

Our Ref: 43974 : C2010/993
Your Ref: 81381246
Contact Officer: Susan Hogan
Contact Phone: 02 6243 1045



**Australian
Competition &
Consumer
Commission**

12 January 2011

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

Mr Michael Grey
Partner
Freehills
GPO Box 4227
SYDNEY NSW 2000

Dear Mr Grey

Third line forcing notifications N95113, N95114 & N95115 - lodged by Tabcorp Manager Pty Ltd, TAB Limited and Luxbet Pty Ltd (collectively the Tabcorp Group)

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (ACCC) on 4 November 2010. The notifications have been placed on the ACCC's public register.

- (1) Tabcorp Group proposes to:
- (a) supply, or offer to supply, Tabcorp Goods and Services;
 - (b) supply, or offer to supply, Tabcorp Goods and Services at a particular price; or
 - (c) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply or proposed supply of Tabcorp Goods and Services,

on the condition that the person to whom Tabcorp Group supplies or offers or proposes to supply Tabcorp Goods and Services (Customer) will acquire RO Goods and Services from a particular Relevant Organisation; and

- (2) Tabcorp Group proposes to:
- (a) refuse to supply Tabcorp Goods and Services to a Customer;
 - (b) refuse to supply Tabcorp Goods and Services at a particular price to a Customer; or
 - (c) refuse to give or allow a discount, allowance, rebate or credit in relation to the supply of Tabcorp Goods and Services to a Customer,

for the reason that the Customer has not acquired, or has not agreed to acquire, RO Goods and Services from a particular Relevant Organisation.

Relevant Organisations are pubs and clubs, racing clubs, and racing industry bodies.
RO Goods and Services may include:

- Food and beverages
- Membership related services
- Entertainment related services; and
- Opportunities to participate in competition, lotteries or draws to win prizes.

Legal immunity conferred by the notifications commenced on 18 November 2010.

I note that the Tabcorp Group has provided confidential information which indicates that the benefits provided to consumers by the Tabcorp Group and Relevant Organisations, under the notified conduct will be limited in value. On the basis of the information that you have provided including the value of the benefits to be provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that the Tabcorp Group and all Relevant Organisations will disclose all relevant terms and conditions to prospective clients.

A copy of 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 Susan Hogan on (02) 6243 1045.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch