



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 66/14-15

Dear

### **Request for documents**

I refer to your letters of 19 March and 20 March 2015 addressed to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) in which you seek access to documents under the *Freedom of Information Act 1989* (the Act). In your requests you are seeking the following:

*A brief that the directorate provide to the Gaming Minister Joy Burch, The document's TRIM number is BM14/2750 and the advice provided by the ACT Gambling and Racing Commission on the decision to amend the Gaming Machine Regulation 2004 so as to remove the offence in relation to gaming machines that accept \$50 notes.*

### **Decision Maker**

I am authorised under section 22 of the Act to make decisions on access to documents, and liability for charges, for the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

### **Charges**

I have decided, under section 29, of the Act not to impose processing charges for this request.

### **Identification of Documents**

Officers from CMTEDDD have conducted searches of paper and electronic files for documents that may relate to your request and a copy of the annotated brief with attachments, which incorporates a copy of the advice provided by the ACT Gambling and Racing Commission, has been located.

### **Decision on Access**

In accordance with section 21 of the Act, where it has been possible to delete exempt material from the documents in order to provide access to the remaining information I have done so. I have enclosed with this letter a copy of the documents I have released to you in full along with the schedule.

## Exemptions claimed

### Documents Submitted to the Executive

Under section 35 of the Act, the release of 'Attachment A – Brief from the Gambling and Racing Commission' would disclose unpublished deliberations and decisions of Cabinet.

Section 35 of the Act provides:

- (1) *A document is an exempt document if it is—*
- (a) *a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
  - (b) *an official record of the Executive; or*
  - (c) *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
  - (d) *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published.*

*Note* Access to the Cabinet notebook is excluded under s 11 (2).

- (2) *This section does not apply to a document (a **relevant document**)—*
- (a) *that is referred to in subsection (1) (a); or*
  - (b) *that is referred to in subsection (1) (b) or (c) and is a copy of, or of part of, or contains an extract from, a document that is referred to in subsection (1) (a);*  
*to the extent that the relevant document contains purely factual material unless—*
  - (c) *the disclosure under this Act of that document would involve the disclosure of any deliberation or decision of the Executive; and*
  - (d) *the fact of that deliberation or decision has not been officially published.*
- (3) *A reference in this section to the Executive includes a reference to a committee of the Executive.*

## Your Right of Review

### Internal Review

Under section 59 (1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Director-General  
Chief Minister, Treasury, and Economic Development Directorate  
GPO Box 158  
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 Freedom of Information request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

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 in response to your Freedom of Information request may be released on the Internet.

Personal Information or business information will not be made available under this policy. If you think the content of your request would contain such information, please inform the Freedom of Information Coordinator immediately on (02) 620 53955.

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

Should you have any queries regarding this matter, please contact me on (02) 6207 3998.

Yours sincerely

Mr Geoffrey Rutledge  
Executive Director  
Strategic Policy and Cabinet  
Chief Minister, Treasury and Economic Development Directorate

31 March 2015