



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 2020-241

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)	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: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Identification survey and certification of Project [REDACTED]
Date: Wednesday, 30 December 2020 11:05:36 PM
Attachments: [Attachment 1- AC \[REDACTED\]](#)
[Attachment 2- BA inspections \[REDACTED\]](#)

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.

Dear Sir/Madam,

[REDACTED] includes the construction of two stone retaining walls, SRW1 and SRW2. In the approved plan, the former is sited at the boundary in the east, and the latter is parallel to the 2440 mm easement in the south of the block.

We are the lessee of the adjoining block [REDACTED]. Under the provisions of the FOI Act, we request the following.

1. The identification survey for [REDACTED]. We are aware that on 14 April 2020 Access Canberra has directed [REDACTED] to supply it. See [Attachment 1](#).
2. Inspection record and certification for [REDACTED]. In the Building Approval, Select Structures nominated three mandatory inspections, which had been covered in their fees. We would like to draw your attention to [Attachment 2](#), the Building Approval document (especially its *page 3, item 9*) issued by [REDACTED]. A copy of this document was supplied to us by the lessee on 28 Feb 202

Yours truly,

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDDFOI 2020-241



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 30 December 2020, in which you sought access to:

1. The identification survey for [REDACTED]. We are aware that on 14 April 2020 Access Canberra has directed [REDACTED] to supply it.
2. Inspection record and certification for [REDACTED]. In the Building Approval, [REDACTED] nominated three mandatory inspections, which had been covered in their fees. We would like to draw your attention to Attachment 2, the Building Approval document (especially its page 3, item 9) issued by [REDACTED].

Authority

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

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 29 January 2021.

Decision on access

A search of CMTEDD records has failed to identify any documentation in relation to your request. The search was conducted using the information you provided.

At the conclusion of the document search it was advised that the identification survey from [REDACTED] was requested by Access Canberra, but did not direct that it be supplied by [REDACTED] under s79 of the *Construction Occupations (Licensing) Act 2004*.

This is an ongoing project and the Building Approval is still active. Access Canberra do not hold the records of stage inspections by the engineer.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because there are no documents available to be processed.

Online publishing – 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 3 days after date of decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 made 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 dark ink, appearing to read 'P. Dachs', is centered on the page.

Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
20 January 2021