

Ms Anne Davies
Investigations Editor
The Guardian
Level 3, 19 Foster Street
Surry Hills NSW 2010
Sent via email: anne.davies@theguardian.com

Dear Ms Davies

Application for access to government information – Crown Sydney

I refer to your application made under the *Government Information (Public Access) Act 2009* to the Office of the Hon Kevin Anderson dated 31 July 2019 which was transferred to the Office of the Hon Victor Dominello, as Minister responsible for gaming, and received on 5 August 2019.

I am the responsible GIPA Officer in the Office of the Hon Victor Dominello MP. I and other staff members have conducted a thorough search for documents held by our office which fall within the scope of the request made in your application:

- Information on meetings with the Minister or his staff with Crown Resorts executives or James Packer or executives of Melco, including Lawrence Ho or his representatives in Australia.
- Communications from Crown about the gaming conditions of Crown's licence including any discussion about the ban on poker machines, lowering minimum bets or allowing other electronic forms of gaming, and any advice to the minister on the same or replies to Crown.
- Advice to the minister regarding probity that could arise in relation to Crown Resorts due to issues raised in the media and in federal parliament.
- Advice to the minister regarding probity that could arise from the investment by Melco in Crown, or the failed investment by Wynn Resorts.
- Advice to the minister about the viability of a high roller casino in Sydney.

I confine my request to the date range: 1 January 2019 to the date of this request.

Decision about access

I have today decided your application, under section 58(1) A of the GIPA Act, by

- providing access to records described in Annexure A;
- refusing to provide access to the records described in Annexure B

Statement of reasons

There is a presumption in favour of disclosing government information. You have a legally enforceable right to be provided with access to the information sought, unless there is an overriding public interest against disclosure of the information.

In relation to the records (1 and 2) described in Annexure A, I have applied the public interest test and decided that there is an overriding public interest in favour of disclosure. These are diary records of two meetings between the Minister's staff and Crown Resorts employees.

In relation to the records described in Annexure B, I have decided to refuse access on the following grounds.

Records 3, 4 and 5 are House Folder Notes which are protected under parliamentary privilege. The public disclosure of that information would, but for any immunity of the Crown, infringe the privilege of Parliament within clause 4(c) of Schedule 1 to the GIPA Act. Accordingly, there is a conclusive presumption that there is an overriding public interest against disclosure of the information and I refuse access to this information.

In relation to Record 6, I have decided against disclosure as I am satisfied that there is an overriding public interest against disclosure on the grounds described in section 14, clauses 1 (f) and (h).

Section 14, clause 1 sets out a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally): (f) prejudice the effective exercise by an agency of the agency's functions and/or h) prejudice the conduct, effectiveness or integrity of any audit, test, investigation or review conducted by or on behalf of an agency by revealing its purpose, conduct or results (whether or not commenced and whether or not completed). In this instance the agencies involved are the Independent Liquor and Gaming Authority and Liquor and Gaming NSW.

I have considered the public interest considerations in favour of disclosure of record 6, including that the release of the record could promote open discussion of public affairs, enhance Government accountability or otherwise contribute to positive and informed debate of issues of public importance. However, on balance, I have decided that there is an overriding public interest against disclosure on the basis of section 15, clauses 1(f) and (h).

Fees and charges

The Act entitles agencies (including ministerial offices) to charge for the processing of an application, even in circumstances where a decision is made that the agency does not hold any information falling within the scope of the application. I have decided that no further charges should be imposed for this application.

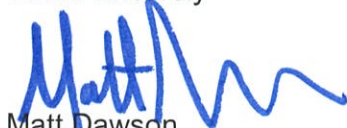
Rights of review

This decision is reviewable under section 80 of the Act. If you are aggrieved by my decision, you may seek review under Part 5 of the Act. You are entitled to seek an external review by the Information Commissioner or by the NSW Civil and Administrative Tribunal. You have 40 working days from date of receipt of this letter to apply for an external review.

Inquiries

Please contact me on (02) 8574 6607 or via email matt.dawson@minister.nsw.gov.au if you have any questions in relation to your application and my decision.

Yours sincerely



Matt Dawson
Chief of Staff

Office of the Hon Victor Dominello MP
Minister for Customer Service

29-8-19

Annexure A – release in full

1. Meeting between Matt Dawson (Minister Dominello), Tom Green (Minister Dominello), Karl Bitar and Chris Reilly (Crown Resorts) – Thursday 16 May 2019
2. Site Visit Crown Sydney Barangaroo – Thursday 27 June 2019

Annexure B – refused disclosure in full

3. House Folder Note
4. House Folder Note
5. House Folder Note
6. Departmental Briefing Note protected under section 14, clauses 1 (f) and (h)



Matt Dawson

Subject: Chris Reilly/Carl Bitar - Crown Resorts
Location: Bond Cafe

Start: Thu 16/05/2019 11:00 AM
End: Thu 16/05/2019 11:45 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Matt Dawson
Required Attendees: Tom Green

Matt Dawson

Subject: Tour of Crown Sydney and Lunch
Location: Meet at Crown Sydney Reception | Level 19, 201 Kent Street SYDNEY
Start: Thu 27/06/2019 11:30 AM
End: Thu 27/06/2019 2:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Chris Reilly

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