



ACT
Government

Chief Minister, Treasury and
Economic Development

Reference: FOI-AC:17-0043

s41(1)

Dear s41(1)

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application received by Access Canberra on 5 April 2017 in which you sought access, under the *Freedom of Information Act 1989* (the Act), to documents relating to:

- all complaints to the ACT Gambling and Racing Commission in relation to online gambling, pokie machine gambling and licensed ACT clubs /casinos lodged within the last 12 months; and
- any replies to these complaints.

In your application you clarified that you only wanted documents which related to complaints made to the “ACT Gambling and Racing Commission applicable to any licensed gambling organisation operating in Australia”.

FOI decision maker

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

Third Party Consultation

As part of my consideration for release of documents in scope of this FOI, I have undertaken consultation with relevant third parties and have received their submissions. I have considered the submissions and have decided to not accept the third parties submissions in their entirety. As such I am required, pursuant to section 27(2)(a) of the Act to notify you (as the applicant) and the third .

Given that I am not accepting some of the third parties’ submissions in their entirety, I am obliged under section 27(2)(b) to allow **28 days** from the date of this letter before releasing relevant documentation to you containing information relating to the third parties’, affording them review rights. Should the third parties not seek review of the decision, I will be in a position to release these documents to you after the 28 day

period. Should the third parties submit a review application to ACT Civil and Administrative Tribunal (ACAT) under s69 of the Act, I cannot release any information to you until ACAT makes a decision in relation to the application or ACAT dismisses the application as described in section 27(2)(b) of the Act.

Released Documents

I have decided to release certain documents to you at this time. These documents are not the documents which have been claimed as exempt (above).

Although the Act facilitates the objective of public access to documents, access is subject to a number of exemption provisions. Section 41(1) of the Act provides that information may be exempt from release if disclosure under the Act would unreasonably release personal information.

I have decided that the documents you have requested are to be partially released in accordance with the above mentioned exemption provision. Exemptions include names and personal contact details. Please see the attached schedule detailing what will be released to you.

The database that the Gambling and Racing Commission uses to maintain its correspondence regarding complaints and responses has limited export functionality. Due to these limitations we have extracted the relevant information and compiled it into a new document for ease of reading and reference.

Online Publication

I have also assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that 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 the link below.

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Review Rights

You have the right to seek a review of the outcome under section 59 of the Act within 28 days from the date of this letter, or such other period as the Director-General permits. This right of review extends to a review of the adequacy of the search for documents undertaken by the Directorate.

Requests for review should be submitted via email to AccessCanberraGBC@act.gov.au or in writing to the following address:

The Director-General
Chief Minister, Treasury, and Economic Development 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 and you may contact the Ombudsman's Office at the following address:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

If you have any further queries regarding the processing of your request, or would like further information, please do not hesitate to contact us.

Yours sincerely,

s41(1)

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Craig Simmons
Decision Maker
Director, Community, Business and Transport Regulation
Access Canberra

5 June 2017