



Australian
Competition &
Consumer
Commission

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

Our Ref: A91031 & A91032
Contact Officer: Monica Bourke
Contact Phone: 02 6243 1351

3 May 2007

Dear

**Re: Sky Channel Pty Ltd, Tabcorp Holdings Ltd & ThoroughVision Pty Ltd –
application for authorisation A91031 & A91032
– draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Sky Channel Pty Ltd (Sky), Tabcorp Holdings Ltd (Tabcorp) and ThoroughVision Pty Ltd (TVN) (collectively referred to as 'the applicants') on 15 February 2007.

The applicants sought authorisation for a Memorandum of Understanding (MOU) which outlines the commercial terms for the sharing of thoroughbred racing broadcasting content. In particular, the applicants sought authorisation for Schedules 1 to 7 of the MOU, and any arrangements made under clause 2.3 of the MOU.

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant the authorisation until 31 December 2012 and subject to the following condition:

- Should Tabcorp/Sky decide to supply the Sky and TVN Channels as a bundled product to commercial venues with wagering facilities, Tabcorp/Sky must at least offer the Sky Channel separately to such venues.

Next steps

Once the ACCC issues a draft determination, the applicants or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **18**



May 2007. Conferences are conducted informally, without the participation of legal or other professional advisers.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **25 May 2007** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

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

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of an authorisation application. Guidelines for seeking exclusion from the public register are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter or would like a copy of the draft determination sent to you, please do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

List of interested parties

Darwin Turf Club (Northern Territory)
Brisbane Turf Club
Queensland Turf Club
Gold Coast Turf Club
Tattersalls Racing Club
Tasmanian Turf Club
Tasmanian Racing Club
Alice Springs Turf Club
Hobart Greyhound Racing Club
Ballarat Turf Club
Geelong Racing Club
Lismore Turf Club
Newcastle Jockey Club
Toowoomba Turf Club
Sunshine Coast Turf Club
Rockhampton Jockey Club
Kalgoorlie Boulder Racing Club
Australian Racing Board
Australian Harness Racing Council
Greyhounds Australasia
Australian Trainers Association
Thoroughbred Racing SA
Greyhound Racing SA
South Australian Harness Racing Club
Racing Victoria Ltd
Harness Racing Victoria
Thoroughbred Breeders Association Victoria Inc.
Greyhound Racing Victoria
Queensland Racing Limited
Greyhound Racing Authority Queensland
Queensland Harness Racing
Albion Park Harness Racing Club
ACT Racing – Thoroughbred Park
Perth Racing - Western Australian Turf Club
Western Australian Greyhound Racing Authority
Western Australian Trotting Association
RacingNSW
Harness Racing New South Wales
Greyhound & Harness Racing Authority of New South Wales
Tasmanian Thoroughbred Racing Council
Harness Racing Tasmania
Australian Hotels Association
Clubs NSW
Clubs Queensland
Clubs SA
Clubs Victoria
Clubs ACT
Clubs WA
Clubs NT

Clubs TAS
Tattersall's Limited
Association of Australian Bookmakers
TOTE Tasmania Pty Ltd
Racing and Wagering WA
ACTTAB Limited
Betfair Pty Limited
Victorian Bookmakers Association
Australian Punters' Association
Sportsbet Pty Ltd
SPT Management
UNiTAB
Foxtel Management Pty Ltd
SingTel Optus Pty Ltd
Austar United Communications Limited
Seven Network Limited
Network Ten Pty Ltd
Nine Network Australia Pty Ltd
Sportscolour Pty Ltd
Australian Association of National Advertisers
Racing Services Tasmania – Dept Infrastructure, Energy & Resources
Department of Communication Information Technology & the Arts
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
Gambling Licences Review
Department of Justice
Australian Leisure & Hospitality Group Ltd
Provincial Association of NSW
NSW Country Racing Council
Gosford Race Club
Hawkesbury Race Club
Illawarra Turf Club
Wyang Race Club
TransACT
SelectTV
Neighbourhood Cable