

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

JUSTICE AND COMMUNITY SAFETY DIRECTORATE

**Notice provided to the Ombudsman under section 39 of the
*Freedom of Information Act 2016***

**Presented by
Dr Marisa Paterson MLA
Minister for Gaming Reform
December 2025**

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ACT
Government

Justice and Community Safety

Our ref: 2025/26839

ACT Ombudsman
GPO Box 442
Canberra ACT 2601

By Email: actfoi@ombudsman.gov.au

Dear Ombudsman

Access Application – Notice of Decision Not Made in Time

On 1 September 2025, the Justice and Community Safety Directorate (JACS) received an access application made under the *Freedom of Information Act 2016* (the FOI Act).

The scope of the access application relates to reports provided to JACS by the Canberra Racing Club and Canberra Harness Racing Club as part of their Memorandum of Understanding with the ACT Government, and the terms of reference for the Joint Racing Industry and Government Committee.

I am writing to notify you that a decision on this access application was not provided within the statutory processing period allowed under the FOI Act. The time to decide this application under section 40 of the FOI Act was 11 November 2025. The Directorate contacted the applicant on this date to request a short extension of time under section 41(1) of the Act, which was refused. Notwithstanding this, the Directorate continued to process the application as a matter of priority, and a notice of decision was subsequently sent to the applicant today, 24 November 2025.

The information subject to this request required extensive research to determine what was already in the public domain through third parties' websites and other regulatory bodies due to the overlap between the ACT and NSW racing industry. This research was then complimented by third-party consultation, with one stakeholder identifying significant sensitivities with the release of information. This required a substantial amount of time to understand and respond to these concerns, taking into account the objectives and requirements of the FOI Act. This process consumed longer than the 15 working days allowed for third party consultation under the FOI Act, significantly reducing the amount of time available to prepare and consider the final decision on release.

This process was made more complex by the unforeseen identification of relevant provisions within the *Gambling and Racing Control Act 1999* on the final day of the legislative timeframe, which needed to be appropriately addressed before a decision could be reached on the release of relevant material. Undertaking a proper assessment of these provisions meant that the access application could not be decided

within the timeframes provided under section 40 of the FOI Act, however the Directorate endeavoured to complete this work as quickly as possible.

In accordance with section 39(4) of the FOI Act, this notice will be tabled in the Legislative Assembly within six sitting days of the access application being decided, including any review or appeal.

Please contact the Directorate's FOI team at JACSFOI@act.gov.au if you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'D. Ng', is written over a light blue rectangular background.

Daniel Ng
Information Officer
Executive Group Manager, Legislation, Policy and Programs

24 November 2025