



**ACT**  
Government

Justice and Community Safety

Our Reference: FOI: [REDACTED]

[REDACTED]

Email: [REDACTED]

Dear [REDACTED]

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application dated 1 December 2016, in which you sought access, under the *Freedom of Information Act 1989* (the FOI Act), to information relating to:

- *All documents since 1 January 2016 associated with Greyhound Racing and the Canberra Greyhound Racing Club;*
- *The Racing Industry and the Government Memorandum of Understanding with the Racing Industry;*
- *All supporting documents therewith.*

I am the officer authorised under section 22 of the Act to make a decision in relation to your request.

Although the Act facilitates the objective of public access to documentation, the release of information is subject to a number of exceptions. In this instance, I am claiming partial exemption for the information you have requested, in accordance with the following sections of the FOI Act.

#### ***Section 6 of the Act - certain agencies are exempt from the operation of the Act***

Section 6 of the Act details that certain agencies are exempt from the operation of the Act, including agencies that are specified in regulations. Schedule 2 of the *Freedom of Information Regulations 1991* (the FOI Regulations) includes the ACT Government Solicitor and the Justice and Community Safety Directorate as agencies that are exempt from the operation of the Act in relation to documents that relate to the ACT Government Solicitor (or Chief Solicitor's functions) acting as a legal practitioner for the Territory.

#### **Section 35 Executive Documents**

Section 35 is to the effect that exempt documents include a document:

- (a) submitted to the Executive or proposed by a Minister to be submitted to the Executive;
- (b) that is an official record of the Executive; or
- (c) the disclosure of which would involve disclosure of any deliberation or decision of the Executive, other than a decision which has been officially published.

### **Section 36 Internal Working Documents**

Section 36 is to the effect that exempt internal working documents include a document that:

- (a) would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and
- (b) the disclosure of which would be contrary to the public interest.

### **Section 41 Documents affecting personal privacy**

Section 41 is to the effect that a document is an exempt document if its disclosure under the Act would involve the unreasonable disclosure of personal information about any person.

### **Section 43 Documents relating to business affairs**

Section 43 is to the effect that exempt documents include a document which would disclose information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.

A number of documents which include information within the scope of your request also include information that is out of the scope of your request.

Redactions have been made to documents being released to you to give effect to the applicable exemptions and avoid the provision of information which is out of scope. Please see the attached four schedules detailing the documents released to you, including where information has been exempted from disclosure ([Attachment A](#)).

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that some of the documents relevant to your request, not including your original application, will be published online. For more information about the ACT Government's Online Freedom of Information Publication Policy, visit [http://www.cmd.act.gov.au/open\\_government/report/freedom\\_of\\_information\\_online](http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online)

You have a right to seek a review of this decision under section 59 of the Act. You have 28 days from the date of this letter, or such other period as the Director-General permits, to seek a review. 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  
ACT Justice and Community Safety Directorate  
C/- Freedom of Information Officer  
GPO Box 158  
CANBERRA ACT 2601

You also have the right to contact the Ombudsman regarding the processing of your request. If you wish to discuss this matter with the Ombudsman you should write to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Should you have any queries in relation to your request please feel free to contact the Freedom of Information Coordinator, Ms Emma Hotham on (02) 6207 2167.

Yours sincerely



Ms Karen Greenland  
Deputy Executive Director  
Legislation, Policy and Programs

*16* March 2017