

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.

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