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Doc reference 24/214225

Hon Meg Webb MLC
Independent Member for Nelson

By email: cath.hughes@parliament.tas.gov.au

Dear Ms Webb,

Right to Information - Universal Player Card Gaming - Internal Review [TLGC]

I refer to your application for internal review to the Tasmanian Liquor and Gaming Commission (TLGC) dated 13 September 2024 under the *Right to Information Act 2009* (RTI Act).

Your original application sought the following information:

- 1. All documentation, including but not limited to correspondence; briefing materials; meetings and meeting minutes; and submissions, pertaining to the development, consultation and all implementation stages of the proposed Universal Player Card gambling system for poker machines, between the Tasmanian Gaming and Liquor Commission and the Department of Treasury and Finance / Treasurer / Minister for Finance / Industry stakeholders / Community stakeholders from 1 July 2023 to 3 June 2024.*

I accepted your internal review request in part on 30 September 2024. I am not the delegated officer who made the original decision; therefore, I am authorised under the RTI Act to complete the internal review.

Internal Review

Scope

Whilst the decision on interpretation of the scope is not a reviewable decision under the RTI Act, in your letter dated 13 September 2024, you were concerned you were not consulted on the scope, and therefore, the original decision maker's interpretation on scope was incorrect.

Clarification on scope is only required if the *terms of the application are unclear or too general in nature*.¹

¹¹ Ombudsman Tasmania: *Guideline 4/2010 - Guideline in relation to searching and locating information - Revised 24 January 2013*

I have interpreted the scope of the application as follows:

1. All documentation
Regarding:
2. Development, Consultation, and Implementation
Of:
3. **Universal** Player Card
For:
4. Poker Machines
5. Between:
 - a. Tasmanian Gaming and Liquor Commission,
 - b. the Department of Treasury and Finance,
 - c. Treasurer,
 - d. Minister for Finance,
 - e. Industry stakeholders,
 - f. Community stakeholders
6. Between the dates of 1 July 2023 and 3 June 2024

Therefore, anything relating to:

- Venue specific loyalty programs,
- Disciplinary reports and actions,
- Amateur or professional sport betting,
- Automated gaming tables,
- Card gaming and tournaments,
- Self and venue exclusion and breaches,
- Legislation and regulation amendments,

is considered out of scope.

I agree with the original decision in relation to the interpretation of scope as I do not consider the scope of the application *unclear or too general in nature* and therefore clarification of scope with the applicant was not required.

However, when reviewing the 41 documents (2202 pages) considered in scope in the original decision, I decided that many of the documents are out of scope and therefore I have redacted all information contained in these documents.

I have made notes in Table 1 (Attachment 1) regarding the status of scope and the decision made on in scope information.

Summary of Decision

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

I have decided that:

- 8 records be released in full;
- 30 released in part as I consider that some information is exempt under sections 35, 36 and 37 of the RTI Act or contain out of scope information; and
- 3 records be denied in full as I consider that all information contained in these records is out of scope.

I have also decided to release a 2202-page PDF document, to assist you in understanding my reasons for my decision.

Statement of Reasons for Decision

Section 31 Legal professional privilege

Records 25, 29 and 31 contain legal advice provided to the public authority.

For legal professional privilege to apply, the information need only to have been brought into existence for the dominant purpose of giving or receiving legal advice.

It is now settled that legal professional privilege is a rule of substantive law which may be availed of by a person to resist the giving of information or the production of documents which would reveal communications between a client and his or her lawyer made for the dominant purpose of giving or obtaining legal advice or the provision of legal services, including representation in legal proceedings.²

Waterford v The Commonwealth of Australia [1987] HCA 25 confirmed that legal professional privilege extends to confidential professional communications between government agencies and their legal representatives if made with the requisite purpose. The exempt information consists of the provision of legal advice to the public authority. The confidentiality of the communications has been maintained and accordingly I am satisfied that the information at issue meets the conditions to be exempt information pursuant to s31 of the Act.

It is also important to note that the [Ombudsman Tasmania RTI Manual](#) provides that a statement of reasons can be written “*without disclosing any exempt material where exemptions are claimed*”.³ Therefore, no further details are required regarding the information exempt under section 31.

Section 31 is not subject to the public interest test.

Public Interest Test

As some of the exemptions applied below are subject to the Public Interest Test, I will first discuss my interpretation of the Public Interest Test.

