
From: [REDACTED]
Sent: Sunday, 5 March 2023 2:09 PM
To: EPSDFOI; [REDACTED]
Subject: FOI Request - extension of EPSDD 22/00134 Master Builder's Fidelity Fund Annual Reports
Attachments: 221117c - Final Decision Reasons AFOI-RR.22.10009 - 20221117 (2).pdf

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. [Learn why this is important](#)

FOI for EPSDD,

In line with the Ombudsman's Varied Decision (dated 17 Nov 22 – attached) in relation to our FOI Request submitted 4 Jan 22, I would like to be sent the following Master Builder's Fidelity Fund (MBFF) Annual Reports:

- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2003
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2004
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2005
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2006
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2007
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2008
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2009
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2010
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2011
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2015
 - Missing from last FOI Request (EPSDD 22/00134) – EPSDD were unable to find the document
 - Ombudsman's Final Decision Reasoning letter dated 17 Nov 22 (under AFOI-RR/22/10009), para 39 stated:
 - EPSDD advised during the processing of the access application – “The Information Governance Team requested copies of the missing reports directly from the Master Builders Fidelity Fund”.
 - Has a copy now been received from MBFF?
 - If so, request that document also be included for access in this request.
 - If not, why not and what is being done to secure copies of this report from the MBFF, noting that they are required to send the Financial Reports to the GOVT under the legislation?
 - The current internal review into Home Warranty Scheme currently being conducted by EPDSS will also require access to these reports in order to undertake their review duties fully.
- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2016
 - Missing from the last FOI Request (EPSDD 22/00134) – EPSDD were unable to find the document
 - As per Year Ended 30 Jun 2015 above

For any MBFF Financial Reports for Years 2003 – 2011 that are unable to be found, I request that EPSDD request copies of these reports from MBFF and then provide them to me in line with the intent of the Ombudman's decision above.

Additionally, I would like confirmation that the Government/EPDSS now has a copy of:

- Master Builder's Fidelity Fund Financial Report for the Year Ended 30 Jun 2020

- As per MBFF Financial Report for Year Ended 30 Jun 2015 above, MBFF were requested to resend these documents by EPSDD.
- Although under the Ombudsman’s decision, I am not yet entitled to request this report, I will be in the years to come, year by year.

Regardless, the current internal EPSDD review team into the Home Warranty Schemes will require the access to all of the Financial Years of documents (2003-2022) to fully undertake their responsibilities in relation to the review. Especially with regard to concerns over proportionality of the Fidelity Fund scheme in relation to:

- exorbitant and unexplained Administrative costs (opaque),
- “donations” from the MB Fidelity Fund to the MBA Skills Centre Building Fund (allowed under Barr’s 2009 determination – Building Master Builders Fidelity Fund Assets Determination 2009-92)
- Not being proportionate to the purpose of the MB Fidelity Fund, which is to **Protect Canberra families** and pay them out for requests (claims) where they are out of pocket because their builder dies, disappears or becomes insolvent (receivership) in that more money is being paid out in administrative costs and “donations” than in payments to Canberra families in distress.

Regards,

