



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-269
Date of Application	27 August 2024
Date of Decision	14 October 2024
Processing time (in working days)	33
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	Information on Open Data ACT portal for Register of Disciplinary Actions for a company.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2024-269 Freedom of Information request
Date: Tuesday, 27 August 2024 5:38:23 AM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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:

A large grey rectangular area redacting the user's personal details in the form fields.

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):

Register of Disciplinary Actions on Open Data ACT portal has an entry for Tradefair Pty Ltd. I would like to request if further information or documents can be provided as to which subclause of s49(2) was the reason for automatic suspension of corporate license for this entity or further information can be provided on the below column entry for Tradefair Pty Ltd.

Circumstances/Reasons: Entered into external administration. Automatic Suspension under s49(2) of the Construction Occupations (Licensing) Act 2004

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

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2024-269



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 27 August 2024.

Specifically, you have sought access to the following information:

“Register of Disciplinary Actions on Open Data ACT portal has an entry for Tradefair Pty Ltd. I would like to request if further information or documents can be provided as to which subclause of s49(2) was the reason for automatic suspension of corporate license for this entity or further information can be provided on the below column entry for Tradefair Pty Ltd. Circumstances/Reasons: Entered into external administration. Automatic Suspension under s49(2) of the Construction Occupations (Licensing) Act 2004.”

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **30 October 2024**.

Decision on access

Searches of CMTEDD records have identified two documents within the scope of your request.

I have decided to grant **partial access** to one document and **full access** to the other document.

Release of documents

The information being released to you is provided at **Attachment A**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- *Human Rights Act 2004*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Schedule 2: Factors to be considered when deciding the public interest.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(iii) - inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*
- *Section 2.1(a)(xiii) - contribute to the administration of justice generally, including procedural fairness.*

I have placed substantial weight on the above factors favouring disclosure. The release of this information will provide you with contextual information and can reasonably inform you about the policies and guidelines that Access Canberra Licensing team followed when making a decision in suspending a builder’s license.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring non disclosure (Section 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning personal information and contact details of individuals can reasonably prejudice their right to not have their personal privacy and correspondence interfered with unlawfully or arbitrarily, as outlined in section 12 of the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages 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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

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
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 the Information Access Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

14 October 2024

Extracted from ASIC's database at AEST 09:19:24 on 31/03/2022

Company Summary

Name: TRADEFAIR PTY LIMITED

ACN: 119 996 995

ABN: 99 119 996 995

Registration Date: 01/06/2006

Next Review Date: 01/06/2022

Status: External Administration

Type: Australian Proprietary Company, Limited By Shares

Locality of Registered Office: KINGSTON ACT 2604

Regulator: Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.



Email: [Redacted] Sch 2.2(a)(ii)
Attention: Director/s of TRADEFAIR PTY LTD

To whom it may concern

Please find attached a Notice of Automatic Licence Suspension in relation to the construction occupation licence TRADEFAIR PTY LTD – Licence number: [Redacted] Sch 2.2(a)(ii)

Should you have any questions in relation to this matter please contact Bojan Stojakovic on (02) 6025 2244 or via email at BBS@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "G Barnes".

Gabrielle Barnes
Assistant Director
Builder and Building Surveyor Licensing Team
4 April 2022



Notice of Automatic Licence Suspension – Company

Under Part 5 of the *Construction Occupations (Licensing) Act 2004*

LICENCE NAME:	TRADEFAIR PTY LTD
LICENCE NUMBER:	Sch 2.2(a)(ii)
CONSTRUCTION OCCUPATION & CLASS	Builder Class B
ACN:	119996995
DATE OF EFFECT OF AUTOMATIC SUSPENSION:	17 March 2022
END DATE OF AUTOMATIC SUSPENSION:	17 June 2022
DIRECTOR NAMES:	Sch 2.2(a)(ii)
APPOINTED NOMINEES:	

THE DECISION

I, Gabrielle Barnes, Deputy Construction Occupations Registrar, pursuant to section 49 of the *Construction Occupations (Licensing) Act 2004*, hereby notify the directors, appointed nominees and licensee, that the licence, as described above, is **automatically suspended**.

PART 1 sets out the reasons for the decision

Gabrielle Barnes
Deputy Construction Occupations Registrar
Assistant Director, Builder and Building Surveyor Licensing
4 April 2022

CONTACT OFFICER

Bojan Stojakovic
Phone: (02) 6205 2244
Email: BBS@act.gov.au

PART 1

REASONS FOR THE DECISION

1. On 17 March 2022, the office of the Construction Occupations Registrar became aware that TRADEFAIR PTY LTD, ACN 119 996 995 had been placed into external administration.
2. Section 49(2) of the *Construction Occupations (Licensing) Act 2004* states:

The corporation's licence is automatically suspended if the corporation—
 - (a) becomes the subject of a winding-up order; or
 - (b) has a controller or administrator appointed for the corporation; or
 - (c) is found guilty, whether in the ACT or anywhere else, of an offence that—
 - (i) involves fraud, dishonesty or violence; and
 - (ii) is punishable by imprisonment for at least 1 year.
3. Evidence of the external administration and the appointment of an administrator was obtained from the Australian Securities and Investments Commission website.
4. Pursuant to section 49(2) (b), the corporation's licence is automatically suspended and therefore is not authorised to undertake licensable work in the ACT.
5. Pursuant to section 53 of the *Construction Occupations (Licensing) Act 2004*, this suspension ends 3 months after the day the Registrar is given notice of the suspension, unless otherwise revoked by the Registrar under this section.