

RACING BRANCH

NSW Office of Liquor, Gaming and Racing

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TO: <i>General Manager Adjudication Branch ACCC</i>	FAX NO: <i>02 6243-1211</i>
FROM: <i>Michael Foggo Commissioner</i>	PHONE: <i>99950486 (Frank Matye)</i>
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MESSAGE:

*Office of Liquor Gaming & Racing
Submission to consultation process
regarding:*

*Application for Authorisation by
SKY Telecom and TVN*

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COMMISSIONER

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05/R/017

Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear Mr Gregson

I refer to your letter dated 20 February 2007 regarding application for authorizations A91031 & A91032 lodged by Sky Channel Pty Ltd (SKY), Tabcorp Holdings Ltd (Tabcorp) and Thorough Vision Pty Ltd (TVN).

I note that the application is for authorisation of an MOU between the three parties which sets out the commercial terms between SKY and TVN for the sharing of thoroughbred racing content. Essentially, it is about the broadcasting arrangements for thoroughbred racing conducted in New South Wales.

The Office of Liquor Gaming and Racing is the agency with regulatory responsibilities in relation to the wagering licences granted to TAB Limited (now owned and operated by Tabcorp) under the *Totalizator Act 1997*.

In general terms, the strategic governance and economic development of the racing industry and the commercial activities of Tabcorp, which is a public company, are independent of government direction.

Further, the MOU represents the resolution of a dispute between the parties which caused financial loss to the NSW racing industry. That dispute also, by way of the split broadcast of racing pictures, was the source of considerable consumer inconvenience and criticism. A repeat of those circumstances would be undesirable.

In that context, I do not propose to provide a view except to support the arrangement to the extent that it provides to consumers more convenient access to broadcasts of racing.

Thank you for the opportunity to participate in the consultation process.

Yours sincerely

A handwritten signature in black ink that reads "Michael Foggo".

Michael Foggo
Commissioner

16 March 2007.