



Our Reference: OLA26-0108



Decision on your access application

I refer to your access application made under the *Freedom of Information Act 2016* (the Act), received by the Office of the Legislative Assembly (the Office) dated 5 June 2026.

This application stated:

I seek information held by the offices of the Clerk, the Speaker and the Commissioner for Standards in relation to complaints made about MLAs and potential breaches of the Code of Conduct for all members.

From 01/03/2026 to 05/06/2026

- 1. Any correspondence – including attached documents - from or to the offices of the Clerk, the Speaker or the Commissioner for Standards regarding complaints about any MLA by a current or former staffer, or another MLA; their referral; any decisions to investigate; and any outcomes from an investigation.*

Authority

I am an information officer appointed by the Clerk of the Office of the Legislative Assembly of the Australian Capital Territory under section 18 of the Act to deal with access applications under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, we are required to provide a decision on your access application within 30 working days after receipt of your application.

Therefore, a decision is due by 20 July 2026.

Decision on access

Searches of OLA records have identified information held within the scope of your access application.

Upon reviewing the information identified in the records, I have decided to refuse access to these documents under section 35(1)(c) of the Act. This is because this information is contrary to the public interest to disclose.

It should be noted that neither the Speaker nor the Legislative Assembly Commissioner for Standards are considered employed by the Territory, so they are not subject to the Act.

Statement of Reasons

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

- the Act
- the information that falls within the scope of your request
- *Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory* as at 2 September 2025
- ACT Ombudsman Freedom of Information Guidelines

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 as per **Schedule 1** of the 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 Act.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, the public interests lie. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Section 17(1) of the Act sets for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the Act. If no factor in schedule 1 is found relevant, if none are found, I must then consider the factors listed in schedule 2 of the Act and determine, on balance, where the public interest lies.

Exemptions claimed

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

My reasons for deciding not to grant access to the information found are as follows:

- *1.1 - Information disclosure of which would be in contempt of court or Legislative Assembly etc:*
Information the disclosure of which would, apart from this Act and any immunity of the Crown:
1.1(c) infringe the privileges of:
(i) the Legislative Assembly

Infringe the privilege of the Legislative Assembly: is applied to documents received or produced by the Legislative Assembly which inherits the protection of parliamentary privilege as: "matters that fall within the definition of a 'proceeding in Parliament' that are the subject of a freedom of information (FOI) request are not disclosed" (*Companion to the Standing Orders, Second Edition, 2022*).

The Legislative Assembly is governed by its Standing orders. These are the formal rules of a parliament and govern the way the Office and the Assembly conduct business. The information within scope has been found to be workings of an Assembly process, specifically the creation of a report for an Assembly committee. This would include disclosure of information protected by parliamentary privilege, which attaches to words spoken and acts done in the course of, or for the purpose of or incidental to, the transacting of business of parliament.

As the documents in scope of your access application are considered proceedings of a Parliament, the non-disclosure of this information must prevail so their release does not pass the public interest test.

Schedule 2: 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)(xv) - prejudice the management function of an agency or the conduct of industrial relations by an agency.*
- *Section 2.2(b)(v) - is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct and disclosure of the information could prejudice the fair treatment of an individual.*

Having reviewed the information found, I consider that the protection of an individual's right to privacy, Schedule 2.2(a)(ii) is a significant concern. In my consideration of factors favouring non-disclosure of information within the records, I have identified the personal information and opinions of parties who are not employees of the Territory. I have considered that the information has been provided to OLA with the expectation that it is handled in accordance with our published privacy policy. I consider that this information is not readily available to the public and has not otherwise been disclosed by OLA.

I have placed significant weight on Schedule 2.2(a)(xv) noting that processes such as this heavily rely on participants being able to trust that their information is managed appropriately and discreetly. I believe providing these documents or information contained within them could diminish the expectation of confidentiality around investigation of these processes.

I have placed equal weight on Schedule 2, 2.2(b)(v) of the Act which supports nondisclosure if the information is about unsubstantiated allegations of improper conduct and disclosure could prejudice the fair treatment of an individual. I note that while some MLAs have approached the media, it is not up to the Office to deny or acknowledge what, if anything has been received without breaching confidentiality and personal privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, nor any information that may contain unsubstantiated allegations, I have chosen to refuse access to this information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that exempting information that I believe is not in the public interest to release will ensure that the intent of the Act is met.

Disclosure log

Please note that section 28 of the Act requires publication of access applications and any information subsequently released on our disclosure log: [Freedom of information - ACT Legislative Assembly](#).

This means that if access to the information is granted, it will also be made publicly available on our website, unless the access application is an application for your or another's personal, business or professional information.

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the Act.

An application for review must be made in writing within 20 working days of receipt of this decision notice.

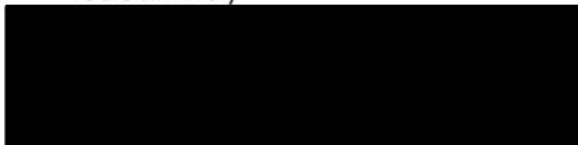
You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website: [FOI Complaints and Reviews | ACT Ombudsman](#)

Yours sincerely



David Monk
Acting Deputy Clerk and Serjeant-at-Arms
Office of the Legislative Assembly

14 July 2026