### You are seeking:

- Copy of the investigation report by ACT Inspectors (Ajith Buddhasa and Jonathan Swale). Both these inspectors visited my home on 10th Sept 2019 to inspect my home.
- Copy of 2 x warning letters sent by Cory Dashwood to the builder RAM constructions.
- Any correspondence between ACT Gov and RAM constructions in relation to the investigation.

#### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

#### Third party consultation

In making this decision, third party consultation was completed in accordance with section 38 of the Act. The third party did not provide a response within the prescribed timeframe.

#### **Timeframes**

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 28 April 2020.

#### **Decision on access**

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

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant full access to all relevant documents. The documents released to you are provided as **Attachment B** to this letter.

#### Charges

Processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

#### 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log 3 days after 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/disclosure-log-2020.

#### **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 <a href="mailto:CMTEDDFOI@act.gov.au">CMTEDDFOI@act.gov.au</a>.

Yours sincerely

Philip Dachs

**Information Officer** 

**Information Access Team** 

Chief Minister, Treasury and Economic Development Directorate

21 April 2020



# FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.	
Copy of the investigation report by ACT Inspectors. Copy of warning letters sent to the builder. Any correspondence between ACT Gov and the builder in	CMTEDDFOI 2020-048	1
relation to the investigation.		

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-15	Preliminary Investigation Report	19 Sep 2019	Full	N/A	Yes
2	16-17	Warning letter	21 Nov 2019	Full	N/A	Yes
3	18-24	Email – internal	17 Jan 2020	Full	N/A	Yes
4	25-26	Email – request for help	21 Feb 2020	Full	N/A	Yes
5	27-37	Email – water leak again	4 Mar 2020	Full	N/A	Yes
6	38-40	Email – FOI request documents	5 Mar 2020	Full	N/A	Yes
7	41-44	Email – from Corey Dashwood	6 Mar 2020	Full	N/A	Yes

Total No of Docs

7



	Preliminary Investigation Report		
CMT Reference No.	13424		
Block Details			
Street address			
Incident No:	190820-000000		
Complainant	190820-000000		
Complainant's contact			
Issue 1	Building defects and quality issue	c	
Issue 2	building defects and quanty issue	3.	
Issue 3			
Issue 4			
Issue 5			
issue 5	4		
Incident No:	Ĭ		
Complainant			
Complainant's contact			
Issue 1			
Issue 2			
Issue 3			
Related Development Approval/s	Certified as DA exempt by certifier. EPSDD approved a 1N for a minor departure to side setbacks.		
Related Building Approval/s	dated 11/05/2018	BA approval is comp	lete
Certifier	Name: CBS	Licence No: 2004262	203
Builder	Name: Briarwood Pty Ltd	Licence No: 2005218	3
Crown Lease provisions			
Other			
	100000000000000000000000000000000000000		
Date and time of the	Inspection		
inspection	10/09/2019 10.15am		
Names of the inspectors	Jonathan and Ajith		
Authority to access leased	Consent to entry under Section 3	89(1)(b) of the	X
land (select)	Planning and Development Act		^
	Section 130 Building Act/ owners	consent/invitation	1
	Section 131 Building Act		X
	Evidence collected		
Photos	See Appendix - 1		
Site measurements	Garage roller door to step measured at 5.1m		
JIC ITCGSUICITICITIS	Garage roller door to step measu	i ca at 2,1111	



Contact interviews	A number of fit and finish issues were raised during the inspection, the complainant was advised that these issues need to be resolved as per the contract that he has with the builder, as they are not BCA related breaches. Complaint was advised that ACAT is a resolution path for these issues.
Subject of interest interviews	
Observations	Issue 1: water is pooling in the track of the double glazed sliding door at the front of the property. The inspectors were shown video and photo of this by the complainant. No evidence of water damage was observed. The builder has attempted to drill holes in the track of the door for the water to drain, this has allegedly not been successful in stopping the water from pooling.
	Issue 2: Front door is not square and lets draft into the building, possibly affecting the energy rating. Inspectors were shown video of a loud draft noise that comes from behind the kitchen cabinets above the fridge. Complainant advises that this noise happens whenever there is moderate to heavy winds. Further investigation needed.
	Issue 3: Timber frame bracing can be heard slapping against frame and wall when wall is knocked on. Could mean bracing has not been secured properly as required by the BCA and timber framing code. Further investigation required as any possible defect is behind the plasterboard lining.
	<b>Issue 4:</b> Steps from backyard into carport/garage are 5.1m from garage door. Planning requirements are that a minimum of 6x5.5m is required to meet car park requirements. In turn building does not meet the car parking requirements as the appropriate number of spaces have not been provided as required.
	<b>Issue 5</b> : an expert has suggested that there is undue dampness in the bathrooms. Both bathrooms are supplied with a floor waste and our measurements showed the floor falls towards the floor waste. No signs of water damage were observed.
Other	

Legislative requirements
Planning and Development Act 2007 (P&D Act);
Planning and Development Regulation 2008 (P&D Regulation)



