

FILE No:
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05/R/017

Susan Philip  
Director  
Adjudication Branch  
Australian Competition & Consumer Commission  
PO Box 1199  
**DICKSON ACT 2602**

Dear Ms Philip

Thank you for your letter to Mr Ken Brown dated 31 March 2006 regarding an Application for Authorization A30243 lodged by the Association of Australian Bookmaking Companies Inc (AABC).

Please note that Mr Brown has retired as Director-General of the Department of Gaming and Racing, and that I am replying on his behalf. Please also note that there has been a change of agency name to the Office of Liquor, Gaming and Racing.

I note that the application is in respect of authorisation to engage in collective bargaining for purposes associated with approvals for 'race fields' information, and similarly with approvals in relation to sports related information.

At this point in time there is no NSW legislation for either type of activity described in the AABC application.

Nevertheless, as a matter of principle there are two matters of concern about the application.

The practice is to consult with affected parties when introducing new legislation. In respect of bookmakers, the parties consulted are the NSW Bookmakers Co-operative Ltd and its national affiliate the Australian Bookmakers Association. Those two bodies represent the majority of Australian bookmakers.

While the AABC is a relatively new body, it represents only a small number of Northern Territory licensed bookmakers.

Notwithstanding that there is no NSW legislation as yet on the relevant matters, the issue is under consideration and one possible outcome could be that the approval processes could involve a Ministerial discretion.

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Therefore, if any future NSW legislation is framed in those terms, the appropriate interaction would be in terms of consultation with all affected parties, and not by way of collective bargaining.

Accordingly, to give support to the application is premature, and may, depending on the form of possible future legislation, not be appropriate.

I therefore do not support the application.

Yours sincerely



12/4/06.

John Whelan  
Director, Racing