



**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 2020-022

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)	21
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:** [Leonard, Matt](#)  
**Cc:** [Apps, Peter](#)  
**Subject:** [REDACTED]  
**Date:** Monday, 10 February 2020 10:22:11 AM  
**Attachments:** [Request schedule.pdf](#)  
[Decision letter to applicant - Partial release.pdf](#)  
[Applicant binder - Redacted.pdf](#)

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Good morning Matt. Following up on our conversation on Friday, I would like to go ahead and request the response from ABCsuports that has recently come through. I would also like to get a copy of the original response from June 2017.

Can you please let me know how to go about this. regards [REDACTED]

[REDACTED]

On 29/05/2018 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

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## Subject

**Buildin [REDACTED] ed and converted from non-habitable to habitable area - [REDACTED]**

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## Message

Response By Email (Corey) (27/11/2019 03.43 PM)

Good afternoon [REDACTED]

I just got back to the office and i am responding to your message. I tried called you, however you were not available.

I can advise you that we have taken regulatory action, and the lessee has 2 months from 21 November 2019 to comply.

Regards

**Corey Dashwood / A/g Senior Inspector**

**Building and Planning Compliance**

Phone: (02) 620 53727 / Email: [corey.dashwood@act.gov.au](mailto: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](http://www.act.gov.au/accessCBR)

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## Your Details

## Additional Details (if available)

**Reference #:** 180529-001303

**Date Created:** 29/05/2018 02.02 PM

**Status:** Updated

**Category:** Land, Planning & Building

**Type of Correspondence:** Complaint

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You can [update or track your correspondence](#) on our website.



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2020-022



## 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 10 February 2020, in which you sought access to:

- The response from ABCupport that has recently come through. I would also like to get a copy of the original response from June 2017.

### 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.

### Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 10 March 2020 however, following on from third party consultation, the due date was extended by 15 working days to 31 March 2020 consultation.

### Decision on access

Searches were completed for relevant documents and two 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.

### Third party consultation

In determining this access request, I identified that some of the information may reasonably be expected to be of concern of a third party. In accordance with section 38 of the Act, I have undertaken third party consultation. I have considered the contentions raised by the third party in making this decision.



### **Access to documents**

Pursuant to section 38(6) of the Act, I am required to defer access to all the identified documents as an affected third party has objected to disclosure. This third party may apply for review of my release decision within 20 working days after my decision, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

### **Charges**

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

### **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 after 17 March 2020. 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.

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 CMTEDDFOI 2020-022 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

11 March 2020



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Request the response from ABCupports that has recently come through. I would also like to get a copy of the original response from June 2017.	CMTEDDFOI 2020-022

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Email	18-Oct-2019	Full release	N/A	Yes
2	3-21	Letter as attachment to above email	Undated	Full release	N/A	Yes
<b>Total No of Docs</b>						
2						

**From:** [APSF APSE](#)  
**To:** [Gaze, Reuben](#); [Dashwood, Corey](#); [BARR Reception](#); [GENTLEMAN](#)  
**Cc:** [Warre, Tanja](#); [Cubin, Derise](#); [rohan.conner@act.gov.au](mailto:rohan.conner@act.gov.au); [Human Rights](#); [mark.kalleska@act.gov.au](mailto:mark.kalleska@act.gov.au); [Riches, Dominic](#); [Middlemiss, David](#); [Lees, Robert](#); [robert.gibson@act.gov.au](mailto:robert.gibson@act.gov.au); [tanya.carter@act.gov.au](mailto:tanya.carter@act.gov.au)  
**Subject:** Section 353 notice dated 4/10/2019  
**Date:** Friday, 18 October 2019 4:53:57 PM  
**Attachments:** [20191018\\_135638.PDF](#)

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Dear Mr Dashwood ACCESS and Mr Gaze ACTPLA

Associated parties;

Attached is the response to your notice dated 6 June 2017 that was directed to Mr Apps accordingly. at the time this mater is considered closed.

Procedural y; this is the third notice formed on "self initiation" of Mr Apps. In the Supreme Court, Depositions disclose Mr App's, getting instruction from the son of a ACT Court and Tribunal officer (retired with much referent capacity) who was responsible for complaints of public officers in the judiciary and gov. This suggests these notices might be for improper purpose.

Notices "self initiated" appears to reflect the intent to avoid that complainant retaliatory activities, in breach of the Personal Protection Orders to protect or tenant, were if not advised to ACTPLA, fully considered by Mr Apps to avoid breach of ACT Law.

Further, Without cause that person apparently supported by Mr Apps to act in direct contradiction to personal protection laws has on public record made statements ACCESS has advised him We are continually carrying out unapproved developments; that ACCESS and that person Mr App's appear to support, has had unending meetings with executive staff / registrars on how to attend our concerns and not in any light of addressing what is a simple \$7,000 issue of re damaged UN-approvable "building works" by Mr Apps referenced member of the ACT community. That ACCESS form of "approval" was to sign approval and "hand shake" to over ride "building work" he (apparently supported by Mr App's) undertook that made our lease hold; and real property void of insurance for personal injury of anyone attending the site; voiding ACTEW coverage of any further damage they assessed was caused not from their network "works and maintenance" and further real property damage to our building's a result.

To protect Mr App's apparent preferred human, in ACT (demonstrated by the secrete direct communications to avoid one humans "buildings works" done on our site without approval or consent (informed or otherwise) the officers / ministers responsible appear to have expended millions of public resources attacking our disabled son as seen as an easy alternative.

The latest third duplicated "self initiated" notice appears to be confused as to what Certificate of Title Volume Folio it relates unless these are regularly altered without notice. Please advise so any further expense in response can be properly addressed or recognized past responses were improperly to Notices of no standing and only made to harass and further intimidate or disabled son.

At point 5. Page 2 you appear to have now identified "new" material your notice relies that you are unable to identify when or if it was previously raised with ACCESS.