Issue 1	As mentioned in issue 4 above. The Single Dwelling Housing Development Code R31 states that the minimum number of carparks provided is 2. R32 states that the minimum dimensions for a double roofed space must be at least 6m x 5.5m. The distance from the stairs in the garage to the roller door is measured at 5.1m and is therefore not compliant with rule32 and therefore the requirements of R31 have also not been meet
Applicable legislative provision	Non-compliance with SDHDC R31 and R32
Breach/No breach	Breach
Issue 2	
Applicable legislative provision	
Breach/No breach	
Issue 3	
Applicable legislative provision	
Breach/No breach	
Building Act 2004 Building (General) Regulation	Issues 1,2,3 and 5 may be a breach of S42(1) requirements for
Building (General) Regulation	
Building (General) Regulations Issue 1  Applicable legislative	Issues 1,2,3 and 5 may be a breach of S42(1) requirements for carrying out building work. Further investigation is needed to
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Building (General) Regulation Issue 1  Applicable legislative provision Breach/No breach Issue 2  Applicable legislative provision	Issues 1,2,3 and 5 may be a breach of S42(1) requirements for carrying out building work. Further investigation is needed to
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Building (General) Regulations Issue 1  Applicable legislative provision Breach/No breach  Issue 2  Applicable legislative provision Breach/No breach  Issue 3  Applicable legislative provision Breach/No breach  Building Code of Australia (Issue 1	Issues 1,2,3 and 5 may be a breach of S42(1) requirements for carrying out building work. Further investigation is needed to substantiate these elements of the complaint.
Building (General) Regulations Issue 1  Applicable legislative provision Breach/No breach  Issue 2  Applicable legislative provision Breach/No breach  Issue 3  Applicable legislative provision Breach/No breach  Building Code of Australia (	Issues 1,2,3 and 5 may be a breach of S42(1) requirements for carrying out building work. Further investigation is needed to substantiate these elements of the complaint.



Economic Development	The state of the s
Issue 2	
Applicable legislative provision	
Breach/No breach	
Issue 3	
Applicable legislative provision	
Breach/No breach	
	Recommendation
Response to the complainant	10233333333333333
Referred to MIT; BIT; CAT etc	Referred to MIT for consideration. Recommend taking action in regard to issue 4 as it is a breach of the SDHDC. Further investigation needed in relation to other issues.
	Actions taken

Inspector/s: XXXXXXX

Date:

# Appendix -1 – Photos

Photo No.	Photo Description	Taken From
1-	Sliding door	Leased land
2	Gap in front door	Leased land Within the property
3	Gap above fridge were draft is heard	Within the property
4	Wall were bracing can be heard	Within the property
5-9	Fall toward floor waste	Within the property



10 Stairs into garage Within the property

























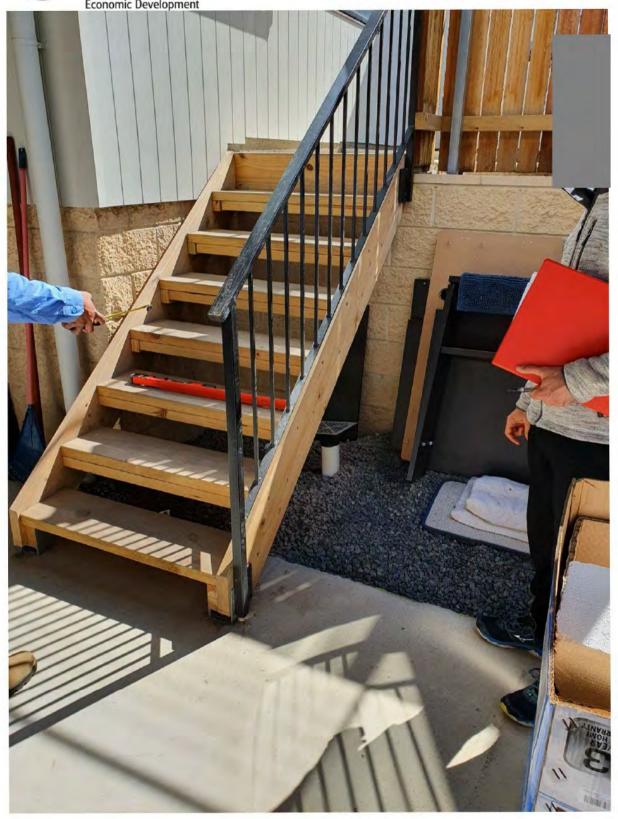


















Anthony O'Brien
Briarwood Pty Ltd - t/a RAM Constructions
PO Box 92
Mitchell ACT 2911

Dear Anthony

#### Complaint regarding building work at

Our records indicate that Briarwood Pty Ltd - T/a RAM Constructions was the licensed company when building work was conducted under building approval 20181726 for the above property.

Briarwood Pty Ltd holds a construction an occupation licence number 2005218, and a nominee appointed to Briarwood Pty Ltd is Mr Anthony O'Brien. Mr O'Brien holds a Class A builder licence, number 200112436.

Inspectors conducted a site inspection at the above property on 19 September 2019 as a result of a complaint regarding water ingress, fit and finish, and floor cracks.

Inspectors identified the following;

- Water pooling within the track of the double glazed sliding door at the front of the
  property. Inspectors were advised by the lessee an attempt had been made by
  Briarwood Pty Ltd to rectify the issue. This was by drilling holes in the track to allow
  the water to drain. This has allegedly being unsuccessful according to the lessee.
- The front door is not square and allows a draft into the building, this could possibly affect the energy rating.
- Video evidence was shown to inspectors regarding a loud draft noise that comes from behind the kitchen cabinets above the fridge. The lessee advises that this noise occurs whenever there is moderate to heavy winds.
- Bracing within wall cavity can be heard when wall is tapped on.
- Steps from backyard into carport/garage are 5.1m from garage door. Planning requirements are that a minimum of 6x5.5m is required to meet car park requirements as the appropriate number of spaces have not been provided.

