



**Australian
Competition &
Consumer
Commission**

Our Ref: C2005/270
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30 June 2005

Mr Alasdair Robertson
Chief Executive Officer
The Western Australian Turf Club
P O Box 222
BELMONT WA 6984

Dear Mr Robertson

**Re: WA TAB Agents' Association application for authorisation A90952
- determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by WA TAB Agents' Association on 1st February 2005.

The Association sought authorisation to allow it to collectively negotiate on behalf of its members, in relation to the terms and conditions of the provisions of services by members to Racing and Wagering Western Australia (RWWA).

The Association also sought authorisation for an agreement between its members under which it would act on behalf of members where a dispute arises between those members and RWWA.

Summary of ACCC considerations

Having considered the application and submissions from WA TAB Agents' Association and interested parties, the ACCC has granted authorisation to the arrangements until 30 June 2011.



In making this determination, the ACCC considered that the anti-competitive effects generated by the proposed collective bargaining arrangements were likely to be small. In particular:

- the ACCC did not consider that the proposed arrangements would affect the price of wagering services provided to the public given that the prices are already regulated by government legislation; and
- the proposed arrangements do not impose any additional restrictions on a TAB agent's ability to compete on service levels, rather, as noted below, the arrangements are likely to improve the capacity of TAB agents to improve the service levels currently offered.

The ACCC also considered that the proposed arrangements were likely to result in benefits to the public. In particular:

- the ACCC considered that the proposed collective bargaining arrangements would provide a greater opportunity for TAB agents, through the Association, to achieve more efficient commercial outcomes by having greater input into contracts;
- the ACCC also considered that TAB agents are likely to pass on, at least some, benefits of any more favourable deal negotiated with RWWA as a result of bargaining collectively, in the form of improvements in the level of service provided by TAB agents to consumers; and
- to the extent that the proposed arrangements allow for the development of an effective dispute resolution process, in a consultative and inclusive manner, the ACCC considered that they were likely to generate some public benefits.

Therefore, after considering all the information before it, the ACCC concluded that the public benefits flowing from the proposed arrangements were likely to outweigh the anti-competitive detriments and has granted authorisation.

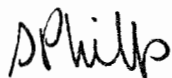
Appeal rights

In accordance with s.101 of the *Trade Practices Act 1974*, a person dissatisfied with the ACCC's determination may apply to the Australian Competition Tribunal for a review of the determination.

Applications for review must be lodged with the Registrar of the Tribunal on the appropriate form within 21 days of the date of the determination – that is, by 21 July 2005. The Tribunal is located in the Office of the Registrar of the Federal Court in each State. If no application to review is lodged by this date, the ACCC's determination will come into force on 22 July 2005.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter or would like a copy of the determination sent to you, please do not hesitate to contact Siobhán O'Gara on (08) 9325 0608.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SPhilp', written in a cursive style.

Susan Philp
A/g Director
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