Also you appear not to have any records of our disclosures to the past notices (exact duplicates to which this notice relates (your point 1. of this latest 3rd copy of the same in essence and perceived intent duplicated communication for an improper purpose. Please see attached in the first regard previous response copied before to your appointed officer, who now is deposed as constant continual communication with the perpetrator of seeking unfair financial advantage from real property by the constant abuse of our son and re-damaging our real property that we spent over \$10,000 to fix the first time. For what this latest notice for undisclosed reasons appears to have improperly been unable to be "seen" by Mr Apps and this "new officer" that appears set up with no peripheral vision, or allowed to act independently in a proper manner given the duplicated actions.

We request on behalf of the lease holder, an extension of time to address the "new" apparent information that your notice appears unable to reliable identify is or was bono-fide in its appearance, and that appeared not on your file relevant to the preceding exact same claims those already twice asked met and dealt with dismissed; now for a third third "self initiated" time.

If this request is required in writing please post the applicable "form" or words you require the lessee to sign and return.

We are requesting any meeting or action be supported by Human rights advocate and Federal resources in that regard to up hold the Law.  
as and for lessee you identified of Block 2 section 21 Mawson

Further: ACCESS called our disabled son yesterday at 9.11am suggesting a referral made on his behalf to ACCESS to investigate his concerns of Illegal Structures on our property in Waramanga. Despite him disclosing his concerns were not related to his parents property in Waramanga, ACCESS building and planning compliance CMTED; Bojan stated your only interest was seeking to investigate our property in Waramanga. Is this the next "self initiated event" in ACCESS eyesight for investigation. Despite; ACCESS claim Our disabled son mad the complaint to the third party reporting it on his behalf ACCESS refused to advise who that person holding themselves out, as claimed by ACCESS to be his proxy and providing ACCESS "cause" to intimidate and harass our family for no reasonable cause.

APSF

Mr Gentleman  
Minister of Planning and Land Authority care of  
The Delegate of the Planning and Land Authority (PLA)  
ACT Government



CC; Mr Barr  
Chief Minister, Treasury and  
Economic Development(CMTED)  
Access Canberra

Dear Mr Mark Kalleska

Re: **Show Cause Notice** dated 6 June 2017 Relating to **Schedule 2, Item 3 of the Planning and Development Act 2007 (the Act)**.

Directed at the lessee of 3 Debenham Street MAWSON ACT (Block 2 Section 21 Mawson. Thankyou for the opportunity to respond to why an order should not be made.

**Firstly:** Legal issue before the Public authority:

1. ACTPLA delegate, appears required to rubber stamp authority for ACCESS un-informed on the matters for an improper purpose..

2. The legal issue affecting us as clearly documented to both ACTPLA and ACCESS leading to this "Show Cause Notice": Many meetings and much correspondence with many ACT Government officers have attempted seeking to settle this matter. The Notice could only suggest frustrated last avenue for ACCESS meeting the cause of this unreasonably seeking the matter go away unaddressed

Background:

a. A fence erected in the majority on our site (over 100mill boundary) by Neighbour, after we purchased the property, minor issue;

Problem now:

b. "Building works in 2015 "Exempt" by certifier" commenced that removed parts of the fence on our property and increased "building works" on our property those at the direction of "Ms Taylor" to the extent of 60cm or (1 meter by 20 meters) without approval consent or any form of attempted informed consent.

c. **Blocked drains flooding:** these illegal unprovable "building work's" blocked the drains at our property and underpinned a series of FLOODING of the properties on our site;

d. **Aboriginal tenant was caused to break lease:** We leased one property to an aboriginal lady who at the stress caused and other interference said from Neighbour broke the lease;

e. **NRMA and ACTEW:** Claims were submitted and as a result of NRMA defining part of the damages could be the failure of ACTEW to maintain and support its facilities to fit a proper purpose around \$10,000 was paid to repair replace the damages;



- f. **ACTEW notice:** NRMA advised ACTEW would not cover any further flooding as a result of the “building work” leaving us exposed;
- g. **NRMA Notice:** NRMA advised no personal injury claim or damages resulting from the “building works undertaken by neighbours” would be covered voiding our insurance as a result;
- h. **Admittance of guilt and attending repairs:** we were provided notes of admittance of cause of damages by neighbouring leaseholders “building works” and offer for them to assist in repairing the damages they caused;
- i. **Builder and repairs:** attended the damages took photos provided recommendations and solutions, advising they required the neighbouring lease holders and or daughter approve any works as the damages they caused were directed and paid for by them and they would not damage what they had been paid to build.
- j. **Misdirection of liability obfuscation and threats:** Neighbouring Lease holders, receiving “advice” claim they are at work when the “building works” are carried out so they did not cause them. The “building works” are the daughters Aleah Taylor, and they advised to drag the matter out for 20 years, they had “friends” in high places AOM and within Courts so just forget it.
- k. **Personal Violence:** In delivering the threats above, the neighbouring lease holders came around our property entering from the furthest side away from them, walked down one of our drives the furthest from them to confront our Son: Mr Eric Polleycutt, claiming was he going to assault them and they were not moving until he did. Pushing against him and communicating between them two against one that’s assault we got him;
- l. **Our Mitigation:** In light of the refusal of the Builder refusing to provide a quote for his recommended remedial repairs required to attend his damages. We initiated the digging up of the damaged drains replacement and removal of fill from (as detailed in the neighbours Surveyors report their “building works” were on our property) despite the boundary line suggested by our source to be 20 cm’s further away from our buildings. **We in good faith worked on the neighbours reports to avoid litigious expense and discontent.** This was carried out at the advice and assistance of ACTPLA Mitchell staff. At our cost repairing the neighbouring lease holders illegal “building works” on our lease hold.
- m. **Deliberate Re-damage** to our extensive respire to the damages, threats and continued antagonism abusing the associated public authorities responsibilities and referent capacity to influence to obtain an illegal financial benefit from us via damage and theft of our real property; continual trespass and abuse, threats and attacks on any tenant whom might attend the property;
- n. **Unpaid rent, personal liability and continued abuse** of what our real property should have provided “self funded retirement income”;
  - i. Property is uninsured for the continuing property damage as a result of the trespass and un approvable “building works” carried out with the full knowledge and consent of ACCESS and ACTEW having no regard for other community members;

- ii. Tenants are required to note they are not covered for personal injury nor any property damage as a result;
- iii. Tenants not fled, but harassed by Neighbour will not pay fair and market rent if at all as a result;
- iv. ACAT advise us the tenant tribunal would not meet the requirement to pay rent of tenants as a result of the property being unfit for purpose; So renting can not be entertained in any real effect as a result of the situation underpinned by ACCESS and ACT Courts and Tribunal not protecting our tenants.

