



RACING AND WAGERING WESTERN AUSTRALIA

15 November 2007

By email: adjudication@acc.gov.au

Attention: Ms D Staltari

Mr S Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Mr Gregson

Tabcorp Manager Pty Ltd Application for Authorisation A91065, A91066 & A91067 – Interested Party Consultation

Thank you for your letter of 8 November 2007.

Racing and Wagering WA (RWAA) objects to Tabcorp Manager Pty Ltd (Tabcorp) request for interim authorisation to enable Tabcorp and Tote Tasmania to give effect to the 2007 Pooling Agreement.

RWAA understands:

1. that the current pooling agreement between Tabcorp and Tote Tasmania expires on 25 March 2008;
2. Tabcorp is seeking interim authorisation from the ACCC to give effect to the 2007 SuperTAB Pooling Agreement between Tabcorp and Tote Tasmania while the ACCC considers the merits of the substantive applications; and
3. that following authorisation of the 2007 Pooling Agreement, Tabcorp will commence providing pooling services to Tote Tasmania on the terms of the new agreement.

Public detriment

RWAA has entered into a pooling agreement dated 28 October 2005 with Tabcorp. Schedule A to this agreement specifies the fees structure applicable to the agreement including settlement fees.

RWAA currently receives an amount of the (**Restriction of part of publication claimed**). In a letter from Mr Robert Nason, Managing Director Wagering Tabcorp, dated 31 October 2007 we were advised of the following:

"If the Tote Tasmania Agreement comes into effect, which will occur if the ACCC grants interim authorisation and/or final authorisation before 31 December 2008, (Restriction of part of publication claimed.)"

It is estimated that granting Tabcorp's applications for authorisation for the 2007 Pooling Agreement prior to the 25 March 2008 will cost RWWA approximately **(Restriction of part of publication claimed)**.

RWWA is a statutory authority established under the *Racing and Wagering Western Australia Act 2003 (RWWA Act)*. One of its functions is to:

'foster the development, promote the welfare and ensure the integrity of metropolitan and country thoroughbred racing, harness racing and greyhound racing, in the interests of the long term viability of the racing industry in Western Australia.¹

RWWA is the major source of funding for the racing industry in Western Australia. RWWA uses the revenue it retains from its operations to benefit the racing industry in Western Australia. The monies collected from all wagering activity is pooled and distributed according to a model that takes account of the needs and position of each of the thoroughbred, harness and greyhound racing industries in Western Australia.

The timing for the granting of authorisation for the 2007 Pooling Agreement will directly impact on the funds available to the Western Australian racing industry distributed through racing stakes, club operations, other subsidies and grants.

I would be happy to expand on any matter in this letter if required.

Yours sincerely

Richard Burt
CHIEF EXECUTIVE OFFICER

¹ Section 35(1)(b) of the RWWA Act