The Single Dwelling Housing Development Code R31 states that the minimum number of carparks provided is 2. R32 states that the minimum dimensions for a double roofed space must be at least 6m x 5.5m. The distance from the stairs in the garage to the roller door is measured at 5.1m and is therefore not compliant with rule32 and therefore the requirements of R31 have also not been meet.

The lessee advised Access Canberra (AC) that he has attempted to mediate a resolution with Briarwood Pty Ltd over a period of 3 months.

You are required to take the following action by 20 December 2019:

- contact the owner of the land to organise a time to meet them on site;
- advise the owner in writing what you intend to do to address the issues raised and provide me with a copy of that written advice; and
- make the necessary arrangements to rectify the work.

You should be aware that failing to build in accordance with the Building Act and/or the Building Code of Australia (BCA) is an offence and attracts penalties. It is therefore important that you comply with this notice as a matter of priority.

If you believe you have grounds for seeking an extension of time to comply with this request or, to dispute this matter, you must provide your reasons in writing to me by no later than 2 December 2019.

Should you require any further information regarding this matter please contact me on telephone 6205 3727 or via email at <a href="mailto:mit@act.gov.au">mit@act.gov.au</a>

Yours sincerely

Corey Dashwood
Inspector
Building and Planning Compliance
Access Canberra
November 2019

From: "Dashwood, Corey"

Sent: 17/01/2020 2:04 AM

To: "Josey, Belinda" < Belinda. Josey@act.gov.au>

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424

Builder and Building Complaints [SEC=UNCLASSIFIED]

#### UNCLASSIFIED

Hi Belinda,

I just got back from inspections, and just about to eat lunch. Do you mind if I get back to you 2.30ish?

### Corey Dashwood / A/g Senior Inspector

**Building and Planning Compliance** 

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO BOX 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Josey, Belinda <Belinda.Josey@act.gov.au>

Sent: Friday, 17 January 2020 11:21 AM

To: Dashwood, Corey < Corey. Dashwood@act.gov.au>

Cc: Lhuede, Nick < Nick. Lhuede@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 -

Builder and Building

Complaints [SEC=UNCLASSIFIED]

#### UNCLASSIFIED

Hi Corey,

I know you're sending this across to Reuben, but Ben has requested further information as below. Do you have any info I can add to the letter?

I will take care of the fair trading aspect.

Thank you.

#### Belinda Josey

Phone: 02 6207 0382

Strategic Compliance and Coordination | Construction and Utilities

From: Green, Ben <<u>Ben.Green@act.gov.au</u>>
Sent: Friday, 17 January 2020 11:05 AM
To: Josey, Belinda <<u>Belinda.Josey@act.gov.au</u>>

Cc: Lhuede, Nick < Nick.Lhuede@act.gov.au>; Corrigan, Margarete < Margarete.Corrigan@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints [SEC=UNCLASSIFIED]

#### UNCLASSIFIED

This appears to indicate that the builders appointed to build these homes were appointed by government. Have we engaged with the SLA in relation to these matters as they may be the first point of call? In addition, there are claims about cost breakdown and provision of information, could this be a matter for Fair Trading? Have we engaged internally across AC in relation to this matter.

Could you please respond to the above and amend the response as required.

Thanks

Ben

From: Josey, Belinda < Belinda. Josey@act.gov.au > On Behalf Of Strategic Compliance and Coordination

Sent: Friday, 17 January 2020 10:29 AM
To: Green, Ben < Ben. Green@act.gov.au>

Cc: Strategic Compliance and Coordination < <a href="mailto:strategiccompliance@act.gov.au">strategiccompliance@act.gov.au</a>; Corrigan, Margarete

<Margarete.Corrigan@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 -

- Builder and Building

Complaints [SEC=UNCLASSIFIED]

#### UNCLASSIFIED

Hi Ben,

Ministerial correspondence for your review.

This one is overdue. It was received just before I went on leave, and due on the day I got back.

Yours,

Belinda

#### **Belinda Josey**

Phone: 02 6207 0382

Strategic Compliance and Coordination | Construction and Utilities

From: Lhuede, Nick < Nick.Lhuede@act.gov.au>

Sent: Friday, 17 January 2020 10:27 AM

To: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 -

- Builder and Building

Complaints [SEC=UNCLASSIFIED]

Good to go to bg

Nick Lhuede | Senior Director | Construction Compliance

Phone: 0428104392 | Email: nick.lhuede@act.gov.au

Access Canberra | ACT Government

www.act.gov.au/accessCBR

From: Josey, Belinda <Belinda.Josey@act.gov.au> On Behalf Of Strategic Compliance and Coordination

Sent: Friday, 17 January 2020 9:55 AM

To: Lhuede, Nick < Nick. Lhuede@act.gov.au>

Cc: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 -

- Builder and Building

Complaints [SEC=UNCLASSIFIED]

Hi Nick,

Revised for your approval.

I have revised the letter to say that we sent a warning letter and are now investigating (highlighted).