**Secondly:** Public authorities administration: is intentionally directed to ignore the \$10,000 cost of repairs a second time, and use of police, ACT Courts and Tribunal and other Public authorities to **divert attention from fixing what the issue is:**

3. Ministerial oversight initiated at our request most recently met by: Derise Cubin, Deputy Director Compliance & Enforcement on Minister Barr's behalf and Dominic Riches delegate of ACTPLA on Minister Mr Gentleman's behalf regarding the officer Mr Apps, Investigator / Building inspector ACCESS in the carrying out of his instructions.
4. ACTPLA delegate provided notes of a meeting it held with us and ACCESS regarding its public administration of our concerns raised. I do not think this was requested and appeared naturally compliant in the proper administration of a meeting between those in attendance.
5. ACCESS refuses acknowledgement of any records of meetings and investigations undertaken at the Direction of Derise Cubin by Mr Apps, and the refusal to attend our simple concern; we fixed Once, and that was caused illegally a second time with deliberate intent seeking to obtain a unfair financial advantage from real property (a Federal offence).
6. Further meeting to meet legislative obligations for "public comment" in which previous concerns raised over 4 Four failed Development Applications (DA) were identified as to be *ignored and irrelevant*. The public authority scribed the "timing" dates we were unable to receive Post mail due to out of country, and our email requested to be used for advising when or if further DA was to be accepted and put for public comment to enable anything of concerns addressed in ongoing assessment of these unlawful acts. ACTPLA and ACCESS provided us undertakings and assurances we would be informed via this process if it may coincide with our disclosed dates.
7. Failure to notify regardless ACCESS advised it had not made any attempt to provide notice, as the "Law" did not require it. Regardless; ACCESS did not attempt to send the 5<sup>th</sup> DA dealing with the illegal structures to our "owners legal address on the government records" in any case. Note: *The dates for public comment by ACCESS were as advised we "mail" was to be collected and we possibly not be in a position to comment.*



8. Stop Work: The relevant 4 failures and 5<sup>th</sup> DA for “merit” to breach the “Law” was set in place by the Leaseholders “Certifier” advising ACTPLA the Lease holders had mislead him and he was unaware of Development undertaken he had granted “EXCEMPT” status as it was “compliant” with all requirements. Note: This “Exempt” still appears to have been signed off on the required component parts or they have always been ignored or uncompliant.
  
9. Alteration of administrative practice: ACCESS appear to interfered ACTPLA attempt to be seen as “open and compliant” administrative process by not commenting on our notes of the meeting; ACCESS unorthodox response stating: “we can find no record that we agreed to provide you anything (notes, records or occurrences)”. (written words to that effect).
  
10. Approving 5<sup>th</sup> DA of unlawful activity breach of certifiers “stop work notice”. ACCESS referred to a Sec of the “Law” they claim states their not following the administrative requirements in dealing with a DA does not undermine the decision on the DA. Note:
  - a. Human Right’s why would the law makers bother making 1000 pages of Territory “Law” that no Territory public authority is required to comply unless it seeks to fulfil the resulting discrimination, bias and unfair *abuse* of those “laws” by the ministers Public Authority by intentional default excuse the “law” is irrelevant if they choose to make it so for what ever purpose with no accountability or need of public record by default;
  - b. Unlawful Deliberate Action: 5th DA resulted in a directed “Merit Application” as the Development has no hope of meeting any legal requirement.
  - c. Stop Work breaches to 7 above, was directly initiated at directions of ACCESS to insert a “lockable” door between the existing TWO residents , linking a bedroom to the others Lounge creating ACCESS claimed “approved building activity resulting in 4 Bedrooms two Kitchoons two bathrooms two Laundry and two Lounge areas was one resident to allow them approve a third.
  
11. In this instance ACCESS demonstrated to misuse of “public notice” appears in breach of human rights. The quoted “Sec of Law” is said to intentionally render the public authority capacity at whim to deny one human and preference another human a unfair financial benefit from real property; In this example:
  - a. The 4 failed DA’s lead to ACCESS admitting a 5<sup>th</sup> DA filed as a “Merit DA” intentionally provided NOT TO COMPLY WITH THE LAW of other humans;
  - b. This 5<sup>th</sup> DA when “approved” is said in breach of human rights to intentionally provide no right of appeal or to be questioned as to any unlawful activity ignored that underpinned and known to ACCESS and ACTPLA.

- c. ACCESS and ACTPLA: notified and in full knowledge the “Merit” DA did not list all the breaches of Law it sought to be exempt from but is “protected by the public authority in diverting its “compliance” against anyone suffering a financial disadvantage so ACCESS can underpin an unlawful financial advantage from real property.
- d. The “separation of powers” and Legislative intent may not be prescribed by those reliant on “advise” from the public authorities “Lawyers” but the practical application of such legislation is to breach the very fundamental law that every Law must be actioned in intent to meet. Human Rights;
- e. A section of the “Law” prescribed after 1000 pages of Law that suggests any decision of the public authority that was not administered in compliance of the “law” above it has no right of appeal or to be questioned as to any unlawful activity is irrelevant can not reasonably in a right thinking mind possibly be intended capable of put into practice for any other reason but to provide for prejudice, bias, discrimination and preferential treatment in breach of fundamental rights and obligations of the public it pretends to selectively be complied. I think that in itself makes that law unlawful.

