



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/09085

Dear [REDACTED]

### **Decision on Freedom of Information Access Application 22/09085**

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 7 February 2022, via transfer from Chief Minister, Treasury and Economic Development Directorate.

On 27 March 2022, you refined the scope of your application via email, you are seeking:

*Scope reduction. The scope of my application has been revised, to:*

- *exclude the Approval Criteria, and*
- *exclude the MBFF Trust Deed document, which I have confirmed has been provided to me separately.*

*The Compliance Plan and Contingency Plan are the priority.*

- *If the Plans are available, however no other “governance documents” referred to in the Inquiry into Building Quality in 2019 are readily available,*

*We request:*

- *The Compliance and Contingency Plans are reviewed for release, and if approved, release by the due date 29 Mar 22, to allow us to prepare for the Minister’s meeting.*
- *Extend the timeframe of the other “governance documents”.*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

With your agreement to an extension, EPSDD must make a decision on your application on or by 29 March 2022.

This decision relates not only to the refined scope you have provided but also to the administrative documents requested in your original application.

### **Searches Conducted**

Comprehensive searches were conducted and no documents containing information within the scope of your revised application were identified.

## **Decision on Access**

Searches conducted by EPSDD have not identified any information specific to the scope of your request. Searches were conducted using the information you provided. I am satisfied that all appropriate searches were conducted and therefore, there are no documents held by EPSDD relevant to your request.

The *Building Act 2004* allows for approval of fidelity fund schemes in addition to approval of residential building insurance policies. The Master Builder's Fidelity Fund (the Fund) was established in 2002 to provide an alternative to insurance providers after the collapse of the HIH insurance group. The Fund provides limited insurance-like coverage for certain issues relating to residential building work. The Fund is, and operates as, a wholly private sector commercial business, competing with the insurance industry. It is not a government business enterprise or agency. The legislative framework, through the *Building Act 2004*, approval criteria and prudential standards, does place specific requirements on the operation of the Fund. These documents are all publicly available.

## **Online Publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application and this decision will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>

## **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 the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

[https://www.ombudsman.act.gov.au/\\_data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto: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/>

**Further Information**

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au).

Yours sincerely

*(Signed Electronically)*

*Bethel Sendaba*

Information Officer

Executive Branch Manager, Planning and Urban Policy

Environment, Planning and Sustainable Development Directorate

29 March 2022