



Mr Bob Buckley
27 Fairbridge Crescent
Ainslie ACT 2602

Dear Mr Buckley

I refer to your email request under the *Freedom of Information Act 1989* (the Act) dated 14 September 2012 for all information, documents and records of communications relating to changes to, or differences between, submissions received and published by the Standing Committee on Health, Community and Social Services during its inquiry into respite care services in the ACT.

The Act provides for public access to information about the operation of agencies. For the purposes of the Act, the Office of the Legislative Assembly (OLA) is an agency to which the Act applies. I am authorised under section 22 of the Act to make decisions on access to documents held by OLA.

I note that you have requested submissions published electronically on the Inquiry's list of submissions. As these submissions are publicly available on the website, section 8 of the Act provides that I am not required to provide them to you.

Section 46 of the Act provides that a document is exempt if its public disclosure would infringe the privileges of the Legislative Assembly. As the Standing Committee on Health, Community and Social Services is a committee established by the Legislative Assembly, and your request seeks access to documents relating to submissions received by the committee or its members in the course of an inquiry, the documents attract parliamentary privilege and will retain that privilege until the committee or the Assembly orders otherwise. The Standing Orders of the Assembly provide that disclosure of such documents constitutes a breach of that privilege in the absence of such an order.

Accordingly, I have decided to refuse to provide you with access to these documents on the basis that they are exempt under section 46 of the Act. In making this decision, I am satisfied that it is not possible to delete certain aspects of the documents to remove the exempt matter and enable redacted copies to be given to you.

Your right of review

Internal review

You are entitled under section 59(1) of the Act to request a review of my decision. This right of review extends to a review of the adequacy of the search for documents undertaken by the Secretariat. You have 28 days after receiving notice of my decision to ask for a review, or a further period, as allowed by the Clerk of the Legislative Assembly. Your request should be addressed to:

Legislative Assembly for the Australian Capital Territory

Civic Square, London Circuit (GPO Box 1020) Canberra ACT 2601

T (02) 6205 0439 F (02) 6205 3109 E secretariat@parliament.act.gov.au W www.parliament.act.gov.au

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Clerk of the Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Complaints to the Ombudsman

Under section 54 of the Act you may complain to the Ombudsman about administrative matters relating to the processing of your FOI request. There is no fee for making a complaint. The Ombudsman may conduct an independent investigation into your complaint. You can contact the Ombudsman either by phone on 1300 362 072 or by writing to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Kiermaier', with a stylized flourish at the end.

Max Kiermaier
Deputy Clerk and Serjeant-at-Arms

4 October 2012