



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/771
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5 August 2009

Dear

**Tabcorp Manager Pty Ltd applications for authorisation A91162 to A91165
draft determination**

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-A91128 and A91130-A91131).

In particular, Tabcorp is seeking authorisation to give effect to the agreements entered into between Tabcorp and ACTTAB Ltd (ACTTAB) and between Tabcorp and Racing and Wagering Western Australia (RWWA) in respect of all provisions of the ACTTAB and RWWA 2009 Agreements. The ACTTAB and RWWA 2009 Agreements govern ACTTAB's and RWWA's participation in the SuperTAB Pool operated by Tabcorp.

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

As you may recall the ACCC published a draft determination in respect of applications A91127-A91128 and A91130-A91131 on 15 July 2009, proposing to grant authorisation to these arrangements until 14 August 2012.

The ACCC has now issued a draft determination responding to the applications for authorisation lodged by Tabcorp on 24 July 2009. In reaching this determination the ACCC has had regard to the submissions of the applicant and interested parties previously provided to it in response to applications A91127-A91128 and A91130-A91131. Attached is a copy of the ACCC's draft determination.

Next steps

Once the ACCC issues a draft determination, the applicant or any interested party 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 **20 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of applications for authorisation A91127-A91128 and A91130-A91131, 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 applications in a timely manner. An updated indicative timetable is set out below for your information.

24 July 2009	Lodgement of applications and supporting submission.
29 July 2009	ACCC decision regarding interim authorisation.
5 August 2009	Draft determination.
August 2009	Public consultation on draft determination including any conference if called.
September 2009	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 Tess Macrae on (03) 9290 1835.

Yours sincerely

Sue Philp
Director
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)