



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: C2007/2110  
Contact Officer: Monica Bourke  
Contact Phone: 02 6243 1351

30 January 2008

[address]

Dear

This letter, with  
enclosures, was  
posted to the attached  
list of interested  
parties on 30/1/08.

MB.

**Tabcorp Manager Pty Ltd applications for authorisation A91065, A91066 & A91067  
– draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of applications for authorisation lodged by Tabcorp Manager Pty Ltd (Tabcorp) on 6 November 2007. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Tabcorp is seeking authorisation to make and give effect to a pooling agreement entered into by Tabcorp and TOTE Tasmania Pty Ltd (TOTE Tasmania), governing TOTE Tasmania's participation in the SuperTAB pool (the Agreement).

**Draft determination**

A copy of the ACCC's draft determination is attached and is available from the ACCC website at [www.accc.gov.au](http://www.accc.gov.au). For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to clauses 5.1, 5.6, 8 and 2.1 of the Agreement until 14 August 2012. These particular clauses in the Agreement relate to:

Pooling restriction – Tabcorp will offer pooling services to TOTE Tasmania on condition that TOTE Tasmania does not re-supply those pooling services to other totalisators

- Investment requirement – TOTE Tasmania must transmit to Tabcorp for inclusion in the SuperTAB pool all investments on specified bet types on nominated Tabcorp races
- Race Fields Approval requirement – Tabcorp will offer pooling services to TOTE Tasmania on condition that TOTE Tasmania has obtained race fields approvals from the relevant controlling bodies, that is Racing Victoria Limited, Greyhound Racing Victoria and Harness Racing Victoria and

Tabcorp Betting Rules requirement – Tabcorp will offer pooling services to TOTE Tasmania on condition that TOTE Tasmania complies with Tabcorp’s Rules Relating to Betting Transactions in Victoria.

The ACCC’s assessment is set out in Chapter 6 on pages 24 to 44.

### **Interim authorisation**

At the time of lodging the application Tabcorp requested interim authorisation to give effect to the Agreement. The ACCC denied the request for interim authorisation on 21 November 2007.

The ACCC reconsidered the issue of interim authorisation at the time of issuing the draft determination. In reconsidering the issue of interim authorisation, the ACCC notes that no further information has been provided by Tabcorp to change its earlier assessment with respect to the request for interim authorisation. The ACCC notes that without interim authorisation, TOTE Tasmania is able to continue pooling with Tabcorp by way of the 1998 Agreement until such time as a final determination is issued by the ACCC. Accordingly, the ACCC does not consider it appropriate to grant interim authorisation at this time.

### **Next steps**

Once the ACCC issues a draft determination, the applicant 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. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

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 **Friday 15 February 2008**.

Alternatively, you are also invited to make a written submission in response to the ACCC’s draft determination. Written submissions should be lodged by **Friday 22 February 2008**.

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

Submissions will be placed on the ACCC’s public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>6 November 2007</b>	Lodgement of application and supporting submission.
<b>8 November 2007</b>	Public consultation process begins.
<b>21 November 2007</b>	ACCC decision regarding interim authorisation.
<b>30 January 2008</b>	Draft determination.
<b>February 2008</b>	Public consultation on draft determination including any conference if called.
<b>March/April 2008</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely

David Hatfield  
Acting General Manager  
Adjudication Branch

## **Interested parties consulted on draft determination**

Tasmanian Turf Club  
Tasmanian Racing Club  
Hobart Greyhound Racing Club  
Australian Racing Board  
Australian Harness Racing Council  
Harness Racing Victoria  
Harness Racing Tasmania  
Greyhounds Australasia  
Greyhound Racing Victoria  
Australian Trainers Association  
Thoroughbred Racing SA  
Racing Victoria Ltd  
Thoroughbred Breeders Associations of Australia  
Queensland Racing Limited  
RacingNSW  
Tasmanian Thoroughbred Racing Council  
Australian Jockey Club  
Australian Hotels Association  
Clubs Australia  
Tattersall's Limited  
Australian Internet Bookmakers Association  
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  
Racing Services Tasmania – Dept Infrastructure, Energy & Resources  
Tasmanian Gaming Commission  
Victorian Commission for Gambling Regulation  
Office of Gaming and Racing Department of Justice  
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  
Centrebet  
IASbet  
Sports Acumen  
Clubs Tasmania  
Clubs Victoria  
Thoroughbred Breeders Association Victorian Inc