



22 May 2020

John Sutton

Via email: John Sutton <[fyi-request-12471-7d7d7628@requests.fyi.org.nz](mailto:fyi-request-12471-7d7d7628@requests.fyi.org.nz)>

45 Pipitea St  
PO Box 805  
Wellington 6140  
New Zealand  
Phone +64 4 495 7200  
Fax +64 4 495 7222  
Website [dia.govt.nz](http://dia.govt.nz)

Dear John

**Official Information Act 1982 (the “OIA”) request dated 18 March 2020 (ref OIA19200693)**

Thank you for your OIA request dated 18 March 2020 to the Department of Internal Affairs (the “Department”). You requested the following information:

Copies of any reports, audits or investigations conducted into the Pockets 8 Ball Club previously based in Tokoroa.

On 19 March 2020, the Department wrote to you acknowledging your request, and on 3 April 2020 it advised you it had extended the timeframe for its response until 25 May 2020, under section 15A of the OIA.

**Number of documents within scope of your request**

The Department identified **15** documents in scope of your request, which are summarised at Appendix 1.

Please note that there are two errors in Document 14 relating to dates. Namely, at page 10, paragraph 5, it refers to “on 8 December 2015, the Department briefed the Minister on the merger”. The date reference in this paragraph should refer to 8 December 2016. Similarly, in the same paragraph, it refers to “...it was subsequently approved by the Minister on 12 December 2015”. The latter date should refer to “8 December 2016”.

**Principle of availability**

The guiding principle for considering your request for official information is the principle of availability (section 5 of the OIA), that is, information must be made available on request unless there is good reason for withholding it. “Good reason” for withholding is defined in the OIA under a number of grounds. It is against these grounds that the Department considered your request.

**Withholding grounds applicable under section 6 of the OIA**

The Department has considered the conclusive reasons for withholding information that are not subject to the public interest test, listed in section 6 of the OIA.

The Department considers that section 6(d) of the OIA applies to some of the information in Documents 7 and 14, to avoid endangering the safety of any person. The Department has specifically identified the application of this ground in relevant redactions in these documents.

### **Withholding grounds applicable under section 9(2) of the OIA**

The Department has considered the other reasons for withholding information that are subject to the public interest test, listed in section 9(2) of the OIA. The following grounds for withholding information as outlined in section 9(2) of the OIA apply to the redacted information to the extent outlined in Appendix 1 of this letter and in the documents themselves: section 9(2)(a), section 9(2)(ba)(i), section 9(2)(g)(i), and section 9(2)(h) of the OIA.

It is necessary to withhold some information in the document set under section 9(2)(a) of the OIA to protect the privacy of certain persons (including the employees of the Department). The information withheld includes names and phone numbers. The documents affected by the application of this withholding ground are 1, 4, and 6 to 14 (inclusive).

In addition, some information in Documents 7, 12, and 14 is withheld under section 9(2)(ba)(i) of the OIA. It is necessary to withhold summaries of interviews of Pockets' staff as this information is subject to an obligation of confidence. Also, information provided by certain banks to the Department (which is included in Documents 12 and 14) is subject to an obligation of confidence. Releasing this redacted information would be likely to prejudice the supply of similar information or information from the same source in future. It is also in the public interest that such information continues to be supplied in the future.

Documents 2 and 5 are withheld in full under section 9(2)(g)(i) of the OIA, and some information in Document 7 is also withheld under this ground. The documents, and information in question, are being withheld under section 9(2)(g)(i) on the basis that release of this information would inhibit the future exchange of free and frank opinions and that inhibition would also prejudice the effective conduct of public affairs.

Finally, some information in Documents 4, 6, 7, 8, 11, and 14 is subject to legal professional privilege, and section 9(2)(h) of the OIA applies to this information.

#### *Legal advice in Document 8*

Please note that the legal advice in Document 8 was taken verbatim from a series of emails to and from a solicitor in the Department's Legal Services section. The legal professional privilege in these emails relating to Pockets 8 Ball Club has been subject to a partial waiver of privilege, and the Department cannot continue to rely on section 9(2)(h) of the OIA for Document 8 to the extent legal professional privilege has previously been waived. Therefore, in accordance with the principle of availability under the OIA, the Department has attached to this letter a summary of the Pockets 8 Ball Club legal advice that is contained in the Outcomes and Advisory Board paper – refer to Document 15.

