

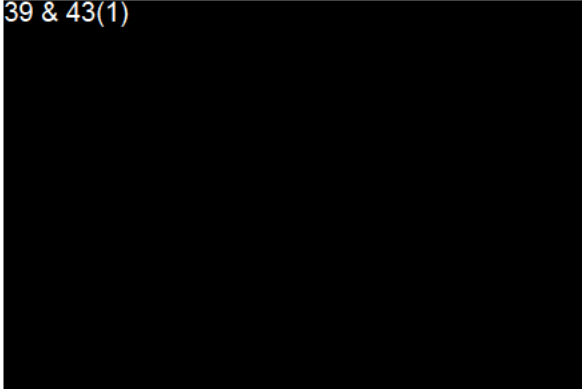


ACT
Government

Chief Minister, Treasury and
Economic Development

Our Reference: 16-0053

39 & 43(1)



FREEDOM OF INFORMATION

I am writing in reference to your request under the ACT *Freedom of Information Act 1989* (the Act), received by the Chief Minister Treasury and Economic Development Directorate (CMTEDD) on 9 June 2016 in which you requested access, in the context of Aquis Entertainment's (Canberra Casino) application for a gaming licence to:

"all documents in relation to advice provided by the former G&RC Chief Executive Greg Jones to either the G&RC Board and/or the Minister for Gaming & Racing; and recommendations made about any such application"

The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

As you are aware, I am the officer authorised under section 22 of the Act to make a decision in relation to your request.

Identified documents

Please see the attached schedule detailing what will be released to you.

I 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

Decision

Although the Act facilitates the objective of public access to documents, access is subject to a number of exemption provisions as set out by the Act. Documents in your request are subject to exemptions as set out by:

1. Section 34 of the Act, which allows for the exemption of information if the disclosure of the information would or could reasonably be expected to cause damage to relations between the Territory and another State. Some of the information was provided in confidence to the ACT Government by the Queensland Government as part of the joint probity investigation. The release of this information may prejudice the future supply of information and could reasonably be expected to cause damage to the working relationship between the ACT Government and the Queensland Government. I have therefore decided that this information is not to be released and is exempt under section 34 of the Act.

2. Section 39 of the Act, which allows for the exemption of documents if their disclosure would have a substantial adverse effect on the financial interests of the Territory. I have decided that the release of specific measures put in place to protect the Territory and to ensure regulatory oversight be exempt under this provision.

3. Section 40(1), which allows for information or documents to be exempt when documents concern the operations of an agency. Information you requested contains documents about the procedures and methods used by the Directorate on behalf of the Gambling and Racing Commission to conduct tests and examinations which resulted in the transfer of licence to Aquis Entertainment. I decided that such information be exempt from release as, if released, it may prejudice the effectiveness of procedures or methods used by the Directorate now and in the future in its regulatory and licensing functions.

4. Section 41(1) of the Act details that information may be exempt from release if disclosure under the Act would unreasonably release personal information. As part of the application process, the Directorate undertook a number of interviews with relevant stakeholders. I have decided that the release of personal information obtained through these interviews, and other personal information about relevant stakeholders is exempt from release. I believe that that the release of this personal information would be unreasonable.

5. Section 43(1) of the Act details that information may be exempt from release if disclosure under the Act would unreasonably release information that may affect business affairs. I have decided to exempt specific information as:

- it is information concerning the business, commercial and financial affairs of Casino Canberra and other related entities of Aquis Entertainment Ltd;
- it is information that has a commercial value for Casino Canberra and other related entities of Aquis Entertainment Ltd and if disclosed, would or could reasonably be expected to be destroyed or diminished;

- it is information that if disclosed would or could reasonably be expected to unreasonably adversely affect Casino Canberra and other related entities of Aquis Entertainment Ltd in respect of their lawful business, commercial and financial interests; and

- the release of specific information could reasonably be expected to prejudice the future supply of information to the Government which information is required for the administration of licensing and regulatory matters.

6. Section 45 of the Act exempts information from disclosure if its disclosure would constitute a breach of confidence. I have decided to exempt specific information under this exemption. Information obtained from a number of sources as part of the probity process undertaken by the Directorate on behalf of the Gambling and Racing Commission was predicated on the confidentiality of such material and information. The detailed nature of any probity process and all other regulatory functions undertaken by the Directorate are based on a mutual understanding of confidentiality and the release of information obtained during any regulatory process would breach this confidence.

Rights of review

You have the right to seek internal 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 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

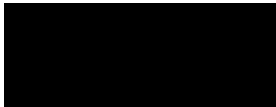
You also have the right to contact the Ombudsman regarding the processing of your request and you may contact the Ombudsman's Office at the following address:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Further advice

Should you have any queries in regards to this matter please contact me directly on (02) 6205 3740.

Yours sincerely



Josh Rynehart
Decision Maker
Access Canberra
6 September 2016