



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/1476
Contact Officer: Danielle Staltari
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6 September 2007

Mr Richard Lewis
Partner
Deacons
GPO Box 4592
Melbourne VIC 3001

Dear Mr Lewis

**Exclusive dealing notification N93059 lodged by Harness Racing Victoria -
draft notice**

I refer to the notification lodged by Harness Racing Victoria (HRV) on 11 July 2007 with the Australian Competition and Consumer Commission (ACCC).

Under the notification HRV will offer a rebate on the fee otherwise payable (for the supply of race field data) by six nominated bookmakers in respect of a particular month, in relation to any layoffs or bet-backs placed by these bookmakers in that month with the Victorian TAB (Tabcorp) on harness races within Australia.

HRV will also require the nominated bookmakers to hold an interstate or international wagering or bookmaking licence.

The draft notice

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

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, 21 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, 28 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 attached.

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 HRV'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