Please note that the names of the parties to the emails (as referred to in Document 15) are withheld under section 9(2)(a) of the OIA.

For the avoidance of doubt, please note that part of the legal advice in Document 8 relates to the Hasting RSA merger and this advice was not subject to an implied waiver of privilege. Therefore, the withholding of this information remains necessary to maintain legal professional privilege under section 9(2)(h) of the OIA.

*The public interest test*

Before deciding to withhold information under sections 9(2)(a), 9(2)(ba)(i), 9(2)(g)(i), and 9(2)(h) of the OIA, the Department considered whether the withholding of information was outweighed by any public interest considerations under section 9(1) of the OIA. The Department acknowledges the public interest in the transparent conduct of public affairs and in holding officials to account for their actions.

In this case, it has been decided that the public interest in favour of disclosure of the redacted information in question does not outweigh the need to withhold the redacted information for the reasons set out in section 9(2) of the OIA (and as described in this letter). Therefore, sections 9(2)(a), 9(2)(ba)(i), 9(2)(g)(i), and 9(2)(h) of the OIA provide good reasons for withholding the redacted information in question.

**Recourse to the Ombudsman**

If you are dissatisfied with the Department's decision on your request for information, you have the right, under section 28 of the OIA, to make a complaint to the Office of the Ombudsman. The Office of the Ombudsman can be contacted by phone on 0800 802 602, via post at PO Box 10152 Wellington, or via email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Yours sincerely



**Chris Thornborough**

On behalf of Lisa Docherty  
Director Regulatory System  
Gambling

## Appendix 1

Number	Title	Date	Comments
1	Internal report	19 March 2009	Released with some information withheld under section 9(2)(a) of the OIA.
2	Draft audit report for Pockets 8 Ball Club Inc. (Audit period - 1 April 2007 to 31 March 2008)	21 May 2009	Withheld in full under section 9(2)(g)(i) of the OIA.
3	Audit report for Pockets 8 Ball Club Inc. (Audit period - 1 April 2009 to 31 March 2010)	22 April 2011	Released in full
4	GCG Advisory Group Report	10 April 2012	Released with some information withheld under section 9(2)(a) and section 9(2)(h) of the OIA
5	Draft audit report for Pockets 8 Ball Club Inc (Audit period - 31 March 2013 to 1 April 2014)	June 2014	Withheld in full under section 9(2)(g)(i) of the OIA.
6	Transitional Outcomes and Advisory Board Report	15 June 2015	Released with some information withheld under section 9(2)(a) and section 9(2)(h) of the OIA. Some information is also redacted as being out of scope
7	Outcomes and Advisory Board Report	29 July 2016	Released with some information withheld under section 6(d) of the OIA and section 9(2)(a), section 9(2)(ba)(i), section 9(2)(g)(i) and section 9(2)(h) of the OIA.
8	Outcomes and Advisory Board Report	20 October 2016	Released with some information withheld under section 9(2)(a) and section 9(2)(h) of the OIA.
9	Internal Affairs briefing to the Minister of Internal Affairs	8 December 2016	Released with some information withheld under section 9(2)(a) of the OIA.
10	Internal email attaching one attachment	29 September 2017	Released with some information withheld under section 9(2)(a) of the OIA.
11	<i>Attachment 1 - Internal memorandum - forensics report</i>	29 September 2017	Released with some information withheld under section 9(2)(a) and section 9(2)(h) of the OIA.

12	Internal memorandum	11 April 2018	Released with some information withheld under section 9(2)(a) and section 9(2)(ba)(i) of the OIA.
13	Internal memorandum	21 May 2018	Released with some information withheld under section 9(2)(a) of the OIA.
14	Internal Regulatory Investigations Report	21 August 2018	Released with some information withheld under section 6(d), section 9(2)(a), section 9(2)(ba)(i) and section 9(2)(h) of the OIA.
15	Summary of legal advice from Document 8	Undated	Released in full