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Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601



Your Ref: 43860: C2010/954

Attention: Susan Hogan



Dear Dr Chadwick

Australian Hotels Association Divisions Application for revocation of Authorisation A90987 and Substitution of new Authorisation A91257

We refer to the letter(s) addressed to Brendan Parnell (Sky Channel) and Jo Madsen (Tabcorp) respectively dated 3 March 2011 and draft determination.

Tabcorp and Sky Channel note the position of the ACCC as set out in its Draft Determination and other than confirming the comments set out in my letter to the Commission dated 24 November 2010 (copy attached), do not propose to make any further submission in relation to the collective bargaining Authorisation referred to above.

However Tabcorp and Sky Channel wish to be kept apprised of any further developments with respect to the ACCC's consideration of its draft determination, including any agreement to hold a pre-decision conference.

Finally, we wish to draw the Commission's attention to a statement in paragraph 4.12 of the Draft Determination namely that "...Sky Channel is the exclusive provider of broadcast services for thoroughbred racing in Australia...". This statement is incorrect.

ThoroughVision Pty Limited is also a provider of broadcast services for thoroughbred racing in Australia and on that basis the Commission may wish to amend this statement in its final determination.

Yours sincerely



JO MADSEN
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24 November 2010

Richard Chadwick
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CANBERRA ACT 2601

Dear Dr Chadwick

Australian Hotels Association Divisions Application for Revocation of Authorisation A90987 and Substitution of new Authorisation A91257 – Interested Party Consultation

Tabcorp and Sky Channel are 'interested parties' in the above application as they are potential targets of conduct for which the AHA Divisions are seeking authorisation. Tabcorp does not believe that it has received a letter from the ACCC notifying it of the application by the AHA Divisions. Having become aware of the application, and assuming that the ACCC is interested in Tabcorp's position, Tabcorp makes the following comments in respect of the application.

Tabcorp does not intend to make any submissions in relation to the application by the various AHA Divisions. In taking this position, Tabcorp should not be taken to have agreed with any of the statements made on behalf of the AHA Divisions.

Tabcorp would, however, object to any application by the AHA Divisions to have collective boycott activities authorised by the ACCC. Collective boycotts are not permitted under existing authorisation A90987.

Tabcorp accepts that the application materials make generalisations in respect of a wide variety of service providers. Tabcorp does not, however, consider that its contracts are offered on a 'take it or leave it' basis irrespective of whether or not collective bargaining has been authorised. Tabcorp understands that pubs and clubs are important participants in the supply of Tabcorp's wagering services. Tabcorp does take into account, and will continue to take into account, the position of individual pubs and clubs as well as the AHA and other peak bodies in developing contracts.

If you require any additional information please contact me.

Yours sincerely



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