A distinction has been drawn between the public interest in disclosure and matters that are of interest to members of the general public. The fact that there is a section of the public interested in a certain activity will not necessarily lead to the conclusion that disclosure of information relating to it will be in the public interest.⁴

Public interest has been variously described as the sum of special interests, the sum of all private interests, the net result of individuals pursuing their self-interest, the broad shared

² *Daniels Corporation International Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at page 552.

³ Ombudsman Tasmania RTI Manual pages 57 and 58.

⁴ *Re Public Interest Advocacy Centre and Department of Community Services and Health (Na I)* (1991) 14 AAR 180 at 187; *Re Angel and Department of Arts, Heritage and Environment* (1985) 9 ALO 113.

interests of society, and the shared or collective values of the community – the goals or values on which there is consensus.

The meaning of the term was considered in some detail by the Full Court of the Federal Court of Australia in its decision *McKinnon v Secretary, Department of Treasury*⁵ where Tamberlin J noted:

- 9 The expression *in the public interest* directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances. There will, as in the present case, often be competing facets of the public interest that call for consideration when making a final determination as to where the public interest lies and these are sometimes loosely referred to, in my view, as opposing public interests...
- 10 The expression *the public interest* is often used in the sense of a consideration to be balanced against private interests or in contradistinction to the notion of individual interest. It is sometimes used as a sole criterion that is required to be taken into account as the basis for making a determination. In other instances, it appears in the form of a list of considerations to be taken into account as factors for evaluation when making a determination...

The High Court considered the phrase *public interest* in *O'Sullivan v Farrer*,⁶ and described it as:

... the expression *in the public interest*, when used in a statute, classically imports a discretionary value judgment to be made by reference to undefined factual matters, confined only ... *in so far as the subject matter and the scope and purpose of the statutory enactments may enable ... given reasons to be [pronounced] definitely extraneous to any objects the legislature could have had in view...*

Who may be considered the relevant *public* when public interest is at issue has also been considered by the High Court, which found that the public need not include the entire population, but rather, it may include only the interests of a substantial section of the public.⁷

What is not in the public interest is easier to list:

- private interests;
- personal interests;
- personal curiosity;
- personal opinions;
- parochial interest; and
- partisan political interests.

The above list has been categorised as *motivation* type issues by the NSW Ombudsman where focus on the private, personal, or partisan interests of the decision-maker (and

⁵ [2005] FCAGFC 142

⁶ [1989] 168 CLR 210

⁷ *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473

possibly also those of third parties) or distinguishing between decisions made in good faith (ie, honesty, for the proper purpose and within power) from those made in bad faith. The meaning of the term, or approach, indicated using the term, is to direct consideration away from such interests towards matters of broader concern.

So, the Public Interest Test requires a balancing of the public interest in citizens being informed of the processes of their government and its agencies on the one hand against the public interest in the proper workings of government and its agencies on the other.⁸

Section 35 Internal deliberative information

Records 22, 24, 26, 28, 30, 32, 33, 34, 35, 37, 38 and 40 contain advice, opinion and draft information produced by officers of the public authority.

A deliberative process involves the exercise of judgement in developing and making a selection from different options:

*The action of deliberating, in common understanding, involves the weighing up or evaluation of the competing arguments or considerations that may have a bearing upon one's course of action. In short, the deliberative processes involved in the functions of an agency are its thinking processes – the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.*⁹

The expression *deliberative processes* in section 35 refers to pre-decisional thinking processes within a public authority as it moves towards the making of a decision or towards embarking upon a course of action.¹⁰ This *thinking* generally refers to the process of weighing up or evaluating competing arguments or considerations – the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.¹¹

The deliberative process must relate to the functions of a public authority or minister. The functions of a public authority include both policy making and the processes undertaken in administering or implementing a policy. The functions also extend to the development of policies in respect of matters that arise in the course of administering a program. The non-policy decision making processes required when carrying out agency, ministerial or governmental functions, may also be deliberative processes.¹²

A deliberative process may include the recording or exchange of:

- opinions;
- advice;
- recommendations;

⁸ *Harris v Australian Broadcasting Corporation* (1983) 5 ALD 54S

⁹ See *Re JE Waterford and Department of Treasury (No 2)* [1984] AATA 67. See also *Carver and Fair Work Ombudsman* [2011] ALCmr 5.

¹⁰ see *Re Waterford and Department of Treasury (No. 2)* (1984) 5 ALD 588

¹¹ *Dreyfus and Secretary Attorney-General's Department (Freedom of information)* [2015] AATA 962 [18].

¹² See *Re Murtagh and Commissioner of Taxation* [1984] AATA 249, *Re Reith and Attorney-General's Department* [1986] AATA 437, *Re Zacek and Australian Postal Corporation* [2002] AATA 473.