Yours,

#### **Belinda Josey**

Phone: 02 6207 0382

Strategic Compliance and Coordination | Construction and Utilities

From: Lhuede, Nick < Nick.Lhuede@act.gov.au>

Sent: Friday, 17 January 2020 9:48 AM

**To:** Gaze, Reuben < Reuben. Gaze@act.gov.au>; Dashwood, Corey < Corey. Dashwood@act.gov.au>; Buddhadasa, Ajith. Buddhadasa@act.gov.au>

Cc: Josey, Belinda <Belinda.Josey@act.gov.au>

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints [SEC=UNCLASSIFIED]

That was my intent. I would worry about a second warning at this point. Thanks

Nick Lhuede | Senior Director | Construction Compliance Phone: 0428104392 | Email: nick.lhuede@act.gov.au

Access Canberra | ACT Government

www.act.gov.au/accessCBR

From: Gaze, Reuben < Reuben. Gaze@act.gov.au>

Sent: Thursday, 16 January 2020 1:00 PM

To: Dashwood, Corey <Corey. Dashwood@act.gov.au>; Buddhadasa, Ajith <Ajith.Buddhadasa@act.gov.au>; Lhuede,

Nick < Nick. Lhuede@act.gov.au>

Cc: Josey, Belinda < Belinda. Josey@act.gov.au >

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints [SEC=UNCLASSIFIED]

Hi Corey

Let's refer the matter to BIT. Can you put together a referral for Adam? Will have the following:

- 1. Background
- 2. Issues/alleged breaches
- 3. Actions taken (including proposed actions, if any)

Get a draft to me and I'll review then send to Adam.

Thanks mate

Reuben Gaze | Assistant Director, Compliance, Monitoring and Inspections Team

Phone: 02 62076282 | Email: reuben.gaze@act.gov.au

Access Canberra | Chief Minister and Economic Development Directorate | ACT Government

Transact House | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr



From: Dashwood, Corey

Sent: Thursday, 16 January 2020 12:14 PM

To: Buddhadasa, Ajith < Ajith. Buddhadasa@act.gov.au >; Lhuede, Nick < Nick. Lhuede@act.gov.au >

Cc: Josey, Belinda <Belinda.Josey@act.gov.au>; Gaze, Reuben <Reuben.Gaze@act.gov.au>

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints [SEC=UNCLASSIFIED]

#### UNCLASSIFIED

The 1<sup>st</sup> warning letter was sent to the builder that expired just prior to the shutdown, (no response received from the builder).

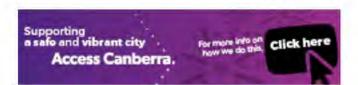
Do I proceed with drafting a second warning letter, or is this case going to be transferred, as suggested by Nick?

Regards

Corey Dashwood / A/g Senior Inspector Building and Planning Compliance

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government GPO BOX 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Buddhadasa, Ajith <Ajith.Buddhadasa@act.gov.au>

Sent: Tuesday, 14 January 2020 10:14 AM
To: Lhuede, Nick < Nick.Lhuede@act.gov.au>

Cc: Dashwood, Corey < Corey. Dashwood@act.gov.au>; Josey, Belinda < Belinda. Josey@act.gov.au>; Gaze, Reuben

<Reuben.Gaze@act.gov.au>

Subject: RE: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints [SEC=UNCLASSIFIED]

Hi Nick

This case is now with MIT (Corey).

Regards Ajith

From: Lhuede, Nick

Sent: Tuesday, 14 January 2020 9:25 AM

To: Buddhadasa, Ajith <Ajith.Buddhadasa@act.gov.au>; Pascoe, Adam <Adam.Pascoe@act.gov.au>

Cc: Strategic Compliance and Coordination < <a href="mailto:strategiccompliance@act.gov.au">strategiccompliance@act.gov.au</a>; Zarak, Marko

<<u>Marko.Zarak@act.gov.au</u>>; Hudson, Lyndell (Health) <<u>Lyndell.Hudson@act.gov.au</u>>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424

- Builder and Building

Complaints

Hi Ajith – Belinda may call you but did we get a response from the builder to the warning letter of the 12<sup>th</sup>?

If not I'd suggest this go straight over to major investigations – it appears to be complex...

Nick Lhuede | Senior Director | Construction Compliance Phone: 0428104392 | Email: nick.lhuede@act.gov.au

Access Canberra | ACT Government

www.act.gov.au/accessCBR

From: Josey, Belinda < Belinda, Josey@act,gov.au> On Behalf Of Strategic Compliance and Coordination

Sent: Friday, 10 January 2020 3:47 PM

To: Lhuede, Nick < Nick, Lhuede@act.gov.au>

Cc: Strategic Compliance and Coordination < strategiccompliance@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building Complaints

#### UNCLASSIFIED

Hi Nick,

Ministerial corro for your review.

Please note that has previously written to Mr Deepak-Raj Gupta MLA (objective ref: 19/38216) and Ms Suzanne Orr MLA (objective ref: 19/26298) on this matter. I have kept our reply consistent with these letters.

Yours,

Belinda

#### **Belinda Josey**

Phone: 02 6207 0382

Strategic Compliance and Coordination | Construction and Utilities

From: Josey, Belinda < Belinda. Josey@act.gov.au> On Behalf Of Strategic Compliance and Coordination

Sent: Wednesday, 18 December 2019 11:43 AM To: Lhuede, Nick < Nick.Lhuede@act.gov.au>

Cc: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Subject: FW: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - Builder and Building

Complaints

#### UNCLASSIFIED

Hi Nick,

I spoke to Rohan Connor in Fair Trading about this one. The constituent is alleging systematic fraud, tender misconduct etc in addition to building faults in which was an existing case about this). In our previous correspondence we encouraged any resident with concerns about building work to submit a complaint so we can investigate them individually.

I'd appreciate your advice on how to respond to the rest of the issues raised.

Text follows, formatted for ease of reading.

