



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD FOI 2023-329

Karen

via email: foi+request-10683-39ffdxxx@xxxxxxxxxxx.xxx.xx

Dear Karen

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 **13 September 2023**. Specifically, you have sought access to the following information:

1. *Total number of rectification orders issued to builders each year;*
2. *Total number of rectification orders issued to nominees each year;*
3. *Total number of rectification orders issued to Construction companies and/or partnerships/other in each year;*
4. *Total number of builders who have become insolvent and/or initiated or declared bankruptcy within said date range;*
5. *Total number of nominees in the ACT who have become insolvent and/or initiated or declared bankruptcy within said date range;*
6. *Total number of Construction companies and/or partnerships/other licensed in the ACT who have become insolvent and/or initiated or declared bankruptcy within said date range;*
7. *Total number of building licenses issued each year;*
8. *Total number of building licenses suspended each year;*
9. *Total number of building licenses cancelled each year.*

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 with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days. A decision and response are due on **26 October 2023**.

Decision on access

Searches were completed for relevant information and the business area has generated a written response, specifically addressing each section of your application. I have decided to grant **full access** to the material within scope. The information being released to you is provided at **Attachment A**.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

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, and
- 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.
- I did not identify any Schedule 1 provisions as relevant to this request.

The public interest information under schedule 2 of the Act

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

Taking into consideration the information 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 in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) contribute to positive and informed debate on important issues or matters of public interest.

I have placed substantial weight on the above factor favouring disclosure. It is reasonable to expect that information about this topic may be of interest to others within the Canberra community and contribute to informed debate about issues of interest.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

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. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

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 on the 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: xxxxxx@xxxxxxxxx.xxv.au

ACT Civil and Administrative Tribunal (ACAT) Review

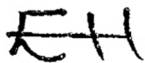
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal 15
Constitution Avenue
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 CMxxxxxxx@xxx.xxx.xx.

Yours sincerely,



Emma Hotham

Information Officer
Chief Minister, Treasury and Economic Development Directorate

10 October 2023