- a collection of facts or opinions, including the pattern of facts or opinions considered;¹³ or
- interim decisions or deliberations.

An opinion or recommendation does not need to be prepared for the sole purpose of a deliberative process.

Deliberative matter does not include purely factual material like operational information. Material that is not deliberative matter, would include:

- content that is merely descriptive;
- incidental administrative content;¹⁴
- procedural or day to day content;¹⁵
- the decision or conclusion reached at the end of the deliberative process;¹⁶
- matter that was not obtained, prepared or recorded in the course of, or for the purposes of, a deliberative process.

The exclusion of purely factual information is intended to allow disclosure of information used in the deliberative process. A conclusion involving opinion or judgement is not purely factual material. Similarly, an assertion that something is a fact may be an opinion rather than purely factual material.

Purely factual information does not extend to factual information that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.¹⁷

To be satisfied that this information is exempt under s35(l) specifically, consideration must be given that it consists of opinion, advice or recommendation prepared by a public officer during, or for the purposes of the deliberative processes of a public authority and, amongst other things, that it does not contain purely factual information.

As noted, section 35(2) excludes from exemption any information which is purely factual information. Therefore, all purely factual information in the information has been released in full.

The information consists of advice and opinions of public officers. I am satisfied the information has been generated by officers of public authorities for the purpose of providing advice and as a record of consultations. The information forms part of the deliberative process comprising exchange of views about the development and implementation of universal player card gaming while moving towards a determined outcome. The information is for the deliberative process comprising advice and as a record of consultation is sufficient to meet the requirement of section 35(1).

While the information that is the subject of the exchange comprises factual information, this information is closely linked and inextricably bound up with the decision-maker's

¹³ See *Chapman and Minister for Aboriginal and Torres Strait Islander Affairs* [1996] AATA 210

¹⁴ See *Re VXF and Human Rights and Equal Opportunity Commission* [1989] AATA 107.

¹⁵ See *Subramanian and Refugee Review Tribunal* [1997] AATA 31.

¹⁶ See *Chapman and Chapman and Minister of Aboriginal and Torres Strait Islander Affairs* [1996] AATA 210; *British American Tobacco Australia Ltd and Australian Competition and Consumer Commission* [2012] AICmr 19; *Briggs and the Department of the Treasury (No. 3)* [2012] AICmr 22.

¹⁷ *Dreyfus and Secretary Attorney-General's Department (Freedom of information)* [2015] AATA 962 [18].

deliberative processes.¹⁸ While I am satisfied the handwritten notes taken by a public officer do contain some factual information, I am not satisfied that it is sufficiently separate from the deliberative material to be considered purely factual information for the purposes of section 35.

I am satisfied that the information consists of opinion, advice or recommendation for the purpose of the deliberative processes related to the official business of the public authority.

Section 35(4) further excludes from exemption any information that is older than 10 years. It is clear from the information before me that the information at issue is not older than 10 years.

I am satisfied the information redacted and marked with s35 is exempt under section 35.

I will now apply the Public Interest Test.

The matters of Schedule 1 have been applied in relation to the Public Interest Test as required by section 33. I find two matters in favour of release (a) and (d). I find four matters in favour of exemption (m), (n) (p) and (q).

I accept that the disclosure of the information reflects public interest with the community having an understanding of and an involvement in the democratic processes.

I accept that there is a need for government information of this type, in general terms, to be publicly available (a) and in this instance would provide the contextual information to aid in the understanding of the decision making (d).

However, this needs to be balanced against those factors weighing against release.

The public interest is in the context of operational matters within the public authority. As noted, the information comprises advice and a record of consultations. The exchanges regarding a draft response does not represent a final decision and in my view this outweighs the public interest. I am guided in this view:

...when one officer submits a draft to another, it is an expression of opinion, recommendation or advice as to the appropriateness of the proposed draft. It is contrary to the public interest to disclose documents which upon due consideration, the proposed signatory has regarded as wholly inappropriate for dispatch or inappropriate for dispatch save in an altered form.¹⁹

The exchange between officers may depict the individuals in a critical manner that may harm their interests (m). The development, consultation and implementation of universal player card gaming has attracted widespread and divergent comment from sections of the community that are opposed to any restrictions that infringes their rights. Such views have been expressed in a more than robust manner whereby disclosure of the deliberative information could create apprehension in the mind of the individual's concerned.²⁰

To release the redacted information would reveal deliberative information that would reasonably lead to notes or other deliberative records being difficult to obtain in future as a

¹⁸ See *Re Evans and Ministry for the Arts* (1986) 1 VAR 3 15.

