



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/707
Contact Officer: Tess Macrae
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Dear

**Tabcorp Manager Pty Ltd applications for authorisation A91162 to A91165
- interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has received further applications for authorisation from Tabcorp Manager Pty Ltd (Tabcorp).

The applications are to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* which commenced on 24 July 2009. The conduct for which authorisation is being sought under applications A91162 to A91165 is the same conduct that Tabcorp originally sought authorisation for on 30 March 2009 (authorisation applications A91127 to A91132).

A copy of the new applications A91162 to A91165 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

The ACCC granted interim authorisation to applications A91127 to A91132 on 29 April 2009, allowing Tabcorp to give effect to agreements entered into with ACTTAB Limited and Racing and Wagering Western Australia governing ACTTAB and RWWA's participation in the SuperTAB pool. 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.

The ACCC has decided to grant interim authorisation in respect of the applications for authorisation lodged by Tabcorp on 24 July 2009. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions. A copy of the ACCC decision is attached.

Next steps

The ACCC is proposing to release a draft determination responding to applications A91162 to A91165 in the near future. This draft determination will take account of any submissions from Tabcorp and interested parties previously provided to the ACCC in respect of A91127 to A91132.

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

INTERESTED PARTY LIST

ACT Gambling and Racing Commission

Australian Bookmakers' Association/ NSW Bookmakers' Cooperative Ltd

Betfair Australia Pty Ltd

Centrebet Racing Pty Ltd

Department of Racing, Gaming and Liquor (WA)

Minter Ellison

Office of Gaming and Racing Victoria

Office of Liquor Gaming and Racing (QLD)

Queensland Racing Limited

Racing and Wagering Western Australia

Racing Victoria Ltd

Racing, Gaming and Licensing -
Department of Justice (NT)

Tasmanian Gaming Commission

The Hon Wilson Tuckey MP

Thoroughbred Racing SA

UNiTAB

Victorian Commission for Gambling Regulation

WA Bookmakers' Association (Inc)