



Our reference: OLA26-0057



Dear 

### Decision on your access application

I refer to your access application made under the *Freedom of Information Act 2026* (the Act), received by the Office of the Legislative Assembly (the Office) dated 10 March 2026.

This application stated:

*Under the Freedom of Information Act 2026 I would like to request the following:*

- *The full transcript and full recorded video of the evidence provided by Property developer – Geocon at the Committee Inquiry ‘**Inquiry into the Role and Future of the Woden Town Centre in the context of a compact city**’, which was held in a private hearing either in December 2025 or January 2026. The exact date is unknown.*
- *The number of private hearings granted to property developers or persons representing property developers (ie. private planning consultants) in the history of the ACT legislative Assembly. Expressed by the number of private hearings in each Parliamentary Term.*

### **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 as required 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, considering public holidays, a decision is due by 23 April 2026.

### **Decision on access**

A search of the Office’s records has identified some information held within the scope of your access application.

Upon reviewing the information identified in the records, I have decided to refuse access to all material under section 35(1)(c) of the Act. This is because this information is contrary to the public interest to disclose or we do not hold it.

### ***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 application
- *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; and
- 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 lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Section 17(1) of the Act sets out the steps 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, I must then consider the factors listed in Schedule 2 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 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 or evidence received by a committee of 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*), especially if they have not been authorised for tabling or publication by the committee.

The Legislative Assembly is governed by its Standing orders. These are the formal rules of a parliament and govern the way the chamber and committees conduct business. Standing orders 241 and 243 deal with disclosure of information received by committees.

Standing order 241(b) states: *a committee’s evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a Member of the committee or Assembly employee if necessary in the course of their duties) unless they have been:*

- (i) *reported to the Assembly; or*
- (ii) *authorised for publication by the Assembly or the committee*

Standing order 243 states that committee documents in the custody of the Assembly which have not already been published can be authorised for release by the Speaker, but only if they have been in the custody of the Assembly for at least 10 years and meet certain qualifiers.

As the documents in scope of your access application are considered proceedings of Parliament, have not been approved for publication and are less than 10 years old, the non-disclosure of this information must prevail, and their release does not pass the public interest test.

Your request of the videorecording of the in-camera hearing is refused not only as it falls under the same provisions as stated above, but also on the grounds that we do not take video recordings of in-camera hearings therefore that material does not exist.

Regarding the second part of your access application, I am also refusing access to the numbers of property developers or persons representing property developers (i.e. private planning consultants) as to isolate the profession or any other identifying information on those who appear in a private in-camera hearing will also be in breach of Schedule 1.1(c)(i).

Standing Order 243(a) states the Speaker can approve the release of documentation over 15 years old, however this order is intended for the release of the evidence, not as an assessment of the nature of the witnesses protected so the Speaker may not be inclined to grant such a request.

If you decide to proceed with a request of the Speaker for the figures as stated in the second part of your access application, please send your request via [ola@parliament.act.gov.au](mailto:ola@parliament.act.gov.au).

Please note that this refusal relates to your request under the Act. The Committee’s inquiry is ongoing and it may, as part of its own deliberations, authorise for publication material that is of interest to you. Any material that the Committee authorises for publication will be made available on the Assembly’s website.

***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 in relation to 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.

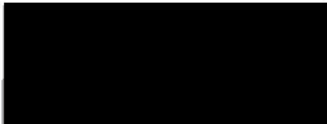
You may submit a request for review to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): [actfoi@ombudsman.gov.au](mailto: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



**Hamish Finlay**  
Acting Clerk  
Office of the Legislative Assembly

20 April 2026