¹⁹ *Re City Parking Pty Ltd v City of Melbourne* (1996) 10 VAR.

²⁰ *Akers v Victoria Police (No 1)* [2003] VCAT 397; *Koch v Swinburne University* [2004] VCAT 1513 at [28].

result of officers not rigorously recording their thoughts (n). This would do nothing to promote good practice or enhance scrutiny.

The information contains professional assessment and commentary. If the public authority officers become aware that their communication and comments on such matters were to be provided, these officers may not be as open and frank in their communications as they otherwise would. This would have a significant adverse effect on the public authority's ability to manage sensitive matters (p).

Industrial relations covers the operation of the public authority. The public authority maintains specific channels for the public at large to make contact. The disclosing of names and other details would enable members of the public to contact public authority officers directly outside the public authority's preferred contact points.

The predicted effect must bear on the public authority's operations, that is, the public authority is undertaking its expected activities in an expected manner. The candour of officers is essential when a public authority is undertaking an assessment. In such cases officers may be reluctant to provide information and cooperate if they were aware that the subject matter would be disclosed.

The actions of officers that impede or hamper the operations of the public authority should be viewed as creating an adverse effect (q).

It is for these reasons I am satisfied that it is not in the public interest for redacted information in the documents, marked with s35 to be disclosed.

Section 36 - Personal Information

Documents 5, 6, 8, 9, 14, 15, 16, 18, 19, 20, 21, 23, 25, 29, 31, 34, 36 and 39 contain personal information of third parties, and officers of the public authority.

The definition of personal information in s5 of The RTI Act includes *...any information or opinion in any recorded format about an individual whose identity is apparent or reasonably ascertainable from the information or opinion and who is alive or has not been dead for more than 25 years.*

Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature. Nevertheless, the information needs to convey or say something about a person, rather than just identify them. Subsequently, where information that may seem individually harmless but capable of being combined with other pieces can generate a composite, a mosaic, which can be used to identify and say something about a person. For example, the mere mention of a person's name or signature may, however, reveal personal information about them depending on the context.

The extent to which the information is well known and the availability from publicly accessible sources are matters to be given regard as part of the assessment.

It is generally considered that the names and related information of State Service employees acting in the course of their duties and who are publicly identifiable will be disclosed if the person is not placed at risk by disclosure.

In '*BA*' and *Merit Protection Commissioner*, the Australian Information Commissioner reconsidered several earlier cases dealing with the disclosure of certain vocational information whereby:

... the notion of disclosure to the world at large has a different meaning with developments in information technology. It is now considerably easier for a person who has obtained information under the FOI Act to disseminate that information widely, to do so anonymously and to comment upon or even alter that information.

...

... There is also a growing and understandable concern that personal information that is made available on the web can be misused or used differently by others ...

These statements about the impact of technology and current attitudes to privacy are relevant to employees' personal information, regardless of whether they are public or private sector employees.

In addition to the statements in 'BA', the disclosure of the identity of officers now has much greater privacy impacts than in the past. Before the broad community use of social media, the disclosure of an officer's name on a document might have permitted an applicant to determine an individual's telephone number or address. Today, an individual's identity may be connected effortlessly with a vast range of personal information available through social networks, such as: photographs; friends' and family members' identities and photographs; employment histories; social activities and interests; personal opinions, including political opinions, and so on.

Under The RTI Act, disclosure to an applicant of the information is, in effect, disclosure to the world at large because no restrictions can be placed on the use that may be made of the information to which access is given.

Conversely, the Department of Treasury and Finance is a public authority that for business and security reasons does not display personal employee contact details in the public view function of the directory. Additionally, the area of work associated with the delivery of a public service warrants a cautionary approach to the management of personal information.

It is for this reason I am satisfied the information regarding the public authority's officers and other parties is personal information and exempt information.

I will now apply the Public Interest Test.

The matters of Schedule 1 have been applied in relation to the Public Interest Test as required by section 33. I find two matters in favour of release (a) and (d). I find three matters in favour of exemption (m), (p) and (q).

I accept that there is a need for government information of this type, in general terms, to be publicly available (a) and in this instance would provide the contextual information to aid in the understanding of the decision making (d).

However, this needs to be balanced against those factors weighing against release.