#### **Belinda Josey**

Phone: 02 6207 0382

Strategic Compliance and Coordination | Construction and Utilities

#### UNCLASSIFIED

## Request for Investigation into Affordable Housing Contract

Dear Mr. Ramsay, I and 46 other residents have petitioned you through our local MLA, Deepak Gupta, to investigate what appears to be a massive white collar crime under the guise of ACT affordable housing scheme. I have tried to bring this to the notice of multiple ACT government bodies including, such as 1) ACT Rapid Regulatory Response Team, 2) ACT Compliance Monitoring and Inspections team and have been told each time that they can only investigate breaches of the Building Code of Australia and what I am requesting is outside the scope of what the respective team is authorized to do. Both of these teams have "issued" notices to the builder and yet there has been no outcome. The action these teams are taking is of limited scope and does not investigate the full scope of the deliberate misconduct by the builder as well as non-compliance against the ACT Gov tender process. I have listed the key concerns that the residents have and I will be thankful if this can be investigated very much like a crime will be investigated. The primary concerns are as follows:

- 1) Price gouging and refusal to provide cost breakdown.
- Critical Defects as well as deviations from BCA and approved plans.
- Band Aid fixes from the developers.
- 4) Danger to health and safety of the residents.
- Integrity and safety of the structure.

The residents have a long list of contractual, delivery and structural integrity related complaints, defects and concerns that the builder refuses to address. The residents have tried every possible avenue to resolve this matter, however, there has been no substantive outcome. I am disappointed that the

ACT gov appointed builder has failed to meet its contractual obligations and instead has indulged in deliberate misconduct.

I look forward to a speedy and appropriate response from ACT government to investigate this matter

not just as a dispute between builder and resident but as a deliberate and systematic act of fraud.

From: Rovolis, Gabriella < Gabriella. Rovolis@act.gov.au > On Behalf Of AC Ministerial

Sent: Monday, 16 December 2019 11:46 AM

To: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Cc: Corrigan, Margarete < Margarete. Corrigan@act.gov.au>

Subject: 19/39732 - AC Ministerial - (MIN: 2019/003833) - CRM: 13424 - - Builder and Building

Complaints

#### UNCLASSIFIED

Hi Team

Please find attached a new ministerial in relation to building quality and affordable housing.

This constituent has raised this matter previously, I have attached a copy of the previous min corro to above link.

Can we please have a draft response back by Friday 20 December 2019.

#### Many thanks Gab

#### Gabriella Rovolis | Team Leader | Complaints Management Team

Phone: 02 6207 5022 | Email: <u>ACministerialCMT@act.gov.au</u> / <u>gabriella.rovolis@act.gov.au</u>

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From: "Dashwood, Corey"
Sent: 20/02/2020 11:16 PM

To: "Vaile, Jodie" < Jodie. Vaile@act.gov.au>
Cc: "Pascoe, Adam" < Adam. Pascoe@act.gov.au>

RE: Request for help regarding ACT Gov Affordable Housing in SEC=UNCLASSIFIED]

Attachments: 20191121 - 1st warning letter sent to builder..obr, Ceiling Water leakage Sat 15th Feb.mov, Sliding Door water leakage 3rd May 2019.mov, Sliding Door water leakage 29\_June\_2019.mov, Water Leakage side door 15 Feb 2020.mov, Ensuite Washroom.mp4, Main Bathroom.mp4, FW: Building work, 20200218 Investigation Report - B9 S27 Taylor.obr

#### UNCLASSIFIED

Good morning Jodie,

Adam asked me to provide a timeline regarding case 13424 Affordable Housing Scheme.

Attachments from left to right.

- 1<sup>st</sup> warning letter to builder,
- · Ceiling water leak,
- Sliding door water leak, May 19,
- · Sliding door water leak, June 19,
- Side/back door water leak Feb 20
- Ensuite washroom water under tiles (alleged)
- Main bathroom, water under tiles (alleged)
- Inspection report

On 20 August 2019, a complaint was lodged regarding a property purchased under the ACT affordable housing scheme, regarding alleged structural issues as well as the overall quality, and materials used,

On 3 September 2019, the complainant contacted Minister Gordon Ramsay regarding these issues,

On 13 September 2019, RRRT inspected premises, and the complainant advised that they identified 5 building design and BCA non-compliance issues,

On 6 November 2019, Inspector Dashwood was allocated the complaint as is was referred by RRRT to further investigate.

On 8 November 2019, Inspector Dashwood emailed the complainant to ensure contact had been made regarding his complaint as there was a gap in communication prior to Inspector Dashwood receiving the complaint. Inspector Dashwood was asked by the complainant for an update as he was planning to meet the minister.

On 20 November 2019, Inspector Dashwood provided the update as requested. The update was a warning letter that had been drafted, (the letter was sent on 21 November 2019). (see attachment) The letter provided 30 days for the builder to contact AC and or

On 10 February 2019, inspector Dashwood advised the complainant via email that a second warning was going to be sent to the builder (RAMS), the letter was not sent, as an inspection was going to take place.

On 18 February 2019, Inspector Dashwood advised Anthony (RAMS Constructions), and the complainant that an inspection will be undertaking at 3pm by AC Building Compliance Inspectors, and that we would advise of the outcome, (Inspection report attached)

On 20 February 2019, inspector Dashwood, advised the complainant via email on what we considered building work, including minor fit and finish issues after speaking with Rams Constructions.

#### Email sent on 20/02/2020 to complainant

Good morning

I had a call from the builder, as he wanted to know what we found, and what he is required to do to have the building work issues rectified (building work only).

- Locate, and repair water ingress through recess light in hallways closest to the back door. (once this has been located and repaired, advised to assess any damage that may have occurred as a result of the water ingress)
- Replace weather strip, and repair hole on window located outside near carport.
- · Add additional points of fixtures to secure roof capping.
- Extend strip across fridge, as it was cut short, as this may elevate the draft noise, and or remove whirly bird.

