
From: Leonard, Matt on behalf of CMTEDD FOI
Sent: Thursday, 28 April 2022 3:39 PM
To: EPSDFOI
Subject: FW: Freedom of Information request

Good afternoon to my favourite FOI team in all of EPSDD.

Please see the request below. We believe that this sits with your directorate. Kindly acknowledge your acceptance of a full transfer.

Warm regards

Matt Leonard | Freedom of Information Team Leader | Information Access Team

Ph: 02 6207 3417

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

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

From: no-reply@act.gov.au <no-reply@act.gov.au>
Sent: Saturday, 23 April 2022 1:57 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: Freedom of Information request

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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:

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):

This FOI Request relates to the lack of clarity surrounding the Master Builder's Fidelity Fund (MBFF) reporting requirements. Request this FOI is processed independently from my other FOIs. I do not want my other FOIs (and referral to the ombudsman) be delayed by this one. The current legislation regarding the MBFF, and our experience over the last four months in trying to obtain information from Government Directorates on the MBFF, do not align. • Legislation (Building Act, Prudential Standards, Approval Criteria) has been written/updated at different times o 2004-11 Building Act. (MBFF originally approved under 1972-26 - Building Act 1972) o 2008-3 Building – General – Regulation o 2005-250 – Building (Prudential Standards) Determination 2005 (MBFF approved originally under Prudential Standards 2002) o 2002-49 – Building (Approval Criterial) Determinations 2002 • ACT Govt Directorates have evolved over the last 20 years and the Legislation does not align. Under the current legislative documents, the reporting is identified to be shared between: • The Planning and Land Authority, • the Minister (which Minister? – Building Minister or Planning Minister, or Minister for Consumer Affairs (Commissioner for Fair Trading), a combination of, or all three depending on what is being asked?), • Commissioner for Fair Trading, and • Construction Occupations Registrar [REDACTED] has resulted in: • receiving a letter from the Commissioner for Fair Trading stating that the Commissioner has no jurisdiction over the approval or oversight functions of the Fund (in contrary to current legislation). • The Commissioner letter identified EPSDD being responsible (regulator?), however EPSDD have been unable to provide any information over the last 4 months, that they are the appropriate Directorate. The specific request is to: • Identify to whom the following reporting requirements are sent (the position and ACT Directorate, and responsible Minister)?, and • Who is the regulatory body?: o MBFF Claim decisions reporting – • Periodic claim statistics, • Annual claim statistics o MBFF Financial Reporting • Periodic • Annual o Reporting of changes to the scheme, including changes to the Trust Deed, Contingency and Compliance Plans o Reporting of any breaches • Should these reporting requirements and regulatory functions be split, who has oversight of the MBFF reporting in its entirety to obtain a holistic picture of the Fund's operation? Regulatory powers are the powers used by government agencies and regulators to ensure individuals and industry comply with legislative requirements, and to respond to instances of non-compliance. Could I please be kept informed of the FOI request progress, noting the issues that we have had in our previous FOI requests. I do not expect that 3rd parties will be required for this FOI, noting that I am not asking for the actual reports themselves, rather who they are going to.

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

The actual reports provided by the MBFF. Those reports are subject to separate FOI requests.

Thank you.
Freedom of Information Coordinator