As to matter (m), I consider disclosure would harm the interests of third parties by the mere fact that disclosure of the information could create apprehension in the mind of the person concerned is enough to render disclosure unreasonable. As to (p), this matter relates to the broader issue of human resources. If the public authority officers become aware that their communication and comments are attributed to them, they may not be as open and frank in their communications as they otherwise would. This would have a significant adverse effect on the public authority's ability to manage matters.

I consider that for (q), disclosure would have an adverse effect on the industrial relations of the public authority. Industrial relations cover the operation of the public authority. The public authority maintains specific channels for the public at large to make contact. The disclosing of names and other details would enable members of the public to contact individual public authority officers directly outside the public authority's preferred contact points.

The predicted effect must bear on the public authority's operations, that is, the public authority is undertaking its expected activities in an expected manner. The candour of officers is essential when a public authority is undertaking an investigation and assessment of actions of third parties which may eventuate to disciplinary action. In such cases officers may be reluctant to provide information and cooperate with investigators if they were aware that the subject matter would be disclosed.

The RTI actions of officers that impeded or hamper the operations of the public authority should be viewed as creating an adverse effect.

In my view, it is contrary to the public interest to disclose the information relating to third parties.

I have redacted from all records the names, personal work emails and direct phone numbers of public officers and private sector employees who are not publicly identifiable.

Section 37 Information relating to business affairs of third party.

Document 41 if released to the public, would create a competitive disadvantage, and expose trade secrets to the world at large.

The wording of sub-section (1) is like that in s31 of the repealed *Freedom of Information Act 1999* that was discussed in *Forestry Tasmania v Ombudsman* [2010] TASSC 39 where particular attention was directed towards the phrase *competitive disadvantage*.

The section provides that information is exempt if disclosure would be *...likely to expose the third party to competitive disadvantage*. The context of the phrase is dependent upon the impact of the emphasis upon *likely* which means a real or not remote chance or possibility, rather than more probable than not.²¹ The application of *expose* rests on the ordinary meaning of to *...lay open to something...; [to] subject to risk*.²²

The broad sense of *competition* is that it relates to any situation of conflict or rivalry. Therefore, for any ...information to be exempt, its disclosure needs to be likely to expose the undertaking or agency not to *any* disadvantage, but a disadvantage which relates to or is characterised by competition.²³

A competitive disadvantage will not necessarily be something which, in strict terms, impacts on an actual ability to compete, and the level of competition. What the concept

²¹ *Tillmanns Butcheries Pty Ltd v Australasian Meat Industry Employees' Union* (1979) 42 FLR 31; *Monroe Topple & Associates Pty Ltd v Institute of Chartered Accountants in Australia* (2002) 122 FCR 110; *Seven Network Ltd v News Ltd* (2009) 182 FCR 160 at 330

²² *New Shorter Oxford English Dictionary 1993*

²³ *Forestry Tasmania v Ombudsman* [2010] TASSC 39 at 52

entails is something which puts one entity at a disadvantage in relation to a matter which affects its profit-making capacity relative to its competitive rivals.²⁴

Sub-section (2) provides where the categories of sub-section (1) are not met but the disclosure of the information may still be of substantial concern to the third party. The requirement that the concern be of such a nature that it might reasonably be expected to be substantial.

The objects of the RTI Act, set out under section 3, is to make available information in the possession of the public authority but relevant provisions seek to protect information of a commercially sensitive nature acquired by the public authority. The purpose of section 37 is to protect business affairs of a person acquired by the public authority from exposure to competitive disadvantage, the likelihood of which would arise from the disclosure of the information relating to them through The RTI Act.

The disclosure of the information may affect one entity among the competitors to the extent that they may not be able to generate a return at a level to its competitive rivals as would be expected. A competitive disadvantage is not necessarily something that impacts an actual ability to compete with the competitors. The concept entails a disadvantage on the level of profit relative to the rivals.

I am satisfied there exists competition between the providers and would likely expose that person to competitive disadvantage where the bargaining position is diminished.

It is my view the character of sub-section (1) has been met. Having formed this view there is no need for me to consider sub-section (2).

I have decided that the information relating to the business affairs concerning the third-party is characterised as exempt information.

I will now apply the Public Interest Test under section 33.

The matters (a), (m), (s) and (w) of Schedule 1 have been applied in relation to the Public Interest Test as required by section 33.

I do not discount the general matter (a) that information in the possession of a public authority needs to be accessible because it furthers the objects of the RTI Act of accountability and allowing the public to participate in their own governance.

By contrast, as to matter (m), the information relates to an individual that says something about the individual whereby the mere fact that disclosure of the information could create apprehension in the mind of the person concerned and may be enough to render disclosure unreasonable.²⁵ I consider disclosure would harm the interests of an individual.

