



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 2020-133

| Information to be published | Status |
|---|-----------|
| 1. Access application | Published |
| 2. Decision notice | Published |
| 3. Documents and schedule | N/A |
| 4. Additional information identified | No |
| 5. Fees | N/A |
| 6. Processing time (in working days) | 5 |
| 7. Decision made by Ombudsman | N/A |
| 8. Additional information identified by Ombudsman | N/A |
| 9. Decision made by ACAT | N/A |
| 10. Additional information identified by ACAT | N/A |

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Documents request-[REDACTED]
Date: Monday, 6 July 2020 10:53:22 AM

Good morning.

1. *On 27 June 2020, I made an application under the FoI law.*
2. *On 28 June 2020, I withdrew that request on advice from your Directorate (see below).*
3. *I subsequently requested the building file and was provided with all information except that which I was seeking (Land Title documents).*
4. *I then telephoned Access Canberra and was advised "After 1 June 2020, all land title information is held by your bank, so you will need to contact them".*
5. *I do not reasonably believe that Access Canberra would have deleted all land title records held in relation to my property, especially noting the requirements under Territory's record keeping requirements.*
6. *Therefore, I am seeking, under the Freedom of Information Act 2016, a copy of all documents lodged, received, amended or issued, post 4 February 2013, in relation to the [REDACTED]*
7. *I am happy to receive the requested documents in a readable electronic form via this email address.*
8. *I will not be withdrawing this request again.*

Regards,

[REDACTED]

[Sent from Yahoo Mail on Android](#)



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2020-133

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

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 6 July 2020, in which you sought access to:

- A copy of all documents lodged, received, amended or issued, post 4 February 2013, in relation to the [REDACTED]

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 3 August 2020.

Decision on access

On 6 July 2020 Ms Sandra Salcedo of the Land Titles office rang you and explained that the information you are seeking is publicly available and how to obtain this information.

I have decided to refuse to deal with your application under section 43(1)(d) and section 45(a) of the Act because the information you are seeking is publicly available.

Section 43(1)(d) states:

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
(d) the government information is already available to the applicant (see section 45).

Section 45(a) states:

45 For section 43(1)(d), government information is already available to the applicant only if the information—

- (c) is available as part of a public register established under a territory law.

Charges

Processing charges are not applicable for this request because no pages are being released to you.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will not be published in the CMTEDD disclosure log.

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log after 16 July 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

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

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

13 July 2020