



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD 6/16-17



Freedom of Information Request – Brumbies, AQUIS, Casino Canberra

I refer to your request for access to documents relating to the above topic, made under the ACT *Freedom of Information Act 1989* (the Act) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 28 July 2016.

I wish to apologise for the delay in responding to your request.

In your request, you are specifically seeking:

"...for the previous 24 months [being 12 January 2014 to 12 January 2016]:

- *All documents (written or email) held by the ACT Government relating to the sponsorship of the Brumbies by AQUIS or Casino Canberra.*
- *All documents (written or email) held by the ACT Government relating to commercial arrangements between the Brumbies and AQUIS or Casino Canberra.*
- *All documents (written or email) held by the ACT Government relating to commercial arrangements between the ACT Government and AQUIS or Casino Canberra, including the ability to operate gaming machines in the present or future Casino."*

Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

Charges

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

Chief Minister, Treasury and Economic Development

Decision on Access

- *All documents (written or email) held by the ACT Government relating to the sponsorship of the Brumbies by AQUIS or Casino Canberra.*
- *All documents (written or email) held by the ACT Government relating to commercial arrangements between the Brumbies and AQUIS or Casino Canberra.*

I am advised that in your email of 9 June 2016 to the CMTEDD FOI mailbox seeking an internal review, you referred to a February 2015 statement by Chief Minister Andrew Barr to the Legislative Assembly about CMTEDD's role in facilitating an introduction between Aquis and the Brumbies. Officers of CMTEDD have conducted thorough searches of paper and electronic files and no relevant documents have been identified. From the advice I have received from Directorate staff, I am satisfied that no documents relating to the sponsorship of the Brumbies by AQUIS or Casino Canberra, or to commercial arrangements between the Brumbies and AQUIS or Casino Canberra are held by CMTEDD.

- *All documents (written or email) held by the ACT Government relating to commercial arrangements between the ACT Government and AQUIS or Casino Canberra, including the ability to operate gaming machines in the present or future Casino."*

Officers of CMTEDD have also searched records for documents relating to commercial arrangements between the ACT Government and AQUIS or Casino Canberra, including the ability to operate gaming machines in the present or future Casino.

As I advised in my letter of 29 August 2016, documents identified as relevant to your request were subject to consultation processes being undertaken under section 27 of the Act as part of two separate Freedom of Information requests. Consultation has now been completed and third party submissions have been received.

Components of the document titled *Casino Canberra Transfer of Ownership Suitability Report* were identified as relevant to the scope of this request. The document was subject to a consultation process undertaken by Access Canberra with a third party. I am advised that this document has since been partially released to you by Access Canberra under FOI 16-0053. I have reviewed the relevant components and determined that no additional information should be released. I concur with the decision by Mr Rynehart to exempt information under sections 43 (business affairs) and 45 (documents provided in confidence) of the Act. The information in this document was provided to the Directorate as part of a probity process with a mutual understanding of confidence. I also consider that the information in the document has a commercial value that is likely to be diminished if released.

Third party submissions in relation to additional documents captured by the scope of your request have also been received and considered. I have made a decision to release information that third parties consider should be exempt. I am now obliged under section 27(2)(b) to allow 28 days before releasing any documentation to you containing information relating to third party business affairs, affording them review rights. Should any of the third parties not undertake their review rights I will be in a position to release

documents to you after the 28 day period has expired. Should any third parties submit a review application to the ACT Civil and Administrative Tribunal (ACAT) in terms of article 69 of the Act, I am required under the Act not to release any information to you until the ACAT makes a decision in relation to the application or the ACAT dismisses the application as described in section 27(2)(b) of the Act.

I have now advised third parties of my decision on their submission and have also advised them of their review rights with the ACAT.

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

Should you have any queries regarding this matter, please contact me on (02) 6205 0012.

Yours sincerely



Ian Hill
Executive Director
Visit Canberra

7 October 2016