



Monday, 28 May 2007

Please quote our reference: 075:DC

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

Dear Mr Gregson,

Re: Draft Determination C2007/557 (your ref: A91031 & A91032 – Monica Bourke)

Thank you for your letter of 3 May 2007 and for inviting a submission from ClubsNSW.

ClubsNSW represents 90% of the registered clubs in NSW (approximately 1,400 clubs) and is the registered employer organisation in NSW for the Club Movement.

Many clubs find it a valuable service to have access to the broadcast signals of the Sky wagering channel and also the thoroughbred racing broadcasts. The latter broadcasts, (at least for NSW, Victoria & the Northern Territory), until fairly recently were available through Sky and only through Sky, but in more recent times have only been available through TVN.

However, in the present circumstances, we do not seek to oppose the proposed MOU, as it will at least potentially provide for a more efficient delivery mechanism, with clubs being saved the need to duplicate display screens and other hardware associated with the current arrangements that necessitated many clubs signing up for two separate signals.

In indicating that we do not oppose the proposed joint venture in the present circumstances; we are particularly mindful that the submission you have received only proposes arrangements continuing until 31 December 2012.

There is however, one concern. By their involvement in the previous situation, Sky Channel and TVN left a situation where many venues had to duplicate equipment, simply to gain access to the signal that used to be available from Sky and which will now be available, in substance, from both Sky (again) and TVN.

In seeking this authorisation, those parties in effect are seeking authorisation for a situation that for many venues will mean that there is again no need for them to have duplicated equipment that originally they were under commercial pressure to take even though unwanted.

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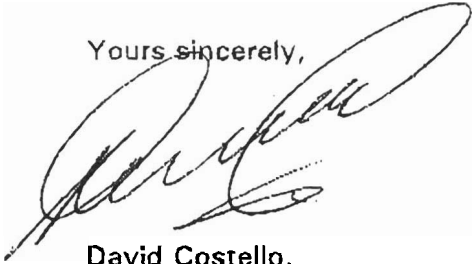
Mr. Scott Gregson (contd. ..)

Page 2

We do have a concern that those venues ought not be penalised by being charged a fee for the removal of one of the supplier's equipment sets, should a venue elect to continue with only one service and not the other.

The club industry looks forward to being able to make a reassessment of the net benefits and its view of the arrangements, in 2012.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Costello', written over a light grey rectangular background.

David Costello,  
Chief Executive officer