



**Australian
Competition &
Consumer
Commission**

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Our Ref: N93093
Contact Officer: Danielle Staltari
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29 August 2007

Mr Richard Lilly
Senior Associate
Freehills
GPO Box U1942
Perth WA 6845

Dear Mr Lilly

**Exclusive dealing notification N93093 lodged by Racing and Wagering
Western Australia - draft notice**

I refer to the notification lodged by Racing and Wagering Western Australia (RWWA) on 16 August 2007 with the Australian Competition and Consumer Commission (ACCC).

The conduct the subject of the notification is the offer by RWWA of a licence to conduct thoroughbred horse training activities in Western Australia on condition that the thoroughbred horse trainer obtains workers compensation insurance from a nominated insurer. The nominated insurer is yet to be determined.

The draft notice

The ACCC has decided to issue a draft notice proposing to revoke the immunity provided by RWWA's exclusive dealing notification. The reasons for the ACCC's decision are provided in the draft notice enclosed.

I note that in accordance with section 93(7A)(b) of the *Trade Practices Act 1974* (the Act) notification N93093 has not come into force because the ACCC has issued a draft notice during the prescribed 14 day period. Notification N93093 will only come into effect should the ACCC decide not to issue a final notice revoking notification N93093.

The draft notice will also be available from the ACCC's website www.accc.gov.au by following the *Public Registers and Authorisations and notifications* links.

The next steps

Once the ACCC issues a draft notice proposing to revoke a notification, section 93A of the Act provides that the notifying party or any interested party who may be dissatisfied with the ACCC's draft notice may request that a conference be held to discuss the draft notice. Conferences are conducted informally, without the participation of legal or other professional advisers.

If you wish the ACCC to hold a conference in relation to the draft notice, you must notify the ACCC in writing by **cob Friday, 14 September 2007**. Please note that the Act does not allow the ACCC to extend this deadline.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft notice. Written submissions should be lodged by **cob Friday, 21 September 2007** at the following address:

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

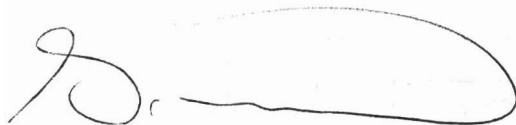
Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

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 a notification. Guidelines for seeking exclusion from the public register are available at www.acc.gov.au.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference in relation to the draft notices be called, in deciding whether or not to issue a final notice revoking RWWA's exclusive dealing notification.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact Danielle Staltari on (02) 6243 1362 or via email at Danielle.Staltari@acc.gov.au.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch