



Applications for authorisation lodged by Tabcorp Manager Pty Ltd – A91162 to A91165

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the applications for authorisation under section 88(1A) of the *Trade Practices Act 1974* lodged by Tabcorp Manager Pty Ltd on 24 July 2009.

The interim authorisation granted by the ACCC will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

Tabcorp Manager Pty Ltd (Tabcorp) has sought authorisation to give effect to the agreements entered into between Tabcorp and ACTTAB Ltd (ACTTAB) on 20 March 2009 and between Tabcorp and Racing and Wagering Western Australia (RWVA) on 16 March 2009 in respect of all provisions of the ACTTAB and RWVA 2009 Agreements. The ACTTAB and RWVA 2009 Agreements govern ACTTAB's and RWVA's participation 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 RWVA in the SuperTAB pool operated by Tabcorp. These agreements are designed to replace previous arrangements.

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

The ACCC previously granted interim authorisation to Tabcorp on 29 April 2009 for the same conduct. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions.

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.

29 July 2009