

From: [Turner, Rachel](#)
To: [REDACTED]
Subject: DECISION ON YOUR ACCESS APPLICATION
Date: Thursday, 2 October 2025 9:51:02 AM

OFFICIAL: Sensitive - Personal Privacy

2 October 2025
Our reference: OLA-0184



Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your access application made under the *Freedom of Information Act 2016 (FOI Act)*, received by the Office of the Legislative Assembly dated Sunday 24 August 2025 but not seen by us until Monday 25 August 2025.
This application requested:

I am seeking information pertaining to the Submission and responses on notice made by **Master Builders Fidelity Fund (MBFF)** to the Standing Committee on Economic Development and Tourism for the **Building Quality Inquiry** that commenced on 28 Mar 18 and was completed on 23 Jul 20.

This includes all submissions and any attachments, responses on notice and any attachments, documents, emails and records.

I have searched the Building Quality Inquiry and Open Access Information without finding any information on the Master Builders Fidelity Fund, beyond the Transcript of Evidence for 24 Jul 19 (Public Hearing) whereby the Inquiry hearing heard from MBFF's Trustee Mr John Harris.

- Should there be further information that is publicly available, it is requested that I be pointed in the right direction.
- Should the information requested **not be** publicly available, **I request that this email be treated as my FOI request** for this information be released and be made publicly available to me.

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 7 October 2025.

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 all documents under section 35(1)(c) of the Act. This is because this information is contrary to the public interest to disclose.

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 FOI Act
- perform the public interest test as set out in section 17 of the FOI Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the FOI 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 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 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 a 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.

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

Rachel

Rachel Turner

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