

13/09/2022

Our reference: OLA22-0145

Lucy Bladen
Australian Community Media

Via email only: l.bladen@canberratimes.com.au

Dear Ms Bladen

DECISION ON YOUR ACCESS APPLICATION

I refer to your access application made under the *Freedom of Information Act 2016 (FOI Act)*, dated 18 August 2022, and received by the Office of the Legislative Assembly on 18 August 2022.

This application requested access to:

- Any information held by WorkSafe ACT relating to a complaint about committee hearings at the ACT Legislative Assembly.
- Any information held by WorkSafe ACT around the issuing of a prohibition notice on committee hearings at the ACT Legislative Assembly on August 12, 2022.
- Correspondence from the Work Health Safety Commissioner to the Speaker or Clerk of the ACT Legislative Assembly regarding the prohibition notice.
- Any correspondence between WorkSafe ACT and the office of the Minister of Workplace Safety / Manager of Government Business regarding committee hearings at the Legislative Assembly.

The third bullet point – ‘Correspondence from the Work Health Safety Commissioner to the Speaker or Clerk of the ACT Legislative Assembly regarding the prohibition notice’ was transferred from CMTEDD to the Office of the Legislative Assembly.

On review it was determined that the request relating to correspondence from the Work Health Safety Commissioner to the Speaker needed to be transferred to the Office of the Speaker. Hence the only component that the Office of the Legislative Assembly could respond to was relating to correspondence from the Work Health Safety Commissioner to the Clerk of the ACT Legislative Assembly.

Authority

I am an information officer appointed by the Clerk of the Office of the Legislative Assembly to make decisions about access to government information, in accordance with section 18 of the FOI Act.

Decision

I have decided to refuse your access application under section 35(1)(b) of the FOI Act on the basis that the information sought is not held by our agency.

Disclosure log

Please note that section 28 of the FOI Act requires publication of access applications and any information subsequently released on our disclosure log

<https://www.parliament.act.gov.au/function/tru/resource-center/freedom-of-information>.

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 personal, business, commercial, financial or professional information.

Review rights

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

An application for review must be made within 20 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 at: <http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

Yours sincerely

Stuart Row
Director, Information and Digital Services
Office of the Legislative Assembly
Telephone: (02) 6207 5919
Mobile: 0409 158 579
Email: stuart.row@parliament.act.gov.au

Reasons for decision

What you requested

‘Correspondence from the Work Health Safety Commissioner to the Clerk of the ACT Legislative Assembly regarding the prohibition notice.’

In reaching my decision, I took into account:

- your original access application dated 18 August 2022
- the FOI Act
- the ACT Ombudsman FOI Guidelines

Reasons for my decision

I am authorised to make decisions under section 18 of the FOI Act.

I have decided that there are no documents that contain the information you requested. My findings of fact and reasons are discussed below.

I liaised with the Clerk of the Legislative Assembly and have been advised that he did not receive any correspondence from the Work Health Safety Commissioner relating to the prohibition notice.

I have decided to refuse the access application under Section 35(1)(b) of the FOI Act as the information is not held by the respondent.

Summary of my decision

In conclusion, I have decided to refuse access as no such documents exist.