I.E. in 2015 The Deputy Chief Justice of the Family Court of Australia prescribed his Lawful opinion that simply because the ACT Legislative Assembly made BAD and deficient Law that doesn’t give anyone the right to abuse that deficiency or seek to apply (regardless if the achieved or not) a financial benefit from that BAD and / or deficient Law.

Such as the Family Court is a presiding jurisdiction above Australian Capital Territory that ruling appears to indicate no excuse for taking advantage of ACT Public Authorities incapacity and Legislated deficiencies even if you did not obtain any advantage that might be made available.

### Thirdly: Issuing “Show Cause Notice”

- 12. The notice dated 6/6/17 provides no concern or complaint not already addressed, by the public authority that might place such broad notice in any context that requires a response to address anything of relevance.
- 13. At no time has any public officer detailed what if any alterations had taken place or on what basis it might be considered anything but Class 10 approved structure.
- 14. If this Notice was not “self initiated” for an improper purpose please provide:
  - a. a copy of the authority and reasonable or specific issues raised of concern to CMTED to “self” initiate any investigation;
  - b. the details of such investigation and what was the outcome notified of the cause of ACTPLA to self initiate action, trespass and enter a property without consent?



- c. A copy of any authority, consent and basis of refusal of the public authorities officers asked, requested and directed but refused and did not leave when told to?
  - d. Any prescribed reason why threats and intimidation were made on their attendance that this is what happens when you complain about a friend of the government how do you like it?
15. Our attendance at ACT Legislative Assembly on 20 February 2017, we chased up a response to the handling of our complaint with ACTPLA.
- a. “Beth” attended as Mr Gentleman’s delegate and recorded, received and “filed” an official complaint about the process of public administration seeking to provide our neighbour a financial benefit from our real property and deliberately intending and damaging our tenants personal property; and as that attendance deliberately made when the public authority security cameras were told on attendance to be fully functioning and recording everything;
  - b. Our same use of the Legislative assembly’s operational security camera recording public phone call to Mr Barr’s office delegate;
    - i. Unlike Mr Gentlemans Office Mr Barr’s refused to allow any one to attend our prenotified attendance to discuss the matters concerning us of 20 February 2017. But did note we attended;
    - ii. In March 2017 we followed up and Tanya (Chief Ministers; senior staff officer) said “Regardless of how she felt is proper or necessary, she can’t make the minister do anything he is responsible for if he doesn’t want to!
    - iii. Tanya had no concern for the actions of his delegated staff in acting in breach of employment conditions; agreed breach of code of conduct or the semi formal published “code” of behaviour on the counter at ACCESS Dickson officers where they held meetings they refused to make records available for.
16. 10 April 2017 ACTPLA Minister Gentleman affirmed that we had properly lodged and his office of responsibility had received complaint by Beth of his office of 20/2/17, It was forwarded to his portfolio, was receiving attention and we would be contacted.
17. ACTPLA, **Beth** nor Mr Gentleman, ever responded, No staff in either office has any record of response. *However*, 14 days latter 27 April 2017 a “*self initiated*” prejudiced, bias and unreasonable action was authorised by ACTPLA Minister Gentleman’s delegate: **Mr David Middlemiss**.
18. ACTPLA authorised ACCESS to carry out ACCESS “self initiated” inspection of our property via **Mr Apps**, who had previously refused to measure the illegal wall and diverting storm water overflow caused by our neighbour’s un-approved “building works” and unapproved Development (“garage”).

- a. **Mr Apps** and **Ms Keppell** did not attempt to knock the front door or make themselves known;
- b. These officers walked around to the rear of the property without notice, or consent;
- c. One tenant inside the home saw them walk up past Mr Polleycutt's kitchen window; without attempting to identify themselves, seek permission, or show cause why they were entering the property without consent. Given Mr Aldcroft the neighbour set a precedent of abuse and assault within our back yard of the tenants this same deliberate act was Cause great stress and anxiety (anxious shock);
- d. The Government officers entered the garage / storage area and accosted Mr Eric Polleycutt working in that area;
- e. Mr Polleycutt has sworn affirming:
  - i. he was threatened to leave the matters affecting us from the un-approved illegal actions, built on our land by that next door building application (4 unprovable, then not available for comment approved under "merit");
  - ii. ACCESS officers barged past him taking photos; opening the electric fuse box inside declaring having electricity to the garage was an illegal act, that his using that area of the property he rented was illegal;
  - iii. ACCESS officers stated Mr Polleycutt was the initiator of complaint about the next door neighbour. That Mr App's and Ms Kepple said they were instructed to pay him a visit; and
  - iv. If Mr Polleycutt did not have the matter dropped ACCESS were authorised and instructed to take action against his landlord (family) "how does it feel?";

19. Mr Polleycutt has no authority to act against our best interests, and we did not approve the matter dropped. Thus it appears ACCESS followed through on those threats and wrote letter dated 6 June 2017:

- a. As a result of ACT Government officer's; Mr Apps and Ms Keppel (delegated by David Middlemiss) "self initiated" investigation;
- b. Ignoring our complaint or following up on in response to the directions of their superior Derise Cubin;
- c. Were ignoring anything and everything and applied for what appears rubber stamp "authority" granted by ACTPLA delegate **Mark Kalleske** to issue the "Show Cause Notice with insufficient detail to understand or met in response any reasonable identified manner or cause to respond specifically.

