



ACT

Government

City and Environment

Our ref: CED FOI 25-030

Dear [REDACTED],

FREEDOM OF INFORMATION APPLICATION – NOTICE OF DECISION

I refer to your four applications under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the City and Environment Directorate (CED) on 4 August 2025.

Under section 43(2) of the FOI Act, two or more related applications from the same applicant can be considered as one.

Specifically, you have sought access to the following information:

Application 1:

“Request the Claim Statistics (ie. sub section/clauses a through e in the table below) for:

- *The Insurer (QBE) for FY23-24 & FY=24-25*
- *Approved Fidelity Fund Scheme (MBFF) for FY23-24 (may be 4 separate quarterly reports) and first 3 quarters of FY24-25.”*

Application 2:

“Request the following Administrative Documents be released:

- *Master Builders Fidelity Fund (MBFF) Trust Deed (latest version)*
- *Any updated versions of the MBFF Compliance and Contingency Plans from those released under FOI 23/030654.”*

Application 3:

“Request responses to the following:

- *In the 11.5 months since the Appointment of the Consumer Representative by the Minister for Sustainable Building and Construction under Notifiable Instrument NI2024-469 and Terms of Reference under NI2024-470:*
 - *How many meetings of the Trustees of the Master Builders Fidelity Fund has the Representative attended?*
 - *How has the Representative consulted with homeowners about the operation of the approved scheme (Master Builders Fidelity Fund)?*
 - *What reports, advice or information has the Representative provided the Minister? and*
 - *What interaction has the Minister had with the Representative?”*

Application 4:

“...the following Master Builder’s Fidelity Fund (MBFF) Annual Report:

- *Master Builder’s Fidelity Fund Financial Report for the Year Ended 30 Jun 2020”*

Authority

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

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 days. As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the FOI Act. An extension of 3 working days was requested to finalise your application.

Therefore, a decision is due on or by **10 October 2025**.

Decision on access

Searches of records have identified four documents within the scope of your application. I have decided to grant partial access to these documents.

In relation to application 1, CED did not identify any information being held within scope of this application. Application 1 was partially transferred to Chief Minister, Treasury and Economic Development Directorate (CMTEDD). CMTEDD will respond to you directly regarding any information held.

In relation to application 3, as the *Consumer Representative* is independent of CED no information was identified within scope of this application. Additional information searches were conducted by the office of the Minister for Planning and Sustainable Development, no information within scope of application 3 was identified.

In accordance with section 38 of the FOI Act, as information that would be expected to be of concern to a third party was identified, consultation was undertaken. No comments or objections to disclosure of the information were received during the consultation period.

Statement of Reasons

In accordance with section 54(2) of the FOI Act, a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the FOI Act
- the information that falls within the scope of your request
- the *Human Rights Act 2004*
- the *Freedom of Information (Volume 4 - Considering the Public Interest) Guidelines 2023*

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 in accordance with **Schedule 1** of the FOI Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the FOI Act.

Schedule 1: Information taken to be contrary to the public interest

The documents do not contain information which would be taken to be contrary to the public interest under Schedule 1 of the FOI Act.

Schedule 2: Factors to be considered when deciding the public interest

The FOI 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 nondisclosure.

Taking into consideration the information within scope of your application, 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 (Section 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*

The disclosure of government information aids in the promotion of open discussion and the enhancement of the government's accountability. I am satisfied that this factor favouring disclosure carries some weight. However, this factor is to be balanced against the factor favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(iii) - prejudice security, law enforcement or public safety.*

Personal Information

The documents in scope contain the names, addresses and signatures of members of the public. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the disclosure of this information could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*.

Security

Document 3 contains information relating to a third party's internal procedures for data security. I have given significant weight to this factor favouring nondisclosure due to the detriment that could be caused by the disclosure of this information and the potential risks to the third party's data security.

Balancing relevant factors

Having applied the test outlined in section 17 of the Act and deciding that the release of some information contained within the documents is not in the public interest to disclosure, I have chosen to redact this specific information in accordance with section 50(2) of the Act. Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to disclose will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CED within scope of your application.

Charges

No charges are applicable to this application.

Online publishing – Disclosure Log

Under section 28 of the Act, CED maintains an online record of access applications called a [disclosure log](#). Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

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 provided to you, 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: 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
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 the Information Access Team by telephone on 6207 2987 or email CEDFOI@act.gov.au.

Yours sincerely



Ben Green
Information Officer
City and Environment Directorate
9 October 2025