



ACT
Government


Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2021-329

| 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) | 14 |
| 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: 
To: [CMTEDD FOI](#)
Subject: Re: CMTEDDFOI 2021-239 Freedom of Information Request
Date: Monday, 22 November 2021 1:05:52 PM

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

Hi Sue,

Thank you for getting back to me in regards to this FOI request.

After our discussion I am happy to restrict the scope to "only for complaints in relation to operating a home business as a personal trainer/gym from 1 Jul 2018 and 30 Jun 2019."

I understand that obtaining the number of complaints in relation to operating any home business may be a significant piece of work so unless these statistics are easy to come by lets just keep the scope to complaints in relation to operating a **home business further restricted to personal trainers conducting their business at a residential premises.**

I was attempting to get ascertain what percentage of all home business complaints were associated with personal trainers (the number of complaints and the number of residences).

That said if "any home business" data is not available then points

" 1. Total number of Complaint Instances", "1. Total number of distinct residences" and " 7. Number of distinct residences/businesses that were prosecuted (stop order / injunction) due to the nature of the Complaint Instances received" will no longer be relevant and can be ignored.

Kind Regards



On 22/11/2021 11:34 am, CMTEDD FOI wrote:

OFFICIAL

Good morning 

Thank you for speaking with me.

Could you please confirm the scope of your request from CMTEDD is for the following:

1. Require any and all complaints in

relation to operating a home business as a personal trainer or gym from 1 Jul 2018 and 30 Jun 2019.

Also please confirm that you still require the data to be broken down specifically as listed below.

Please don't hesitate to contact me if you require further information.

Kind regards

Sue

Sue Locke | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 5583 | Email: CMTEDDFOI@act.gov.au

Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | act.gov.au

From: EPSDFOI <EPSDFOI@act.gov.au>

Sent: Thursday, 18 November 2021 3:58 PM

To: CMTEDD FOI <CMTEDDFOI@act.gov.au>

Subject: FOI request for information on home business complaints

OFFICIAL

Good afternoon team

Please see the access application below and advise if CMTEDD is likely to hold documents within scope.

Thank you

Angelina Aloisi | Information Governance Officer

Information Governance

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

Level 5, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au

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-----Original Message-----

From: [REDACTED]

Sent: Saturday, 16 October 2021 11:03 AM

To: EPSDFOI <EPSDFOI@act.gov.au>

Subject: FOI request for information on home business complaints

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

Hi,

I would like to find out some information about home businesses complaints and would like to submit an FOI request.

Please include breaches of Land planning development as well as Environmental Protection (ie noise complaints)

Definition: Complaint Instance

A Complaint Instance being each unique instance of some type of contact (website, email, phone or letter etc.) to the ACT government in regards to a home business that raises an issue of possible non-compliance or complaint. This is not the same as a single open complaint that all additional evidence is tacked on to, I would like the actual numbers to reflect how many times a home business has been reported by a resident/neighbour/3rd party and not a summation of contacts merged into a single complaint.

Information requested.

* How many total home business Complaint Instances were received between 1 Jul 2018 and 30 Jun 2019 ?

please break this down into:

1. Total number of Complaint Instances
2. Total number of Complaint Instances that were to do with personal training or gyms

* How many total distinct residences were the subject of Complaint Instances that were received between 1 Jul 2018 and 30 Jun 2019 ?

please break this down into:

1. Total number of distinct residences
2. Number of distinct residences that were the subject to any

Complaint Instances to do with personal training or gyms

3. Number of distinct residences that were the subject to 2 or more

Complaint Instances to do with personal training or gyms

4. Number of distinct residences that were the subject to 5 or more

Complaint Instances to do with personal training or gyms

5. Number of distinct residences that were the subject to 10 or more Complaint Instances to do with personal training or gyms

6. Number of distinct residences that were the subject to 20 or more Complaint Instances to do with personal training or gyms

7. Number of distinct residences/businesses that were prosecuted (stop order / injunction) due to the nature of the Complaint Instances received

8. Number of distinct residences/businesses that were prosecuted (stop order / injunction) due to the nature of the Complaint Instances received and were the subject to a complaint to do with personal training or gyms

Kind Regards

A large rectangular area of the document is redacted with a solid grey fill, obscuring the signature and any accompanying text or contact information.

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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 22 November 2021.

Specifically, you are seeking: *"... only for complaints in relation to operating a home business as a personal trainer/gym from 1 Jul 2018 and 30 Jun 2019."*

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 with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 20 December 2021.

Decision on access

Searches were completed for relevant information and one document has been compiled with the identified information that falls within the scope of your request.

I have decided to grant full access to the relevant document. The document released to you is provided as **Attachment A** to this letter.

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 3 days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

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

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

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



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

10 December 2021

| Count of Date Created | Column Labels | | | | | | | | |
|-----------------------|---------------|-----|-----|-----|------|-----|-----|-----|-------------|
| | 2018 | | | | 2019 | | | | Grand Total |
| Row Labels | Jul | Aug | Oct | Dec | Jan | Feb | Apr | Jun | |
| Building | | | | | | | | 1 | 1 |
| Unapproved structure | | | | | | | | 1 | 1 |
| Environmental | | | 4 | | | | | | 4 |
| Noise amplified | | | 2 | | | | | | 2 |
| Noise gym equipment | | | 2 | | | | | | 2 |
| Planning | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 7 |
| Lease compliance | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 7 |
| Grand Total | 1 | 1 | 5 | 1 | 1 | 1 | 1 | 1 | 12 |