

Department of Treasury and Finance

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Doc reference 21/187562

Hon Meg Webb MLC
Independent Member for Nelson
Legislative Council

By email: meg.webb@parliament.tas.gov.au

Attention: Justin Meeker

Dear Ms Webb

Right to Information application - correspondence relating to Future Gaming Markets general casino licence fees and tax rates

I refer to your request dated 19 July 2021 under the *Right to Information Act 2009* (the Act) seeking the following information:

All correspondence between the Treasurer and the Department of Treasury, and the Tasmanian Hospitality Association, Federal Group, and/or the Tasmanian Liquor and Gaming Commission relating to the proposed new Future Gaming Markets general casino licence fees and taxation rates, from 1 January 2020 inclusive.

On 30 July 2021 I wrote to you to advise that your application had been accepted and to note that preliminary searches indicated that there may have been a need to consult with a third party. After a detailed examination of records held, I have determined that all information held, within the scope of your application, did not require third party consultation.

RTI process undertaken

As a delegated RTI Officer for the Department of Treasury and Finance (Treasury), I have undertaken an extensive search of Treasury's records and have identified seven records that contain information relevant to your request. These are listed in the enclosed schedule of records (Attachment A). The schedule contains my assessment of each record, including any relevant exemption categories, any public interest tests that I have applied, and the release status of each record. Attachment B contains the relevant sections of the Act cited below for your reference.

I also held a number of discussions with relevant Treasury officers to gain an understanding of the material which was the subject of your request.

Reasons for Decision

Documents 1, 3, and 4 are documents which are otherwise available. The information contained in these documents relevant to the scope of your application was published and is publically available on the Liquor and Gaming Branch website and consequently, these attachments have not formed part of my assessment. For your reference, that information can be found at:

<https://www.treasury.tas.gov.au/liquor-and-gaming/gambling/future-gaming-market>.

Document 5 is a response to consultation document from Federal Group. It contains some information that falls within the scope of your application, along with other information which is not in scope, accordingly I have extracted the relevant information pursuant to section 18(3) of the RTI Act and have determined to release the information to you as extracted.

Document 2 is a letter from the Premier of Tasmania to Federal Group which contains information that falls within the scope of your application, along with some information which is not in scope. I have determined to partially release the in scope information to you with personal information redacted pursuant to section 36(1) of the RTI Act as it is exempt personal information of persons other than the person making an application under section 13 of the RTI Act.

Document 6 is a letter from Federal Group to the Premier of Tasmania which contains information that falls within the scope of your application, along with some information which is not in scope. I have determined to partially release the in scope information to you with personal information redacted pursuant to section 36(1) of the RTI Act as it is exempt personal information of persons other than the person making an application under section 13 of the RTI Act.

Document 7 is a letter from the Premier of Tasmania to Federal Group which I have determined be partially released to you with personal information redacted pursuant to section 36(1) of the RTI Act as it is exempt personal information of persons other than the person making an application under section 13 of the RTI Act.

Public Interest Test

Under the RTI Act, the public interest test must be applied to sections 33 through 42. After taking into account all matters, I have determined that while there is a general public need for government information to be accessible, the disclosure of the information exempted under section 36(1) would be contrary to the public interest because in my view it would:

- not inform a person about the reasons for a decision (*Schedule 1(c)*);
- not provide any benefit to the public by way of contextual information (*Schedule 1(d)*); and
- not enhance scrutiny of government administrative processes (*Schedule 1(g)*).

Review

Should you wish to lodge an application for an internal review of my decision, you may do so under section 43 of the RTI Act. An application for review must be made in writing within 20 working days of receipt of this letter. You will be taken to have received this letter via email on the date of this letter.

Should you have any queries or require any further information regarding this matter, please contact me on (03) 6166 6411 or email rti@treasury.tas.gov.au.

Yours sincerely



Brad Menzie
Delegated RTI Officer

17 August 2021

Encl.

Attachment A**Table I - Schedule of Records**

Doc No	Description	Release status	Relevant sections
1	Consultation paper	Not assessed	Publicly available on Liquor and Gaming website and subsequently did not form part of the assessment
2	Letter	Partial release	s 36(1) Schedule 1(c), (d), (g), (m)
3	Consultation paper	Not assessed	Publicly available on Liquor and Gaming website and subsequently did not form part of the assessment
4	Consultation paper	Not assessed	Publicly available on Liquor and Gaming website and subsequently did not form part of the assessment
5	Consultation response	Release as extracted	NA
6	Letter	Partial release	s 36(1) Schedule 1(c), (d), (g), (m)
7	Letter	Partial release	s 36(1) Schedule 1(c), (d), (g), (m)

Attachment B**Relevant Sections of the RTI Act (in part)****18. Provision of information**

- (3) If –
 - (a) information requested under this Act is included with other information; and
 - (b) the information requested can be extracted from that other information by the use of a computer or other equipment usually available to the public authority or Minister –the information is to be extracted accordingly.

33. Public interest test

- (1) In this Division, information is exempt information if the principal officer of the public authority or Minister considers, after taking into account all relevant matters, that it is contrary to the public interest to disclose the information.

36. Personal information of person

- (1) Information is exempt information if its disclosure under this Act would involve the disclosure of the personal information of a person other than the person making an application under section 13.

SCHEDULE I - Matters Relevant to Assessment of Public Interest

- I. The following matters are the matters to be considered when assessing if disclosure of particular information would be contrary to the public interest:
 - (a) the general public need for government information to be accessible;
 - (b) whether the disclosure would contribute to or hinder debate on a matter of public interest;
 - (c) whether the disclosure would inform a person about the reasons for a decision;
 - (d) whether the disclosure would provide the contextual information to aid in the understanding of government decisions;
 - (e) whether the disclosure would inform the public about the rules and practices of government in dealing with the public;
 - (f) whether the disclosure would enhance scrutiny of government decision-making processes and thereby improve accountability and participation;
 - (g) whether the disclosure would enhance scrutiny of government administrative processes;
 - (h) whether the disclosure would promote or hinder equity and fair treatment of persons or corporations in their dealings with government;
 - (i) whether the disclosure would promote or harm public health or safety or both public health and safety;
 - (j) whether the disclosure would promote or harm the administration of justice, including affording procedural fairness and the enforcement of the law;
 - (k) whether the disclosure would promote or harm the economic development of the State;
 - (l) whether the disclosure would promote or harm the environment and or ecology of the State;
 - (m) whether the disclosure would promote or harm the interests of an individual or group of individuals;
 - (n) whether the disclosure would prejudice the ability to obtain similar information in the future;
 - (o) whether the disclosure would prejudice the objects of, or effectiveness of a method or procedure of, tests, examinations, assessments or audits conducted by or for a public authority;
 - (p) whether the disclosure would have a substantial adverse effect on the management or performance assessment by a public authority of the public authority's staff;
 - (q) whether the disclosure would have a substantial adverse effect on the industrial relations of a public authority;
 - (r) whether the disclosure would be contrary to the security or good order of a prison or detention facility;
 - (s) whether the disclosure would harm the business or financial interests of a public authority or any other person or organisation;
 - (t) whether the applicant is resident in Australia;
 - (u) whether the information is wrong or inaccurate;
 - (v) whether the information is extraneous or additional information provided by an external party that was not required to be provided;
 - (w) whether the information is information related to the business affairs of a person which if released would cause harm to the competitive position of that person;
 - (x) whether the information is information related to the business affairs of a person which is generally available to the competitors of that person;
 - (y) whether the information is information related to the business affairs of a person, other than a public authority, which if it were information of a public authority would be exempt information.