#### **Fourthly: Our complaint**

20. initiated on direct instruction of ACTPLA officers (Mitchell) unable to mitigate our neighbour's unlawful activity to prevent any intentional and unlawful un-compliant and un-approvable "building work" the builder claimed directed and paid to complete regardless and without our authority or consent, informed or otherwise;



21. ACTPLA made it clear what is considered controlled activities prescribed under Schedule 2 of the Act. ACTPLA officers (Mitchell) in consultation with supervisors in that field of “law” with relevant specialties of law in that portfolio (office also Mitchell) detailed all particular legal issues to address our concerns of flooding, Trespass, building of unlawful unapproved structures on and well over (60cm) any possible boundary line.
22. Copies of the relevant act and building codes were provided in relation to our specific concerns. NOT of any “garage” or third residence this was acted on by ACTPLA.
23. These illegal acts were noted by the public authority as a concern requiring implicit negligence or deliberate illegal act, regardless of payment or direction, by the builders, certifier, Lease holders and controller said to direct the unlawful activities.
24. Regardless we under took mitigating works to attend the damage and ensure insurance and compliance with ACTEW as discussed with them in relation to the matter. *However;*
25. When these works completed the neighbouring lease hold builders again dumped fill and rubble into our new replaced drains; further raised the ground level above the NGL and water proof membrane of the buildings on our lease hold, flooding our property to the extent Mr Polleycutt’s computers and other personal property was destroyed.
26. ACTPLA (Mitchell) advised they would require a formal complaint lodged 11 January 2017 complaint in relation to the activities Block 3 Section 21 Mawson; to have addressed the activities they, fully informed of, as the only means of the Government being able to properly and lawfully attend any matter. “There appeared no disclosed availability for the public authority to “self initiate” even when they had participated and instructed in the matter. This appears a “sole right to evoke of ACCESS”.
27. Abuse of authority of one public authority carelessly delegated to another for no public benefit or community safety facilitating a sever waste of p8public resources and community costs as a result of unreasonable behaviour.
28. ACCESS lawful capacity as a result is demonstrated to be above ACTPLA in capacity to initiate the compliance of a law administered under another public authorities (ACTPLA) responsibility, for what appears to be its “own initiative” initiated without reasonable cause or reasonable basis for an improper purpose as the example above suggests.
  - a. That unbridled “authority” can be accessed by ACCESS, without reasonable complaint being made nor investigated by ACTPLA; and
  - b. As demonstrated in this instance used as a form of threat and restraint towards another ACT Resident from, accessing and participating in any lawful rights and obligations of those afforded by ACTPLA that

ACCESS appear to be able to prejudice at whim to favour another's illegal acts.

29. NOTE: It is demonstrated by this matter that ACTPLA have delegated all responsibility for application of their law and responsibilities, complaints referred to CMTED under the responsibility of ACCESS. The Chief Ministers attend directly to these in that:
- a. The form of investigation ACCESS undertook was to ask the certifier if they will be approving the development. As a result our loss and flooding was deemed nuisance complaint;
  - b. ACCESS had NO interaction with the large file of communications and breach of Law ACTPLA have already identified in the matter via their extensive use of scarce limited public resources attending the matter before requiring the complaint referenced to them made;
  - c. The actual result of ACCESS delegated "investigative" responsibility for another Public Authorities lawful portfolio responsibility resulted in this example; a tenor of bureaucratic "delegation" to have Chief Ministers effective "control" on the application of law and "investigation" Not to be engaged with the "Law" but another purpose;
  - d. Tanya (Chief Ministers; senior staff officer) delegated to comment on his behalf is not shy from explaining to us no public officer has capacity to seek the Chief Minister and his portfolio of responsibility "delegated from other Ministers or not if he doesn't want to!
  - e. In response to discussions with other ACT Legislative members; it is not understood apparently how a minister with responsibility authorised via delegated responsibility for the Chief minister have over riding power "we do not know how and do not get told why but it does sound wrong and if asked anything issues get referred to the minister, who knows nothing, as a result of delegated authority providing Chief Minister capacity to do what ever he wants!"
  - f. Legislative assembly members responding have advised many issues raised with questionable decisions and actions caused by this set up that they do not can not ex-plain or have authorised such beurocatic "delegation"; and
  - g. Not one appears capable of responding or identifying how or why the Chief Minister via "CMTED" has such unrestricted power via the very few "specialist" officers appointed by him to administer this role without relevant oversight and reasonable accountability to the those charged with administering laws under their portfolio (ACTPLA);
  - h. Wat our experience demonstrates is this delegation of complaints, and those public authorities concerns of breaches of their laws they administer all appear required to be referred, as a delegated



responsibility to decide if any action is considered to be taken by a narrow channel of “power” ACCESS (CMTED) Chief Minister;

- i. CMTED ACCESS decisions appear flippant and grossly discriminated based on un-disclosed reasons, nor do they keep any books and records available for those decisions to either the relevant portfolio’s Minister or any human attempting to obtain an insight to participate in the public authorities administration unless specifically approved by CMTED, Chief Minister
  - j. When a minister asked why they seek to delegate what must be a primary function of responsibility to administer the Law affecting their portfolio creating such an apparent confused and secrete public administration authority that only the few might possibly participate, seek disclosure or identify administrative function / dysfunction such concerns are delegated “Scandalous” by Chief Minister; ditching acknowledgement of any concern; examples explained and evidence available put to his office!
30. The neighbouring lease holders certifier, when advised of the complaint and given clear evidence of illegal act and breach, pressed for ACCESS to have evoked a “STOP WORK” notice initiated and placed on his “Excepted, building works” application.
- a. Sighting he appeared “unaware of the development” he must have certified the numerous stages of the “Garage” he approved built to the rear of the two existing duplex dwellings A and B on 5 Debenham Street Mawson;
    1. That the unapproved “building work” to build a brick wall on and over the “boundary”. It is greater than 40cm high from NGL and extended to 60cm on to our lease site.
    2. This blocked our drains and caused flooding that had been the concern of two claims against the Government and appears to be of “no relevance” to the public authority administering the laws; breaches under the required *Building Code of Australia* resulting from CMTED ACCESS duplicated notices that ignore these unapproved structures in any and all formal notices regarding our lease hold. This can only be deliberate, wilful careless and or prejudicial application of any “law” concerning the actions of one human in ACT in p0rejudice of another regarding the same leasehold.