It is appropriate to exempt information that may harm an individual's business or financial interests (s) and its competitive position (w) as it is not generally available to competitors.

²⁴ *Forestry Tasmania v Ombudsman* [2010] TASSC 39 at 53

²⁵ *Akers v Victoria Police (No 1)* [2003] VCAT 397; *Koch v Swinburne University* [2004] VCAT 1513 at [28].

When considering information in possession of the public authority received from a party pertaining to the business affairs of that entity, it appears if the information were disclosed would disclose confidential information which would otherwise be protected by a court of equity, is a powerful indication that it would be contrary to the public interest to disclose it. Generally speaking, governments do not go about disclosing business secrets without very cogent reasons.

It is my decision it is not in the public interest to disclose the exempt information.

Review

Should you wish to lodge an application for an external review of my decision, you may do so under section 44 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, email rti@treasury.tas.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Doyle', with a long horizontal flourish extending to the right.

Sophie Doyle
Delegated RTI Officer

30 October 2024

Encl

Attachment 1**Table 1. Schedule of Records**

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
1	1	Attachment - Ministerial Direction 15 Sept 2022	Out of Scope Outside Timeframe	Full Release - Publicly Available
2	2	Player Card and Cashless Gaming - preliminary consultation with industry	In Scope	Full Release
3	17	Email from TLGC to Member of Parliament	In Scope Email attaching Doc 4	Full Release
4	18	Letter from TLGC to Member of Parliament	Out of Scope Redacted Information relating to a self-excluded constituent	Full Release of In Scope Information
5	20	Email from Member of the Public to TLGC	In Scope	Section 36 - Personal Information of Third Party
6	22	Email from TLGC to Member of the Public	In Scope	Section 36 - Personal Information of Third Party

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
7	24	Email from TLGC to Member of Parliament Letter from TLGC to Member of Parliament	Out of Scope (Redacted) Information relating to card gaming. Doc 7a - Out of Scope Redacted Information relating to card gaming.	Full Release of In Scope Information
8	28	Email from TLGC to Industry Stakeholder	In Scope Section 36 - Personal Information of Third Party Doc 8a - Duplicate of Doc 2	Section 36 - Personal Information of Third Party Full Release of In Scope Information
9	44	Email from TLGC to Industry Stakeholder	In Scope Section 36 - Personal Information of Third Party Doc 9a - Duplicate of Doc 2	Section 36 - Personal Information of Third Party Full Release of In Scope Information`
10	60	Letter from TLGC to Member of Parliament	Duplicate of Doc 7a	Full Release of In Scope Information

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
11	62	Letter from Member of Parliament to TLGC	Out of Scope (Redacted) Information relating to card gaming	Full Release of In Scope Information
12	63	Email from Treasury to Journalist	In Scope	Full Release
13	65	TLGC Briefing - Media	In Scope	Full Release
14	72	Stakeholder Briefing	Out of Scope (Redacted) Information relating to Tasmanian Gambling Exclusion Scheme and Gambling Support Program	Section 36 - Personal Information of Third Party
15	74	Stakeholder Briefing	Out of Scope (Redacted) Information relating to Gambling Related Harm	Section 36 - Personal Information of Third Party
16	78	Stakeholder Briefing	Out of Scope (Redacted) Information relating to Tasmanian Gambling Exclusion Scheme and	Section 36 - Personal Information of Third Party

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
			Gambling Support Program	
17	80	2024-Tasmanian-State-Election-Joint-Statement-on-Poker-Machines-in-Tasmania	In Scope	Full Release - Publicly Available
18	82	Minutes of TLGC Meeting	Out of Scope (Redacted) Information relating to Venue Licence Disciplinary Action, Card Game Tournaments, Player Loyalty Programs and Community Support Funding.	Section 36 - Personal Information of Third Party
19	91	Minutes of TLGC Meeting	Out of Scope (Redacted) Information relating to Venue Licence Disciplinary Action, Legislative Amendments, Player Loyalty Programs and Community Support Funding.	Section 36 - Personal Information of Third Party

