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ACT
Government
Economic Development

Dear

I refer to your application under section 14 of the *Freedom of Information Act 1989* (FOI Act), received by the Economic Development Directorate (EDD) by partial transfer from the Chief Ministers and Cabinet Directorate on 13 March 2012.

You seek access under the Act to all documents in relation to the pre-commitment gambling reform in particular:

"I seek access to all documents received by the ACT government from the federal government relating to the pre-commitment gambling reform, in particular any changes in ACT legislation as a result of the federal gambling reform."

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the FOI Act.

Decision

The Directorate has identified a number of documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter. I am releasing all of the relevant documents held by the department to you, although I have decided to exempt some material from release.

42 Documents subject to legal Professional Privilege.

(1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of level professional privilege.

(2) A document of the kind referred to in section 8 (1) is not an exempt document under subsection (1) of this section only because of the inclusion in the document of matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).

The exempt material relates to legal advice provided to the Commonwealth.

34 Documents affecting relations with Commonwealth and States

(1) Subject to subsection (2) a document is an exempt document if disclosure of the document under this Act –

- (a) Would, or could reasonably be expected to, cause damage to relation between the Territory and the Commonwealth or the Territory and State; or
- (b) Would divulge information or matter communicated in confidence by or on behalf of the Commonwealth, a State or an authority or to a person receiving the communication on behalf of the Territory or of a Territory authority.

A number of the documents were provided in confidence to Councils and Working Groups comprising members from different states and territories, as well as the Commonwealth.

The release of those documents could reasonably be expected to adversely affect the administration of a continuing forum for discussion between COAG Ministers and senior officials, thereby causing "damage to relations between the Territory and the Commonwealth or the Territory and a State"

Please note that some information has been excluded because it was out of the scope of the request (OOS.)

Review rights

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate. If you wish to seek a review you should write to:

The Director-General
Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Online FOI Policy

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform Tracey Henry on 6207 3764 immediately.

A copy of the policy, with details about what information may be published on the internet, is available online at:

http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf

If you have any queries in relation to this matter, please contact Tracey Henry on 6207 3764 or at tracey.henry@act.gov.au

Yours sincerely

Christine Murray
Director
Workforce and Governance
16 May 2012