**Fifthly** History and available evidence administered by the responsible authority ACTPLA Prior to CMTED ACCESS obfuscation:

31. **21/08/2015** Matt Green (Bruceworks) builder and site manager instructed ACTPLA investigators and certifier had approved building a third unit (garage) on the site containing two units identical (previously owned by the same lessee) adjoining this lessee site did not require ACTPLA involvement or any approvals with legislation or building codes.
32. **29 January 2016** Mr Robert Lees after investigation, site visit, review of plans, wrote such a development does not require ACTPLA approval. The controlled activity complaint lodged on behalf of the adjoining lessee to that development was closed by CMTED
33. **22 February 2016 Minister Gentleman, responsible head ACTPLA,** Received an application for ministerial oversight of this lessee's Controlled activity application on the adjoining site. Mr Gentleman ACTPLA wrote of his knowledge of the investigations and that a visit with Matt Green had occurred.
34. As a result everything was going to be signed off by ACTPLA. As a result of this the controlled activity complaint lodged on behalf of the lessee was again confirmed closed.
35. **3 March 2016** Robert Less, Inspector Construction Environment and Workplace Protection Access Canberra Environment and planning Directorate's gateway team, wrote confirming Access Canberra closed the controlled activity complaint lodged by the instruction of ACTPLA and lessee.
36. **7 June 2016** Mr Roger Gibson asked we do not write anything further to the ministers as it creates a lot of work for CMTED. The stop work notice placed on by ACTPLA encompassed the whole site building works were being undertaken;
37. **29 July 2016 Minister Barr** wrote he his office was attending to issues in house. Apparently ex-party to the Gov Experts charged with administering the relevant laws in the responsible portfolio ACTPLA.
38. **30 July 2016 Cassandra Keppell** phoned saying she was ringing as Barr had got an email and she was confused, did I recall what she Mr Apps and she were authorised to do?
39. **10 August 2016 Derise Cubin, Deputy Director Compliance & Enforcement** identified concerns of impropriety and initiated an independent review to focus on issues brought to the attention of ACTPLA and CMTED in the controlled activity complaint lodged on behalf of the lessee.
40. **19 August 2016 Derise Cubin, Deputy Director Compliance & Enforcement,** wrote:
- a. When considering matters for enforcement CMTED identify and assess risks, apply most appropriate regulatory tool to control risk.



- b. Action is prioritised by:
  - i. Conduct that causes harm or risk to life or health;
  - ii. Conduct that is systematic and likely to detrimentally affect the community
  - iii. Conduct that has blatant disregard for the law.
- c. Outcome of her independent review of this lessee's controlled activity complaint covering what appear to be exact issues prescribed under schedule 2 of the Act. Simply put: Senior officers had been involved from ACTPLA and CMTED and there was NO Cause to show for anything. And
- d. ACTPLA experts advising the complaint in the view of the Chief Ministers had no cause to advise the complaint, nor it appeared to have any regard of the certifier disclosure, ACTEW, NRMA, AFP etc or the fact "Stop Work" notice was issued on reason of "cause" by the responsible authority Not CMTED ACCESS!

41. **19 August 2016 Andrew BARR, Chief Minister responsible, portfolio head of CMTED** wrote CMTED have closed your controlled activity complaint. In prejudice to further ACTPLA concerns raised of illegal acts. Trespass, blocked water pipes and illegal "building works" identified on the "merit" application those stamped Not approved! In response:

42. **28 September 2016 Derise Cubin, Deputy Director Compliance & Enforcement** Gave a direction to the Enforcement team to again attend to inspect the development on Block 3 Section 21 Mawson. Over concerns of harm and risk caused to life and health as a result.

43. **30 September 2016 Ministers Barr, Gentleman, and Derise Cubin, Deputy Director Compliance & Enforcement** were advised:

- a. two unidentifiable people attended at 10am.
- b. Those people refused to measure the development as instructed by the Delegate of ACTPLA in determining approval for the development.
- c. These two people said: the Government considers everything raised is of no relevance to Act or Regulations. Dig up stuff cut off pipes, do what you like.

44. **5 October 2016** CMTED on behalf of ACTPLA investigations also determined no further action is required in relation to Block 3 Section 21 Mawson because the structure does not require development approval it is not a controlled activity under schedule 2 of the *Planning and Development Act 2007*.

45. **14 October 2016 Derise Cubin, Deputy Director Compliance & Enforcement** Wrote:

- a. Access Canberra building compliance officers attended 30 September 2016;

- b. They were Mr Apps (Investigator / building inspector and Mr T Furner Team Leader, building compliance Auditor;
- c. She had directed those officers to attend in relation to some concerns raised by us with Access Canberra.

46. **NOTE:**

1. At no time in the last two years of investigations by ACTPLA and CMTEED ever indicated anything raised by Block 2 Section 21 Mawson in regard to unapproved “building works” carried out on that Block and Section as having any merit of concern or reason to issue a Controlled Activity Order.
2. At NO TIME has ACTPLA or CMTEED ever indicated any reason, basis nor applied or issued a Stopped Work Notice as a result of ACCESS / CMTEED initiated actions.
3. Lessee of Block 2 Section 21 division Mawson has consistently had communications with all parties, put directly to the Ministers responsible and the Departmental Officers involved the prejudicial bias and unfair application of the Planning and Development Act 2007 (the ACT) and Government appointed “Licensed experts” providing certification.
4. ACTPLA and CMTEED have at no detailed why now, after all these investigations and reports they now appear to suggest we the new owners, mislead and deceived by ACTPLA and its licensed “experts” must rectify anything occurring in 1970’s yet the illegal structures, water flow etc caused by the neighbours “licensed Experts” at their direction on our site is *mischievously missing from any “authorised notice self initiated by ACTPLA’s questionable delegation of authority to bypass its “experts” managing the relevant law, to ACCESS / CMTEED*

47. **17 October 2016** Mr Apps Inspector Enforcement Unit attended as directed by Derise Cubin, Deputy Director Compliance & Enforcement on 30 September 2016 for ten minutes and did not do what the Deputy Director had instructed her officers do to address the harm and risk caused by the unapproved “building works” carried out on Block 3 Section 21 Mawson (our neighbour at 5 debenham street). Conversely and in compliance to the threats he and Ms Kepple had made :

48. Mr Apps wrote he and Mr T Furner conducted an audit of the approved structures on the complainants property Block 2 Section 21 Mawson; and advised;
  - a. “Be mindful that when changing a class of building a development application is required to ensure it complies with the *Building Code of Australia*.