Regards

Corey Dashwood - Senior Inspector

Email received from complainant on 20 February 2020

Hi Corey,

Thank you very much for the update and Thanks for identifying the issue and recommending an action plan to put a permanent fix.

Hopefully the leak will not happen next time it rains. I will keep you updated.

The insurance company will be visiting on 25th Feb to assess any damage. you can visit if you want to be there at the time of assessment.

Thanks & Regards

From: "Dashwood, Corey"
Sent: 04/03/2020 8:48 PM

To: "Gaze, Reuben" < Reuben. Gaze@act.gov.au>

Cc: "Buddhadasa, Ajith" <Ajith.Buddhadasa@act.gov.au>;"Josey, Belinda"

<Belinda.Josey@act.gov.au>

Subject: FW: Water leakage again @ RAM constructed affordable home

#### UNCLASSIFIED

FYI Reuben and Ajith, and in case you get another ministerial Belinda.

See below.

Regards

Corey Dashwood - Senior Inspector Building and Planning Compliance

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

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From: Dashwood, Corey

Sent: Wednesday, 4 March 2020 3:56 PM

To

Subject: RE: Water leakage again @ RAM constructed affordable home

#### UNCLASSIFIED

Good afternoon

I have just received an FOI request regarding your case.

You may or may not be aware that I am lead inspector regarding your case, and I have acted accordingly in the shortest possible timeframes, by engaging RAMS and attending your premises in February 2020 with Inspector Apps and my manager.

You advised us of your concerns regarding water ingress and fit and finish issues, and we advised you of what is deemed building work.

We advised you that RAMS would attend, and provide advice, and rectify the following ONLY

Locate, and repair water ingress through recess light in hallways closest to the back door. (once this has been located and repaired, advised to assess any damage that may have occurred as a result of the water ingress)

- Replace weather strip, and repair hole on window located outside near carport.
- Add additional points of fixtures to secure roof capping.
- Extend strip across fridge, as it was cut short, as this may elevate the draft noise, and or remove whirly bird.

On 3 March 2020, I was cc'd in your email where you advised of further water ingress issues, including your garage.

As mentioned in February water entering your garage is not a breach of the Building Act or Building codes, as it does not affect your habitual space.

On 4 March 2020, I emailed from RAMS Constructions after receiving your email. There was a delay of 12 hours as I was onsite from 12pm yesterday until 5pm. This was acted on at 9:34am this morning.

from RAMS emailed you at 1:40pm and advised would attend immediately.

I understand your frustration, however RAMS are willing to resolve this issues and will only rectify what we discussed, and what is highlighted in bold as seen above.

Please give them the opportunity to do so.

Does the FOI request relate to the delay in between your email of 3 March and the response by the builder on 4 March?

Regards

Corey Dashwood - Senior Inspector Building and Planning Compliance

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

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From:

Sent: Wednesday, 4 March 2020 12:17 PM

To: Gaze, Reuben <Reuben.Gaze@act.gov.au>; Dashwood, Corey <Corey.Dashwood@act.gov.au>

Cc: Buddhadasa, Ajith < Ajith. Buddhadasa@act.gov.au >; @ramconstructions.com.au >;

Monitoring and Inspections Team <mit@act.gov.au>; Anthony OBrien

@ramconstructions.com.au>; GUPTA <gupta@parliament.act.gov.au>; COE

<COE@parliament.act.gov.au>; ORR <ORR@act.gov.au>; RAMSAY <RAMSAY@act.gov.au>;

Subject: Re: Water leakage again @ RAM constructed affordable home

Just when I thought that the worst is over, the window frame of my ensuite has cracked and is leaking.

I have attached the video which can be watched on this link as well.

Hello everyone,

It will be raining for the next 2 days and my employer no longer accepts leaking roofs as an excuse for missing work.

I had to leave work to check if there were any leakages and surprise surprise. The exact same spot is leaking again!! My neighbour, just called me and his ceiling is also leaking in the exact same spot.

My garage is also flooded and the builder has simply ignored my requests to fix these issues. Pics attached .

I have attached the latest pics as well as pics taken by the inspector from the insurance company. The insurance company also provided the following findings

"During our inspection of the roof area we found a number of penetrations and a shallow pitched valley that we believe has leaked during heavy rains."

"We believe that the roof leak is due to the roof plumbing not allowing the rain water to be removed from the roof quick enough during heavy rain fall."

#### **Builders Recommendation**

" Insured to engage original builder of the property return to ensure the roof is water tight"

I no longer have the time and energy to keep chasing this builder to deliver what he was paid for. I will be thankful if anyone in the recipient of this message can please have a word with this builder and get him to start complying with the law.











Thanks & Regards

On Mon, 17 Feb 2020 at 07:00,

wrote:

Hi Reuben and Corey,

Please see attached further video evidence from Sat night.

This by no means can stand to any regulatory and contractual scrutiny as claimed by the builder.

Please note that this is not the only issue with the junkyard that this builder has gifted us. I am not sure what I will do with this dwelling as I cannot rent it out and I cannot sell it either, unless I also lie and cheat.

On Fri, 14 Feb 2020 at 16:14,

wrote:

Hi Anthony,

Thank you for responding to my email for the first time ever.

I will go straight to the information you have requested. Please see below in text by scrolling below. My response is in red.

For the rest of your email which is full of inaccuracies and misinformation, I will simply let everyone make up their mind by letting them watch the attached video evidence. A picture is worth a thousand words so a video must be worth a million words. The videos evidence has been shared with you multiple times and yet RAMS has not fixed these faults.

