



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/707
Contact Officer: Tess Macrae
Contact Phone: (03) 9290 1835

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

29 April 2009

Michael Gray
Partner
Freehills
GPO Box 4227
Sydney NSW 2001

Dear Mr Gray

**Tabcorp Manager Pty Ltd applications for authorisation A91127-A91132
- request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the applications for authorisation lodged by Tabcorp on 30 March 2009. A copy of the ACCC's decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from Tabcorp and interested parties and will indicate the ACCC's preliminary views on the merits of the applications. The ACCC will give both Tabcorp and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Tess Macrae on (03) 9290 1835.

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch



Authorisation Applications lodged by Tabcorp Manager Pty Ltd A91127, A91128, A91129, A91130, A91131 & A91132

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the applications for authorisation A91127, A91128, A91129, A91130, A91131 and A91132 lodged by Tabcorp Manager Pty Ltd (Tabcorp) on 30 March 2009.

Tabcorp has sought authorisation to give effect to agreements entered into between Tabcorp and ACTTAB Limited on 20 March 2009 and between Tabcorp and Racing and Wagering Western Australia on 16 March 2009 governing the participation of ACTTAB and RWWA in the SuperTAB pool operated by Tabcorp.

Interim authorisation

Interim authorisation, pursuant to section 91(2)(d) of the *Trade Practices Act 1974* (the Act), protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application. The decision on interim authorisation in no way binds the ACCC in its consideration of the merits of the substantive applications.

Reasons for decision

The agreements which are the subject of Tabcorp's applications for authorisation will govern the ongoing participation of ACTTAB and RWWA in the SuperTAB pool operated by Tabcorp. These agreements are designed to replace existing arrangements.

The ACCC considers that the protection provided by interim authorisation will allow Tabcorp to provide pooling services to ACTTAB and RWWA on the new terms negotiated.

Reconsideration of decision

The ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.