



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: N93059 and N93221
Contact Officer: Monica Bourke
Contact Phone: (02) 6243 1351

22 November 2007

[address]

Dear

**Withdrawal of exclusive dealing notification N93059 and
lodgement of exclusive dealing notification N93221
by Harness Racing Victoria**

Withdrawal of exclusive dealing notification N93059

You may recall that I wrote to you on 6 September 2007 advising you that the Australian Competition and Consumer Commission (the ACCC) had issued a draft notice proposing to revoke notification N93059 lodged by Harness Racing Victoria (HRV) on 11 July 2007. The ACCC has now received advice from HRV that it withdraws notification N93059.

The legal immunity conferred by the lodging of the third line forcing notification N93059 ceases to be in force. The ACCC will not proceed with its assessment of this notification.

Lodgement of exclusive dealing notification N93221

On 19 November 2007 HRV lodged a new exclusive dealing notification N93221.

HRV proposes to enter into a Race Field Approval Agreement with six bookmakers who wish to use Race Fields for Victorian harness racing and accept bets on Victorian harness racing. Under the notification HRV is proposing to offer a rebate to the bookmakers, on the condition that the bookmakers:

1. place bet-backs with Victorian TAB (Tabcorp) or
2. place bet-backs with any other wagering operator licensed in Victoria for Victorian harness racings or

3. have made a relevant economic contribution, approved by HRV to the Victorian Harness Racing industry.

HRV is also proposing to require the bookmakers to hold an interstate or international wagering or bookmaking licence to accept wagers on harness racing in Victoria.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements of the new notification (N93221).

Written submissions should be lodged by **30 November 2007** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this notification.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Monica Bourke on (02) 6243 1351 or via email on monica.bourke@acc.gov.au.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

List of interested parties consulted on HRV notification N93221

Centrebet Racing Pty Ltd
CentreRacing
International All Sports Limited
Sportingbet Australia Pty Ltd
Betfair
Sportsbet Pty Ltd
Sports Acumen Pty Ltd
Australian Internet Bookmakers Association
Victorian Bookmakers Association
UNiTAB
TOTE Tasmania Pty Ltd
Racing and Wagering WA
ACTTAB Limited
Tabcorp Holdings Limited
Tattersall's Limited
Office of Gaming and Racing Victoria
Australian Harness Racing Council
South Australian Harness Racing Club
Queensland Harness Racing
Harness Racing Tasmania
Western Australian Trotting Association
Harness Racing New South Wales
RacingNSW
Queensland Racing Limited
Racing Victoria Ltd
Thoroughbred Racing SA
Australian Racing Board
Greyhounds Australasia
Tasmanian Thoroughbred Racing Council
Racing Services Tasmania – Dept Infrastructure, Energy & Resources
Victorian Commission for Gambling Regulation
NSW Office of Liquor, Gaming and Racing
Western Australian Department of Racing, Gaming and Liquor
ACT Gambling and Racing Commission
Racing, Gaming and Licensing – Northern Territory Treasury
Queensland Office of Gaming Regulation
South Australian Office of the Liquor and Gambling Commissioner
Tasmanian Gaming Commission
Tabcorp Holdings Limited
Racing Information Services Australia
Australian Associated Press Racing