



Schedule 2.2(a)(ii)

[REDACTED]

Dear Schedule 2.2(a)(ii)

AMENDMENT TO FREEDOM OF INFORMATION REQUEST

I refer to your information access request for additional information in which you outlined the following points:

In reference to release pack iCBRFOI2025/04:

- *Why was the payment not withheld or reviewed by legal counsel or senior oversight, given you were aware of the administration status on the date of submission?*
- *Was advice sought from ACT Government legal or financial risk teams regarding whether payment could or should be diverted or delayed?*
- *Why was no alternative payment approach considered to protect those who performed the work under public funding?*
- *Will Infrastructure Canberra now review its reliance on reimbursable certificates in lieu of statutory declarations for future PMA contracts?*

Infrastructure Canberra (iCBR) is committed to upholding the highest standards of safety, integrity and accountability in everything that we do.

As an iCBR Information Officer appointed by the Director General under section 18 of the Act to deal with access applications made under Part 5 of the Act I have actioned the following:

- **Appendix B:** Table 1: Amendment to your Release Pack initially issued to you on 25 March 2025.

This amendment decision is pursuant under section 36(3)(b) of the *Freedom of Information Act*.

Charges

I have decided to waive any charges in relation to this Freedom of Information application.

Online Publishing – Disclosure Log

Under section 28 of the Act, iCBR maintains an official online record of access applications called a Disclosure Log. Your original access application, my decision and documents released to you in response to your access application will be published on the iCBR Disclosure Log within three to ten working days after the date of the decision. Your personal details will not be published.

You may view the iCBR Disclosure Log at: [Disclosure log - Infrastructure Canberra \(act.gov.au\)](https://www.act.gov.au/disclosure-log).



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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 on the iCBR Disclosure Log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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(2) on an Ombudsman review, you may apply to 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 Street

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 me via email iCBR.FOI@act.gov.au.

Please ensure you quote your reference number: **iCBRFOI2025/04-S36**

Yours sincerely,

Schedule 2.2(a)(ii)

HAYLEY BELL

Information Officer

Infrastructure Canberra

10/06/2025



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Appendix B: Table 1 Amendment to your Release Pack initially issued to you on 25 March 2025

Query	Response
Why was the payment not withheld or reviewed by legal counsel or senior oversight, given you were aware of the administration status on the date of submission?	Infrastructure Canberra (iCBR) delayed payment while seeking further advice (see point 2). The progress claim was determined valid, and the distribution of funds ultimately falls under the duties of the Administrator and directions from Australian Securities and Investments Commission (ASIC) Further context publicly available via Sections 437A, 437B & 443C of the Corporations Act 2001
Was advice sought from ACT Government legal or financial risk teams regarding whether payment could or should be diverted or delayed?	The appropriate processes were followed with guidance sought from the Government Solicitors' Office to ensure legislative responsibilities were met.
Why was no alternative payment approach considered to protect those who performed the work under public funding?	ASIC is the regulatory body which outlines payment requirements per the Corporations Act 2001 during the appointment of an Administrator (point 1). iCBR is unable to influence the distribution of the funds process once the Administrators take control.
Will Infrastructure Canberra now review its reliance on reimbursable certificates in lieu of statutory declarations for future PMA contracts?	Resolved informally, suggestion passed to relevant business area. Applicant informed on 29 May 2025. Does not meet the requirements under section 30(2)(a) of the Freedom of Information Act 2016 .