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
20	105	Minutes of TLGC Meeting	Out of Scope (Redacted) Information relating to Venue Licence Disciplinary Action and Legislative Amendments.	Section 36 - Personal Information of Third Party
21	118	Commission Paper for Meeting	Out of Scope (Redacted) Information relating to Venue Licence Disciplinary Action, Card Game Tournaments, Player Loyalty Programs and Community Support Funding.	Section 36 - Personal Information of Third Party
22	298	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The Background section consists entirely of publicly available information. • The Issues section contains a mixture of publicly available information and non-publicly available information, some of which is analysis by public officers. • The Timeframe subsection consists mostly of non-public analysis, except for the half of the first sentence which falls before the comma. • The Staged implementation subsection consists entirely of information not available to the public. The half of the first sentence which falls before the comma consists of analysis.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
				<ul style="list-style-type: none"> • The Certification for limit change subsection consists largely of non-public analysis, with the exception of the middle paragraph which consists of non-publicly available fact. • The Integration with casinos subsection consists wholly of non-public information. Treasury's current consultations with MAXgaming is factual information. • The Cashless gaming subsection consists partly of publicly available information, specifically that investigations are occurring in other states eg NSW. The remainder is non-public analysis. • The Status section consists of a mixture of fact and analysis (eg where issues are identified). None of the information is publicly available.
23	301	Commission Paper for Meeting	<p>Out of Scope (Redacted)</p> <p>Information relating to Venue Licence Compliance Programs and Disciplinary Action, Electronic Monitoring System and Keno System.</p>	Section 36 - Personal Information of Third Party
24	428	Commission Paper for Meeting	In Scope	<p>Section 35 - Internal Deliberative Information</p> <ul style="list-style-type: none"> • The Background section consists entirely of publicly available information. • The System design, development and implementation subsection consists entirely of factual information until the final paragraph, which consists entirely of analysis. None of the information in this subsection is publicly available. • The Regulatory and contractual variations subsection consists partly of analysis (the entire second paragraph) and partly of factual information (the remainder). None of the information is publicly available.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
				<ul style="list-style-type: none"> • The Consultation subsection consists entirely of factual information that is not publicly available. • The Timeframes subsection consists entirely of analysis that is not publicly available. • The Interjurisdictional subsection consists entirely of factual information that is not publicly available.
25	431	Commission Paper for Meeting	<p>Out of Scope (Redacted)</p> <p>Information relating to Venue Licence Compliance Reports and Disciplinary Action, Amateur Sport Betting and Community Support Funding.</p>	<p>Section 31 Legal Professional Privilege</p> <p>Section 36 - Personal Information of Third Party</p>
26	958	Commission Paper for Meeting	In Scope	<p>Section 35 - Internal Deliberative Information</p> <ul style="list-style-type: none"> • The Background section is entirely publicly available information except for the final two paragraphs, and entirely factual information except for the last paragraph (although the last sentence of the last paragraph is factual). • The first two sentences of the Consultation section are factual and not public. The third sentence and the following paragraph and analysis and not public. • The first sentence of the Content subject to future operational or technical requirements subsection is factual and not public. The remainder of the first paragraph is analysis and not public. The following paragraph is factual save for the final sentence, which is analysis. • The Content requires interpretation of Commission recommendations and Government response subsection is entirely non-public and entirely consists of analysis, except for the first sentence.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
				<ul style="list-style-type: none"> • The Content subject to future policy decisions subsection is entirely non-public analysis. • The Next steps section is entirely not factual and not public information. • Attachment 1 (the industry consultation paper) is a slightly earlier draft of a document that was released in full at https://www.treasury.tas.gov.au/Documents/RTI%20-%20Documents%20for%20release%20-%20Player%20card%20gaming%20system.PDF There is a minor formatting difference, some missing punctuation and some slightly different phrasing in places between the two documents but the documents are mostly the same. There are also notes where changes should be made (eg the final sentence under Venue equipment, in Definitions box on following page, bullet point with a question mark under EGM Play - Session Start, towards the bottom of page 7 and towards the top of page 8. One key difference is that under Next Steps on the final page, the fifth dot point contains information not in the released version.
27	963	Player Card and Cashless Gaming - preliminary consultation with industry	Duplicate of Doc 2	Full Release
28	979	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The first four paragraphs of the Consultation subsection are non-public and factual. The final one is analysis and non-public. • The System design, development and implementation subsection is entirely factual save for the final sentence which is analysis. None of the information is public. • The Regulatory and contractual variations section is entirely non-public analysis.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
				<ul style="list-style-type: none"> • The Interjurisdictional subsection consists entirely of factual information that is not publicly available. • The Attachment to record 28 does not appear within the compiled records, unless possibly it is the same document as Record 26. I suspect it is actually an earlier version given the dot point in Record 26 which refers to the Treasurer.
29	981	Commission Paper for Meeting	Out of Scope (Redacted) Information relating to Venue Licence Compliance Reports and Disciplinary Action, Card Gaming Tournaments, Electronic Monitoring System and Requests for Meetings / Briefings.	Section 31 Legal Professional Privilege Section 36 - Personal Information of Third Party
30	1227	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The Consultation section is entirely non-public and is also entirely factual except for the third paragraph, which consists wholly of analysis. • The System design, development and implementation section consists entirely of factual information which is not public. • The regulatory and contractual variations section consists entirely of factual information which is not public. • The Interjurisdictional subsection consists entirely of factual information that is not publicly available.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
31	1229	Commission Paper for Meeting	<p>Out of Scope (Redacted)</p> <p>Information relating to Venue Licence Compliance Report and Disciplinary Action, Legislative Amendments, Player Loyalty Programs and Community Complaint Card Gaming.</p>	<p>Section 31 Legal Professional Privilege</p> <p>Section 36 - Personal Information of Third Party</p>
32	1414	Commission Paper for Meeting	In Scope	<p>Section 35 - Internal Deliberative Information</p> <ul style="list-style-type: none"> • The Background section consists entirely of publicly available information. • The Current Status section is not public and is factual. • The content within the bullet points under Issues are public as they were in the industry consultation paper released in full at https://www.treasury.tas.gov.au/Documents/RTI%20-%20Documents%20for%20release%20-%20Player%20card%20gaming%20system.PDF • The remainder of the Issues section is not public and not factual. • The Engagement with potential certification bodies section is not public, but the information is entirely factual except for the second last paragraph, which contains no factual information. • The first two paragraphs of the Other jurisdictions section are not publicly available information and are not factual. The remainder is publicly available, factual information. • The future approach and Options section consist entirely of non-public, non-factual information.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
33	1421	Commission Paper for Meeting	In Scope	<p>Section 35 - Internal Deliberative Information</p> <ul style="list-style-type: none"> • The first paragraph of the 2024 state election section is factual and public. The remainder is non-public, non-factual information except for the final sentence, which is public and factual (as is Attachment 1). • The first sentence under Consultation is not publicly available information but is factual. The second sentence is non-public and non-factual. • The System design, development and implementation section consists entirely of factual information which is not public. • The Regulatory and contractual variations section consists entirely of factual information which is not public. • The Interjurisdictional subsection consists entirely of factual information that is not publicly available.
34	1424	Commission Paper for Meeting	<p>Out of Scope (Redacted)</p> <p>Information relating to Venue Licence Compliance Reports and Disciplinary Action and Electronic Monitoring System.</p>	<p>Section 35 - Internal Deliberative Information</p> <p>Section 36 - Personal Information of Third Party</p>
35	1654	Commission Paper for Meeting	In Scope	<p>Section 35 - Internal Deliberative Information</p> <ul style="list-style-type: none"> • The first sentence of the 2024 state election section is factual and public. The second is not factual and not public. • The System design, development and implementation section consists entirely of factual information which is not public. • The Issues section consists of not public and not factual information. • The Regulatory and contractual variations section consists of non-public, factual information.

