



# Nights of Magic

19<sup>th</sup> March 2007

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

Dear Mr. Gregson

## **Sky Channel Pty Ltd, Tabcorp Holdings Ltd and ThoroughVision Pty Ltd Application for Authorisation A91031 & A91032 – Interested Party Consultation.**

The Albion Park Harness Racing Club (APHRC) conducts the major Metropolitan and Country race meeting weekly for the sport of harness racing in Queensland. We were not made aware of the opportunity to forward a submission to the Australian Competition and Consumer Commission until late last week when our peak body, the Queensland Harness Racing Board, brought this matter to our attention. We have now been advised that an extension to the 20<sup>th</sup> March 2007 has been granted to our club to put forward a submission.

As we hold contractual arrangements with Sky Channel and have a vested interest in this matter we take this opportunity to provide the ACCC with our submission.

In response to the specific questions posed:

- **How does the MOU effect the ability of thoroughbred, harness and greyhound clubs to license their broadcasting rights.**

The APHRC is the premier harness racing club in Queensland and conducts the major metropolitan and country race meeting each week. We hold exclusive agreements with Sky Channel to broadcast these meetings on its commercial channel.

These agreements specifically guarantee a level of coverage and address issues associated with timeslot and associated promotion and sponsorship of harness racing at the Albion Park Raceway.

**ALBION PARK**

SPEED PACING CAPITAL OF AUSTRALIA

- **How the MOU affects the supply of racing broadcasting services to pay TV and free to air TV operators.**

Our agreement with Sky Channel ensures that our race meetings are televised on Sky's "wall to wall" wagering channel and will be available on the home pay TV coverage as well as pub and club coverage. This is a critical component to the financial viability of the APHRC.

Should the MOU result in only thoroughbred racing being shown on the pay TV network, this would have a severe financial impact on our club and harness racing in Queensland.

The APHRC and the harness racing industry throughout Queensland experienced a negative financial impact during the dispute between Sky Channel and TVN over the thoroughbred broadcast rights and a return to that situation would have a disastrous effect on our industry.

Exposure afforded to harness racing throughout Australia on free to air, in general, is minimal.

- **How the MOU affects the supply of race broadcasting services to pubs and clubs.**

It is imperative for the survival of harness racing in Queensland and for that matter Australia that the supply of the Sky Channel broadcasting to pubs and clubs remain.

Pricing of Sky Channel's "wall to wall" wagering channel needs to remain reasonable. Any upward movement on the pricing of this service to pubs and clubs as a result of the MOU would likely result in pub and club operators either cancelling the service or reducing operating hours of their TAB service. As harness racing is predominantly a night-time racing event any reduction to the service would have severe financial ramifications to our industry.

- **It would be helpful to obtain your comments on the likely situation if the MOU did not come into effect.**

A likely consequence of the MOU not being approved would see a return to the 2005/2006 dispute between Sky Channel and TVN where the vision was split.

This would again see a downturn in harness racing turnover and would severely jeopardise the long-term financial viability of our industry throughout Australia.

The retention of Sky Channel as a "wall to wall" wagering channel is essential for the growth of harness racing and racing in general throughout Australia. It is imperative that the minor codes of harness racing and greyhound racing are not unfairly treated and are given an equal opportunity to present and promote their product on Sky Channel to the public viewing audience.

Dave Knudsen  
Chairman



Albion Park Harness Racing Club.