Pursuant to section 82(1)(a) of the Financial Management Act 2006, I give notice to both houses that I am unable to table the papers requested in part (b) and (d) of Legislative Council Question on Notice 92.

Notice is also being provided to the Auditor General, as required under section 82(1)(b) of the Financial Management Act 2006.

The question requests that the documents relating to Racing and Wagering Western Australia’s (RWWA) submission to the Australian Competition and Consumer Commission (ACCC) and information provided to RWWA from Tabcorp be tabled.

I am not prepared to provide that information on the basis that:

- Racing and Wagering Western Australia (RWWA) operates the WA TAB in a highly competitive and commercial environment and failure to keep commercially sensitive information out of the public domain would provide competitors with a valuable advantage in financial analysis of market share;
- the submission to the ACCC contains data relating to RWWA’s commercial operations including current pooling arrangements with Tabcorp which are commercial-in-confidence and are subject to confidentiality provisions; and
- dealings between RWWA and Tabcorp are commercially sensitive and are subject to confidentiality provisions.
- RWWA is a body corporate that operates independently from government. RWWA’s submission to the ACT and ACC were initiated and composed solely by RWWA without any input from government.
RACING AND WAGERING WESTERN AUSTRALIA —
AUSTRALIAN COMPETITION TRIBUNAL — SUBMISSION

Hon Colin Holt to the minister representing the Minister for Racing and Gaming:

I refer to Racing and Wagering Western Australia’s (RWWA) submission to the Australian Competition Tribunal (ACT), tabled by the Minister yesterday, and I ask:

(a) was the submission to the ACT dated 7 March 2017 endorsed by the board of RWWA;

(b) the submission states “RWWA also participated in the Australian Competition and Consumer Commission process” on the merger:

(i) will the Minister table all documents relating to the RWWA participation in the Australian Competition and Consumer Commission process; and

(ii) if not to (b)(i), why not;

(c) what specific information did Tabcorp provide to RWWA to allay concerns that “the removal of one bidder (Tatts) from any potential future privatisation process may reduce competition for the potential acquisition of the WA TAB wagering licence;

(d) in relation to (c), will the Minister table the information; and

(e) if no to (d), why not?

Hon Alannah MacTiernan replied:

(a) Yes.

(b) (i) No.

(ii) This information is considered commercially sensitive and highly confidential.

(c) Tabcorp provided Racing and Wagering Western Australia with a commitment that it would enable access to pari-mutuel pools beyond 2024.

(d) No.

(e) This information is considered commercially sensitive and highly confidential.