
From: Nagpal, Madan on behalf of CMTEDD FOI
Sent: Wednesday, 6 April 2022 10:43 AM
To: EPSDFOI
Subject: FW: Freedom of Information request

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi Angelina,

Hope you are well

Please review and let me know if you accept full transfer of this request.

Kind Regards

Madan

Madan Mohan Nagpal (he/him) | Freedom of Information Coordinator | Information Access Team
Phone: 02 6207 7754 | Email: cmteddfoi@act.gov.au
Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: no-reply@act.gov.au <no-reply@act.gov.au>
Sent: Tuesday, 5 April 2022 1:32 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.)

FOI - Identification of expense/transfer of funds from Master Builders Fidelity Fund to MBA Skills Centre Building Fund Refer to docs from FOI 22/00134 response and Disallowable Instrument DI2009-92 - Building (Master Builders Fidelity Fund Assets) Determination 2009: * Request any information on transfer/expenditure of funding from the Master Builders Fidelity Fund (MBFF) to MBA Skills Centre Building Fund identified in the MBFF Annual Financial Reports listed below (see FOI 22/00134 response). * Request totals of transfer/expenditure of funds from the MBFF to MBA Skills Centre Building Fund, identified in the MBFF Annual Financial Reports listed below (see FOI 22/00134 response). * Request that you consider that a response has already been received from a third party on the entirety of the documents retrieved (through FOI 22/00134) and that it does not contravene their concerns - "disclosing information and confidential advice regarding pricing structures and formulas used by the Master Builders Fidelity Fund". MBFF Purpose. The MBFF's sole function is to provide fidelity certificates to owners (Canberra Public) and payouts against a certificate to owners in accordance with the Act. Public Interest & Government Accountability. A 2009 Determination in effect allows surplus funding not required for the MBFF's solvency or to cover the Certificates, to be syphoned into the MBA Skills Centre Building Fund. This is likely to have been occurring since 2009, rather than considering an increase to the MBFF so-called cap at the detriment of Canberra families. The Government and ACT public have no visibility on how these funds are being spent, with no KPIs attached to the funding transfer from MBFF to MBA Skills Centre Building Fund for "training related activities". This contrasts with the ACT Building and Construction Industry Training Fund Authority which is all publicly available and holds the Government and Authority to Account through yearly published plans, KPIs, and Annual Reporting. Government Accountability. It appears that the Government and the relevant Directorate are not tracking the transfer amounts from the MBFF to MBA Skills Centre Building Fund over time, noting the inability to track down up to four out of 10 of the reports requested (see FOI 22/00134 response Annex A). Proportionality – Public Interest. The fund's proportion of payouts to owners (the sole purpose of the MBFF) is likely to be less than the amount paid in administrative fees and payments to the MBA Skills Centre Building Fund. The initial figures identifying this bombshell were based on information available in the public domain. In our meetings with the Minister and Bethel Sendaba of EPSDD, we openly questioned the proportionality of the Fidelity Fund. We are looking to confirm our calculations through the information contained in the MBFF Annual Financial Reports prior to forwarding a complaint to ASIC for further investigations on the MBFF's proportionality and the MBFF's Deed being in breach of the Approval Criteria.

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

We have been pursuing multiple avenues to confirm our calculations however, have been roadblocked at every turn, including through the previous FOI request (22/00134) to the ACT Government, which has now

been queried for decision on redacted versions of the reports and also forwarded to the ombudsman for review. Noting the points raised above, the information in the MBFF Annual Financial Reports, specifically in relation to the transfer of funds from MBFF to the MBA Skills Centre Building Fund, is in the direct interest of the public, enabling open public discussion, and holding the Government and its Directorates to account. Request that this FOI is assessed on the reports currently available and released accordingly. I am happy for follow on information to be provided from the other reports as they come to hand. The following documents have already been found under FOI 22/00134 response Annex A -

- Ref 1: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2012
- Ref 3: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2013
- Ref 4: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2014 - (including Attachment A)
- Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2015 - question on whether EPSDD have found this report
- Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2016 - question on whether EPSDD have found this report
- Ref 6: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2017
- Ref 8: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2018
- Ref 10: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2019
- Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2020 - question on whether EPSDD have found this report
- Ref 14: Master Builders Fidelity Fund Financial Report for the Year Ended 30 June 2019 - assuming this is for 2021 (noting date), otherwise question on whether EPSDD have found this report.

Thank you for your time and look forward to your timely response, noting: - the information is at hand (under FOI 22/00134) to conduct an assessment on the release of the specific information requested - the information requested is a subset of the information requested under FOI 22/00134 and therefore the 3rd party response to that FOI should still stand

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

The Master Builders Fidelity Fund Annual Actuary reports and Actuarial Contribution Certificates

Freedom of Information Coordinator