

Alex Harris
fyi-request-1555-280daf94@requests.fyi.org.nz

Ref: H201401073

Dear Mr Harris

Response to your request for official information

Thank you for your request for official information, received by the Ministry of Health (the Ministry) on 21 March 2014. You requested all advice and communications in the past year relating to the funding for the Problem Gambling Foundation (PGF). This request followed a report in the New Zealand Herald that PGF's funding was to be cut as a result of the Ministry's recent Request for Proposals (RFP) for regional and national services to prevent and minimise gambling harm.

In a letter dated 22 April 2014, I provided you with an interim response including some information relevant to your request. This letter concludes my response to your request.

The outcome of the RFP process is that the Ministry has started negotiating with 17 organisations, including PGF, in relation to service contracts that would commence on 1 July 2014. The Ministry's RFP decision would, among other things, reduce the scope of the services that PGF would be contracted to provide from 1 July 2014.

The Ministry has identified a number of documents that are potentially relevant to your request. Most of these documents do not refer to PGF specifically. However, they are essential to an understanding of the context within which the Ministry made its decisions on the PGF proposals.

The Ministry's *Preventing and Minimising Gambling Harm Three-year service plan and levy rates for 2013/14 to 2015/16* (the Service Plan) was developed following the detailed consultation process set out in section 318 of the Gambling Act 2003. It outlined the Ministry's intention to test the market for a variety of the problem gambling services it funds and the reasons for doing so. It also outlined the types of services that the Ministry was intending to fund in the current three-year period. The Service Plan document has been available on the Ministry's website since 23 May 2013, shortly after it was approved, at the website address below. The other strategic documents to which the Service Plan refers are also available on the Ministry's website.

<http://www.health.govt.nz/publication/preventing-and-minimising-gambling-harm-three-year-service-plan-and-levy-rates-2013-14-2015-16>

Accordingly, if you consider that any of these documents are within the scope of your request, I am formally refusing your request for this information under section 18(d) of the Official Information Act 1982 (the Act), because the information is already publicly available.

After the Service Plan was approved, the Ministry arranged for an RFP to be published on the Government Electronic Tenders Service website (GETS). In accordance with standard practice, the documents were removed from GETS after the RFP closed. However, I have attached copies to this letter. Along with the documents attached to my interim response dated 22 April 2014, this means that you now have the complete set of documents provided to the panel that evaluated the proposals, other than the proposals themselves. There are no redactions from any of these documents.

Copies of the panel's minutes and the two memoranda that resulted from the panel's consideration of the proposals were attached to my interim response (albeit that some information was redacted from all three of these documents).

The final document attached with this letter is a Health Report put to the Associate Minister of Health on 19 March 2014, informing him about the outcomes of the RFP process. This document specifically discusses the impact of the RFP on PGF's funding.

I am conscious of the principle of availability set out in section 5 of the Official Information Act 1982 (the Act). However, I have decided that it is necessary to redact some information from this Health Report, to enable the Ministry to carry out, without prejudice or disadvantage, commercial activities and contract negotiations, as permitted by sections 9(2)(i) and 9(2)(j) of the Act. I have decided that my reasons for withholding this information are not outweighed by other considerations which render it desirable, in the public interest, to make the information available.


I acknowledge your advice that you have made a complaint to the Ombudsman that the reliance in my interim response on sections 9(2)(i) and 9(2)(j) of the Act was inappropriate. I can advise that the Ministry took the Ombudsman's guidelines into account before the decision was made to withhold some information on the grounds cited in both my interim response and this response letter. The Ministry considers that its decisions comply with the Act.

I have attached a schedule of the documents being released to you with this final response and the grounds for any refusals or redactions.

You might also find it helpful to learn that, in common with other service providers, PGF's current contract term has been extended twice, on each occasion for a six-month period. The first extension was to 31 December 2013. The second extension was to 30 June 2014. The scope of PGF's current contract is set out in paragraph 17 of the Health Report put to the Associate Minister of Health on 19 March 2014.

You have the right to complain to the Ombudsman about my decisions to refuse parts of your request and to withhold some information. Information about making a complaint is on the website of the Office of the Ombudsman (www.ombudsman.parliament.nz). You can also contact the Ombudsman on freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cathy O'Malley'.

Cathy O'Malley
Deputy Director-General
Sector Capability and Implementation

Schedule of documents to which this final response relates

Date	Name of Document	Any redactions or refusals	Reason for redactions or refusals
23 May 2013	Preventing and Minimising Gambling Harm Three-year service plan and levy rates for 2013/14 to 2015/16	Refused	Section 18(d) the information is already publicly available
The documents published on GETS on 24 July 2013, being:			
	The RFP	No redactions	
	An indicative contract	No redactions	
	An indicative service specification	No redactions	
	Six questions and answers	No redactions	
19 March 2014	The Health Report informing the Associate Minister of Health about the outcomes of the RFP process	Details on the impact for various service providers	Sections 9(2)(i) and 9(2)(j) to enable the Ministry to carry out, without prejudice or disadvantage, commercial activities and contract negotiations