- b. After consultation with ACTPLA officers over the content of the 17 October letter from CMTEDE as there is no intention to alter the class of building then the CMTEDE letter was irrelevant. CMTEDE as they had already documented the structure does not require development approval as it is not a controlled activity under schedule 2 of the *Planning and Development Act 2007* in their related investigation.
- c. The letter did not make any allegations nor require any response

49. **17 January 2017** Mr Apps Inspector Enforcement Unit attended as directed by Derise Cubin, Deputy Director Compliance & Enforcement on 30 September 2016 then wrote:

- a. The letter of advise dated 17 October was actually meant to say a controlled activity had been identified on Block 2 section 21 and actually meant to require work / action to rectify an undisclosed matter;
- b. On 16 January he had made enquiry and no work or applications been lodged to change the class of building.

50. Mr Eric Polleycutt Attended the offices of Mr Apps and Ms Keppell in relation to the letters dated 5/10/16 & 17/1/2017 at which time the Exemptions from development approval and schedule 2 of the *Planning and Development Act 2007* applied and all matters were considered finalised at that meeting.

**51. Notes, As discussed with Mr Apps and his manager at our meeting**

- a. *NCC 2016 Building Code of Australia*: Page 27 **Habitable room** means a room used for normal domestic activities, and –
  - (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; **but**
  - (b) **excludes** a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
- At no time has anyone had any intention of changing the class of the building or using it in any other matter than that used since 1970;
- the building file contain many Certificates of occupancy or use of buildings, built rebuilt altered;
- Mr Apps agreed he may have been confused during the audit because the original Carport had further alterations to the carport to have brick walls to the side with parts to the front and rear with windows. However that was all approved and certificates of occupancy issued.
- Roof extending over easement was approved and dealt with by solicitors, ACTEW and Building Compliance report obtained on purchase.
  - a. Mr Apps agreed the Roof on second inspection was in his 2004 aerial photos, and the tree's covered the roof that was then replaced;

- b. ACTEW had visited the site three times on various issues that they had paid money in compensation to their deficiency of service to the lessee of block 2.
  - c. ACTEW at no time has the roof over the easement ever been raised as an issues despite their audit and investigations into the flooding at the lease hold site; and their payment of compensation. Obviously, as discussed with Mr Polleycutt, and in building reports accepted as approved in 2006 via report of approved property consultant with ACTGOV. Mr Apps has acknowledged, he was mistaken and was in existence in Mr Apps photos in 2004.
  - d. Further trees had disrupted the electrical supply ACTEW; ACTEW had completed tree clearing, the roof noted as a benefit as no trees interfered with the lines.
  - e. In the General Merit / Issue Statement made by the Certifier in the Development applications of Block 3 above for the Habitable encroachments of side and rear setbacks it is written 57 Blocks adjoining Yamba Drive and Road reserve have class 10 Structures encroaching the easements along that boundary. To continue the character of the neighbourhood/area ACTPLA appear to have specifically approved a **habitable encroachment for Block 3** on that basis of a wide range of **class 10** structures in existence.
  - f. Block 1 also has a roof that extended right across the easement and over the fence line and the full way along the block out to the street.
- Mr Apps conceded in the meeting:
    1. The Exemptions under the Act and criteria under Schedule 1 Section 1.3 of the Planning and Development Regulations 2008.
    2. The contract for purchase of Block 2 was required to have a BUILDING COMPLIANCE REPORT (BCR) as a Government requirement, by an approved Government registered professional carried out and made part of the contract for sale.
      - Pre-inspection had detailed the roof to the rear of the property went all the way to the fence. Discussions were had with Diana Burns Solicitors faxes to and fro from ActewAgl..
      - Pictures in the subsequent BCR clearly show the “carport” noted in the early building file was already enclosed. The building inspection report “From the documentation provided by ACTPLA, I can verify that the approved plans match the structures found on site”
  - The compliance and building report were also shown to Mr Apps, and attention drawn to the exceptions under the Act, all issues raised were settled.
  - Mr Polleycutt asked if it is not simply to teach him a lesson could he please have a copy of what ever caused this action by EU with all identifying names and addresses removed to protect the informant. The Manager of EU refused and said words to the effect: “they had not undertaken this audit because of the trouble he caused them. Nor was this to teach him a lesson.” It just occurred.

52. **8 February 2017** Mr Eric Polleycutt wrote thanking Mr Apps for taking the time to address the issues and advising he still had not received a copy of the



written minutes of that meeting. MR Apps left a message for Mr Polleycutt to call him.

53. **10 February 2017** Mr Apps didn't believe he was to supply the participant of the meeting with any minutes His manager and he appear to have intentionally not recorded the deliberations or outcomes of this meeting.

54. **27 April 2017** Some three months latter:

1. Without notice or consent,
2. Mr Apps and his manager walked past the front door,
3. Walked down the drive past the house;
4. Opened and entered through a closed secured gate
5. Antagonised the dog yarded on the property by trespassing
6. Banged on the building out the back;
7. Said they were here because they hadn't been able to contact the tenant;
8. Gave a letter dated 27 April 2017 detailing they were inspecting the address and then entered the building without obtaining consent,
9. Walked around taking pictures ignoring the person asking them to leave;
10. Did not detail what the visit was for or what they were to view;
11. Mr Polleycutt detailed he was a resident of 3A and they called him a Liar;
12. ACCESS (Mr Apps) said Mr Polleycutt was the one demanding everything be done right for everybody else, so they were here to sort it out by investigating and making his life hell or ignore the illegal acts destroying his personal affects and putting life at risk of injury that NRMA and ACTEW will not cover.
13. After being rude and antagonistic ACCESS officers (Mr Apps) they were then asked to leave, which they initially refused then standing outside the door for ten minutes, before leaving when Mr Polleycutt commenced to call Derise Cubin to explain their harassment while ignoring the illegal "building work" causing flooding.
14. The officers left.
15. No notes, photos or outcomes of this visit, documents of anything made available to understand what basis anything are being alleged.