AFFORDABLE HOUSING Scheme (RFQ attached) in have their own videos to share but I will let the ACT government get to that during the course of the investigation.

And oh by the way, I am as scared of dealing with you and your employees as one of them called me up on 23rd August 2019 and threatened legal action if I did not back out. ( see evidence attached). Is this how you normally operate and behave? By threatening and intimidating anyone who tries to speak up? and only come out of your hiding place when the law starting catching up?

Have a great weekend everyone!

Although it is unfortunate and regrettable that you have experienced a minor leak in your recently constructed home, I feel the response from my team has been appropriate in the circumstances and I take exception to the implication that we have acted in a manner that deserves comments from you such as "who do I need to talk to knock some sense into this builder". This type of language is unnecessary and totally unjustifiable in this case.

I am happy to table all correspondence between RAM and yourself in relation to defects as it will demonstrate that you have certainly not attempted to "resolve issues through normal civilised discussions". Much of the correspondence I have seen demonstrates that you have little understanding of the Contract and the requirements under the relevant regulations which has made it extremely difficult for us to undertake our defect obligations under the contract. In fact, some of the discussions I have had with staff who have interacted with you leads me to believe that your behaviour has been aggressive and irrational at least one staff member has expressed a reluctance to attend your home unescorted.

Seeing as though you have elected to send this email to a number of individuals that have limited knowledge of the events I feel it important to lay out the facts:

- 1. The leak was advised to us by you at 3am Monday 10<sup>th</sup> February 2020
- 2. A relatively small amount of water was presenting through a downlight and dripping onto the tiled floor (as per the video you provided with the email)
- 3. Timeline:
  - a. 3:00am, Monday 10-02-20 RAM emailed in regard to leak
  - b. 10:00am (approximately) Monday 10-02-20 RAM representative attended the site to inspect
  - c. 2:00pm (approximately) Monday 10-02-20 Roofer on site to inspect and repair (noting it was still raining up until approximately Midday)
- 4. It was not immediately clear to the roofer where the leak was emanating from which is often the case the roofer checked flashings and other potential entry points, made some adjustments where he thought there might be a weak point and advised us to wait and see how it goes during the next rain event.
- 5. We note that in the subsequent days you requested we come and investigate the ceiling and undertake any necessary repairs as the efficacy of the roof repairs had not yet been established and another rain event was due shortly we felt this was premature it was clearly logical to ensure the roof was watertight before considering any internal repair works. Our representative advised this to you on site and this was confirmed in a subsequent email from \_\_\_\_\_\_.

  This approach was subsequently proven to be a good one as it turns out we may not have discovered the source of the leak. In this regard I have reviewed the photo you forwarded with this email and it is not clear where the leak is. \_\_\_\_\_\_ vill be in touch with you to arrange another inspection, but in the meantime can you please confirm if the leak is emanating from the same light or if there appears to be another leak.

The last leak, that I reported yesterday, is emanating from the ceiling light in the corridor outside the main bed room. I also

bought a moisture meter and can see high readings in the roof at various places in the ceiling.

It is a no brainer that the roofer who did this work has gone bankrupt, and we all know why builders go bankrupt. Because they do dodgy substandard poor quality work and then evade the law and financial penalties.

You know this very well Anthony !! I am not sure what you are achieving by putting the reputation of your late father at stake.

Thus far, in my opinion our actions have been appropriate and stand up to any scrutiny either contractual or from a regulatory perspective.

That is not what the ACT government inspectors told me. They identified 5 BCA violations apart from agreeding with me that the work was of the poorest quality junkyard standard. I had informed RAMS of the BCA violations and yet no action was taken apart from email correspondences and visits with no outcomes. I can provide the report the private inspector gave to me which clearly identified BCA violations.

Seeing as though you have included Reuben Gaze on this correspondence it may be appropriate to request a meeting with Reuben where this and any other issues can be tabled.

Of course. I need to know who from the ACT government granted this project to RAMS? That person needs to be in the meeting as well. And I will invite the rest of the signatories to the petition.

At this point I feel further email correspondence between yourself and RAM will not assist in a resolution and that an independent third party will assist in ensuring at very least the regulatory requirements are understood by all parties.

Agree. As long as this third party is independent. A Royal commission will really help.

We would like to expedite the resolution of this and any other outstanding matters without the need for endless correspondence. Reuben – can you advise if a meeting would be possible and when you may be available.

Yes. I have a 9 to 5 job and a normal life outside dealing with you guys. My performance at work has suffered because of RAMS. Even now I am writing this email. This was your job to follow up and ensure that the building has no structural, design and quality defects. Not for me to chase and chase and chase.

Finally, I would like to clarify that this is certainly not an ACT Housing project as incorrectly stated in the email below.

Thanks for picking on this. So can I say this is an ACT Gov Affordable Housing Scheme? Where we get the land for less from the government and then get ripped off by the builder @ \$2600 per square meter with leaking roofs, sub-standard workmanship, and use of dodgy tradesmen who go bankrupt?

To any of the individuals included in this email, I am happy to talk to you directly if you would like additional information or background on this matter. You can make contact with my by email or by phoning my office – details below.

