

## Department of Treasury and Finance

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Doc reference 20/171393

Meg Webb MLC  
Independent Member for Nelson  
Legislative Council

By Email: [meg.webb@parliament.tas.gov.au](mailto:meg.webb@parliament.tas.gov.au)

Dear Ms Webb

### **Request for Review of initial decision made in relation to application for assessed disclosure under the *Right to Information Act 2009 (Tas)* (RTI Act)**

I am writing to inform you of the outcome of your request for review of the initial decision made in relation to your application for assessed disclosure under the RTI Act.

Under sections 43(4) and 43(5) of the RTI Act, a decision on an internal review is to be a fresh decision given in the same manner as if it were a decision on the original application.

### **Application and scope of request**

The scope of your original application is as follows:

*In context of Tasmania's coronavirus pandemic response, please provide information relating to the decision to allow the reopening of poker machine gaming rooms on 26 June 2020, including but not limited to:*

- 1. analysis undertaken to assess potential economic and social risks of restarting public access to poker machine gaming rooms;*
- 2. analysis of any potential economic and social risk that resumed poker machine access may have on the intent and effectiveness of both Federal and State government economic stimulus efforts (e.g. JobSeeker and JobKeeper payments, and early-accessed personal superannuation lump sum payments);*
- 3. stakeholder consultation regarding reopening public access to poker machine gaming rooms.*

Your application was deferred under section 17(1)(b) of the RTI Act noting that a 'public authority or a Minister may defer providing information if ... the information was prepared for presentation to Parliament, or has been designated by the responsible Minister as appropriate for presentation to Parliament, but is yet to be presented'.

This decision was made in light of the impending response to Question on Notice LC20/43 which was presented to Parliament on 25 August 2020.

Following receipt of this decision you wrote to Tony Ferrall, Secretary of the Department of Treasury and Finance requesting a review of the initial decision on the grounds that:

*“My RTI application and the questions to Parliament are distinctly different in scope, particularly in relation to the documents that would be covered by the RTI application. It would be out of keeping with the usual format of answers provided in Parliament to Questions on Notice for documents to be included. Consequently, I have made the RTI application.”*

### **Information located relevant to your request**

I have undertaken an extensive search of Treasury’s electronic record management system.

No documents were found to be in-scope.

However, three documents were identified as being directly relevant to your application despite being out of scope. These documents are listed below and are all in your possession, or are publicly available:

<b>Doc #</b>	<b>Description</b>	<b>Current Status</b>
1	Letter from Hon Meg Webb MLC to Hon Peter Gutwein MP, Premier - Delay the reopening of poker machines in the best interests of our social and economic recovery - 22 June 2020	In applicant’s possession
2	Letter from Hon Michael Ferguson, Minister for Finance to Hon Meg Webb MLC - response to request to delay the reopening of poker machines - 11 August 2020	In applicant’s possession
3	Response to Question on Notice LC20/43 - provided by the Leader of the Government in the Legislative Council - 25 August 2020	Publicly available (Hansard)

I consider these documents relevant to note as they contain a number of related requests from you seeking the same information as outlined in your RTI application which have since been responded to. Document 3 in particular is of note as the information contained in that document forms the basis of the original decision to defer provision of any related information under Section 17(1)(b) of the RTI Act.

Further enquiries were made of relevant Treasury officers in relation to my search findings and the decision making process relating the reopening of poker machine gaming rooms. As stated in both documents 2 and 3 above, the decision to reopen public access to poker machine gaming rooms on 26 June 2020 as part of stage 3 easing of restrictions was based on public health advice.

### **Factual Background**

On 21 June 2020 the Premier announced that stage 3 easing of restrictions would be brought forward to Friday 26 June 2020. Subsequently, it was determined that the reopening of gaming venues, including those with poker machine gaming rooms, was safe to do so based on public health advice.

To ensure gaming venues were opened safely, COVID safe workplace material for each venue required under the COVID Safe Workplace Guidelines for the Gambling Industry was developed, with the network operator, Network Gaming, verifying safety plans prior to the venue being able to open. WorkSafe Tasmania has since been responsible for visiting each venue to ensure its safety plan is being correctly implemented.

### **Decision**

As it was a decision taken by the Department of Health to allow the reopening of poker machine gaming rooms (along with many other businesses and services which were required to temporarily close), Treasury does not hold any relevant information to actively or otherwise disclose in relation to analysis or stakeholder consultation.

It is my view that document 3 listed above provides the available information relating to the decision making process and therefore the initial decision to defer under section 17(1)(b) of the RTI Act to allow that information to be presented to Parliament remains correct.

As you were provided with the information contained in document 3 during the Legislative Council sitting on 25 August 2020, and the information is subsequently now publicly available via the Parliament of Tasmania website, it is my determination that all available information relating to your original application has been disclosed.

In making this decision, I am exercising powers delegated to me under section 24 of the RTI Act.

### **Review**

You may apply to the Tasmanian Ombudsman for a review of my decision within 20 working days from the date you receive this internal review decision or 15 working days from the date you applied for internal review, whichever is the latter.

Should you have any queries or require any further information regarding this matter, please contact me by email [rti@treasury.tas.gov.au](mailto:rti@treasury.tas.gov.au).

Yours sincerely



Kate Patmore  
Delegated Right to Information Officer

21 September 2020