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
36	1656	Commission Paper for Meeting	Out of Scope (Redacted) Information relating to Venue Licence Compliance Reports and Disciplinary Action and Licencing Delegations.	Section 36 - Personal Information of Third Party
37	1855	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The Background section is factual but not public. • The Discovery report section is factual but not public. • The Next steps section is not factual and not public. • Attachment 1 is included within the package as Record 41.
38	1859	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The first sentence of the 2024 state election section is factual and public. The second is factual and not public. • The System design, development and implementation section consists entirely of factual information which is not public. • The Issues section consists of not public and not factual information. • The Regulatory and contractual variations and Interjurisdiction sections consist of non-public, factual information.
39	1861	Commission Paper for Meeting	Out of Scope (Redacted) Information relating to Venue Licence Compliance Reports and Disciplinary Action.	Section 36 - Personal Information of Third Party

Doc #	Page #	Title	Scope Status	Decision on In Scope Information
40	2119	Commission Paper for Meeting	In Scope	Section 35 - Internal Deliberative Information <ul style="list-style-type: none"> • The first sentence of the 2024 state election section is factual and public. The second is factual and not public. • The System design, development and implementation section consists entirely of factual information which is not public. • The Issues section consists of not public and not factual information. • The Regulatory and contractual variations and Interjurisdiction sections consist of non-public, factual information.
41	2121	Industry Stakeholder Report	In Scope	Section 37 (a) and (b) - Information Relating to Business Affairs of Third Party