

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the [Freedom of Information Act 2016](#) (the FOI Act), received by the City and Environment Directorate (CED) on 3 December 2025, via full transfer from the Chief Minister, Treasury and Economic Development Directorate. It is my understanding you are seeking access to the following information:

I thank you for engaging with our office to clarify the scope of your application, in which you confirmed the specific area and amended the scope of your application as follows:

- 1) *Case Outcomes - Number of RRRT cases closed (1 Jan 2023 – present) where:*
 - *CoU “substantially in accordance” was cited as the primary basis for declining enforcement.*
 - *DA-exempt clauses (1.20–1.23) were cited to decline action without a BA amendment or Reg 7E documentation.*
- 2) *Internal Process Documents - Copies of any:*
 - *Internal guidelines/procedures for using CoU as justification to decline building compliance investigations.*
 - *Internal guidelines/procedures for interpreting DA-exempt versus BA-exempt status during active BA construction.*
- 3) *Historical Case Review Policy - Any documents or emails discussing:*
 - *Whether RRRT intends to review past determinations made using the same rationale.*

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. Therefore, a decision is due on or by **27 January 2026**.

Authority

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

Decision on access

A search of CED records has been completed and no information relevant to your application was identified. However, the following context has been provided by the Response, Compliance and Investigation, Construction and Planning Regulation Branch and the Strategic Business Coordination, Construction and Planning Regulation Branch of Access Canberra in relation to the three points covered by your application:

- 1. Access Canberra does not collect, store or process this type of information as part of our operations. It would be an unreasonable diversion of resources to locate the information sought, as each case would need to be read to determine the reasons for the outcome.*
- 2. No specific documentation exists. Access Canberra's regulatory activity is guided by its policies, accountabilities and reporting, located here - <https://www.accesscanberra.act.gov.au/about-us/access-canberra-policies-accountabilities-and-reporting>*
- 3. We have interpreted this to refer to Access Canberra or the Construction Occupations Registrar's "historic case review policy". There is no policy that addresses broad reviews of previous cases. Where required, past determinations are reviewed on a case-by-case basis, and there are no documents or emails discussing whether RRRT intends to review past determinations made using the same rationale.*

In accordance with section 34 of the FOI Act, reasonable steps have been taken to locate the government information requested. Following searches conducted by relevant business units, it has been determined under section 35(1)(b) that the information is not held by CED. As such, access to the requested information is refused on the basis that it does not exist.

Charges

Processing charges are not applicable for this application as no records are being released to you.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Jodie Vaile
Information Officer
City and Environment Directorate
27 January 2026