### **Fifthly:**

55. Part 2.0 Application of Building Code of Australia Performance.

- a. The performance requirements for a building are referred to apply to both Class 10a and 1a buildings (for a residence) so the structural integrity, public safety would not appear to be of any relevant concern;
- b. The class 10a structure on the show cause notice has been in existence approved since 1970. My family have sold business, houses and store a number of building materials and benches kitchen items and personal effects and Mr Polleycutt used for business purposes;

- c. The building report by an ACTGOV certified report writer commissioned by the vendor, under the requirements of the ACT Government, for the sale of the property documented the correct Construction of buildings and certificates of occupancy exist, and that there is no breaches of setbacks not approved previously.

### **Sixthly:**

56. The spaces in the Class 10 structure identified in your notice are not used for normal domestic activities and used as it has always been without problems, concern or risk to public health, insurance, ACTEW, "Expert" report writers advising on purchase and sale.
57. It has lately as a result of the neighbours unprovable "building works" threats and intimidation of tenants and damage to their personal property had TV screens and cables linked to cameras as a result of Government advice, to identify trespasses, Identify the breach of Protection orders, to record any further injuries for presentation and dispense liability and document happenings for use in Court by NRMA insurance claims and other matters. This results in the need for consistent attention to protect our interests while the public risks ignored by ACCESS undermining insurance, ACTEW services by unprovable "building works" on our site by the Neighbour that for some reason ACCESS choose to *not identify, ignore and support*.
58. **Note:** It is the Government whom has advised the requirement to obtain evidence seek civil recourse and legal assistance from insurance providers that require this to have been the only short term option and it definitely is not expected to be a regular occurrence if at all it might reasonable lead anyone to consider "residential habitation":
59. 29 July 2016 with Tania Carter Executive Officer of the Chief Minister Andrew Barr the minister office personally attending to this matter. Then 30 July 2016 Ms Cassandra Keppell Manager Enforcement wrote in response to our issues raised of Controlled activities prescribed under schedule 2 of the Act, Item 3 that we needed to personally address these in a formal court process such as ACAT. However, ACAT do not administer the "building works" approvals or instruct breaches of Development Approval as it is ACTPLA who do not do this because they "delegate" that to ACCESS to at whim address as and when it suits whatever purpose the minister seeks to have addressed at any point or to whom his office might choose. I.E:
  - a. ACCESS required our property in Kambah to have extensive "building work" to allow it to be approvable and compliant;
  - b. This occurred at great cost to us. This \$20,000 in cost was completed prior to a family settlement and prior to "sign off of approval"
    - i. The lease holder was allowed to fill in the required earth works that previously required to bring to an approval position before "sign off";
    - ii. Mr Polleycutt when attending ACTPLA in "Expert" officers in Mitchell, on a Friday, was confronted by an ACCESS officer whom demanded we are not told of any information on the



breach of their requirements for approval we were made to expend \$20,000 caused to make that were then allowed to be reverted making the property “certification” illegal presiding the “certification” event.

- iii. Despite the meeting on Friday being related to this ongoing matter ACCESS officer we know no name or knowledge of was so adamant, he demanded (refused by ACTPLA) to talk privately with the ACTPLA Expert, he raised the full knowledge of this occurrence before Mr Polleycutt in his overtly and apparent irrational attempt to forcibly remove MR Polleycutt from any assistance or access to the Authority in any meeting.
  - iv. This example identifies the complete knowledge and intended authorities actions to cause us as much cost and meet “laws” that the authority have no intent to administer or hold other to, and cause us as much damage and cost irresponsibly if not illegally.
60. ACT Police attendance reports and advice regarding violent outbursts of the builders trespassing on our site; was to install and monitor cameras to record evidence in line with the Chief ministers officers response;
61. ACT Police reports of residents trespassing placing themselves in dangerous and unsafe position. Were also recommended to be addressed via recording of data to show the careless and wilful practices of the residents of Block 3.
62. ACT Police Reports from the residents of Block 3 Section 21 saying that since the Government had approved developments they had no option but to trespass on Block 2 because their was NO OTHER REASONABLE ACCESS available due to the number of cars resulting from the actions of ACTPLA. Police again recommended being present and monitoring activities in case of an incident where liability might be the outcome of the ministers oversight of the developments on block 3
63. Video evidence; an example Despite a Personal Protection Order against him One of four residents on Block 3 was recorded trespassing in and out of his property 14 times in about half a day.
- a. ACT Police have recorded that he only has taken to access to Block 3 via trespass as there is no other access since the ACTPLA approvals for buildings caused cars to be parked in his drive with no reasonable room to avoid this.
64. The EU manager then told my son she now had a **new** issue she wanted to review the property as no Electrical or plumbing work had been registered lately.
65. We requested any electrical diagrams she was referring too as the Electrical wiring and meters etc had all been there many years and verified in the

property inspection etc prior to our purchase of the lease hold property.  
Further:

- a. ACTEW had provided inspection and audit of the electrical systems; supplied and at ACTEW cost fitted many energy saving devices in all buildings the flats and the garage area with no evident concern or hesitation. Had anything been illegal that act alone would suggest ACTEW a participant if any risk was valid to the community or personal health as a result. And
  - b. Prior to determination of the flooding and water damages now not possibly ACTEW responsibility ACTEW carried out sewer works and dug up the drive replacing and installing inspection / overflow.
66. At no time has ACTEW, ACCESS / ACTEW raised any concern other than the “self initiated” notice that for some reason the property build 1970’s should now be reassessed for ACCESS “self initiated” want for us to again undergo some Great expense, that ACCESS / ACTPLA would not reasonably cause another person meet. Further, as demonstrated above even approve another person to make that cause of great expense to be a known and deliberate un-necessary expense caused to us deliberately, that in the authorities actions never intended to hold another to compliance of the exact same lease hold, and or the neighbouring lease holder.