Kind regards,

Anthony O'Brien Managing Director

RAM Constructions

10/98 Vicars Street, Mitchell ACT 2911

T+61 (0)2 6242 5200

F+61 (0)2 6242 5655

E @ramconstructions.com.au

W www.ramconstructions.com.au

From:

Sent: Thursday, 13 February 2020 5:38 PM

To: Anthony OBrien

@ramconstructions.com.au>; Buddhadasa, Ajith

<Ajith.Buddhadasa@act.gov.au>;

@ramconstructions.com.au>;

@ramconstructions.com.au>; reuben.gaze@act.gov.au; Monitoring and Inspections Team <mit@act.gov.au>; Dashwood, Corey <corey.dashwood@act.gov.au>;

## @ramconstructions.com.au>

Cc: RAMSAY < ramsay@act.gov.au>; ORR < orr@parliament.act.gov.au>; GUPTA

<gupta@parliament.act.gov.au>; COE < COE@parliament.act.gov.au>
Subject: Water leakage again @ RAM constructed affordable home

# Hello RAM constructions,

I have just returned home again to find water leaking from the exact same spot that I reported earlier.

This was supposed to have been fixed by RAMS on Monday !!!

ACT Team (Ajith, Corey, Reuben), given this, was an ACT housing project, which the builder won through the open tender RFQ process, who do I need to speak to in order to knock some sense into this builder? All efforts to resolve issues through normal civilised discussions have failed and proved futile.

Thanks & Regards

From: "Gunton, Keith"

Sent: 04/03/2020 11:11 PM

To: "Bradford, James" < James.Bradford@act.gov.au>;"CMTEDD FOI"

<CMTEDDFOI@act.gov.au>;"Strategic Compliance and Coordination" <strategiccompliance@act.gov.au>;"Access

Canberra Intel and Data Analysis" <ACIntel@act.gov.au>

Cc: "Lhuede, Nick" < Nick. Lhuede@act.gov.au>

Subject: RE: Freedom of Information request CMTEDDFOI 2020-048

Attachments: CMTEDD FOI 2020-048 - Incident, obr

### UNCLASSIFIED

Hi Matt,

Attached is the incident and relevant attachments to that incident.

As per James' comments below, it would be appropriate to check with the Building area to coordinate this response and note that this has also been the subject of Ministerial correspondence.

I've completed the FOI checklist below.

Keith

From: Bradford, James < James. Bradford@act.gov.au>

Sent: Wednesday, 4 March 2020 1:04 PM

To: CMTEDD FOI < CMTEDDFOI@act.gov.au>; Strategic Compliance and Coordination

<strategiccompliance@act.gov.au>; Access Canberra Intel and Data Analysis <ACIntel@act.gov.au>; Gunton, Keith

<Keith.Gunton@act.gov.au>

Cc: Lhuede, Nick < Nick.Lhuede@act.gov.au>

Subject: RE: Freedom of Information request CMTEDDFOI 2020-048

#### UNCLASSIFIED

Hi Matt

We will be able to provide corro for the incident, however we likely won't have access to the specific point raised, and it will be better placed to be answered by the Building area. If you haven't already I would suggest this be sent to Belinda Josey.

Keith - Can you please pull corro for the below incident and provide to the FOI team

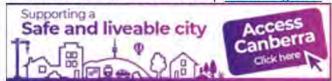
Cheers

#### James Bradford | Director

Phone 6207 8294 | email james.bradford@act.gov.au

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Out of scope		

From: "Dashwood, Corey" < Corey. Dashwood@act.gov.au>

Sent: 06/03/2020 3:10 AM

To: "Strategic Compliance and Coordination" <strategiccompliance@act.gov.au>

Subject: RE: Freedom of Information request CMTEDDFOI 2020-048

#### **UNCLASSIFIED**

Only one mate, I was drafting the second one, then we received a response from the builder prior to the second one been sent.

Corey Dashwood - Senior Inspector Building and Planning Compliance

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

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From: Banjac, Bojan <Bojan.Banjac@act.gov.au> On Behalf Of Strategic Compliance and Coordination

Sent: Friday, 6 March 2020 2:10 PM

To: Dashwood, Corey < Corey. Dashwood@act.gov.au>

Cc: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Subject: RE: Freedom of Information request CMTEDDFOI 2020-048

#### **UNCLASSIFIED**

Hi Corey

Can you please confirm if was one or two warning letters that were sent out?

Regards

Bojan

From: Dashwood, Corey <Corey.Dashwood@act.gov.au>

Sent: Thursday, 5 March 2020 3:28 PM

To: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>; Swale, Jonathan

<Jonathan.Swale@act.gov.au>; Buddhadasa, Ajith <Ajith.Buddhadasa@act.gov.au>

Subject: RE: Freedom of Information request CMTEDDFOI 2020-048

# UNCLASSIFIED

Good afternoon,

All emails that I can see are within the requested file, all other correspondence is within CRM

21 Action's,

16 Incident notes

1 Note.

Regards

## Corey Dashwood - Senior Inspector Building and Planning Compliance

Phone: (02) 620 53727 / Email: corey.dashwood@act.gov.au

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From: Banjac, Bojan < Bojan.Banjac@act.gov.au > On Behalf Of Strategic Compliance and Coordination

Sent: Wednesday, 4 March 2020 2:51 PM

To: Swale, Jonathan < Jonathan. Swale@act.gov.au>; Buddhadasa, Ajith < Ajith. Buddhadasa@act.gov.au>; Dashwood,

Corey < Corey. Dashwood@act.gov.au>

Cc: Strategic Compliance and Coordination <strategiccompliance@act.gov.au>

Subject: FW: Freedom of Information request CMTEDDFOI 2020-048

### UNCLASSIFIED

Hi Gents

Please see email below.

I've already attached the investigation report and 1st warning letter.

Can you please place the other parts of the request in the folder attached?

Regards

Bojan



Out of scope		