



**Australian
Competition &
Consumer
Commission**

Our Ref: TRACKIT: 54550
Contact Officer: Gina D'Ettorre
Contact Phone: 03 9290 1483

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

27 August 2014

Mr Patrick Gay
Partner
Herbert Smith Freehills

By email: Patrick.Gay@hsf.com

Dear Mr Gay

TAB Limited and Tabcorp Wagering Manager (Vic) Pty Ltd applications for authorisation A91419 - A91424 - draft determination and interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Tabcorp Wagering Manager (Vic) Pty Ltd and TAB Limited and (collectively referred to as Tabcorp) on 7 May 2014.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to Tabcorp to continue to give effect to any of the seven provisions as set out at paragraph 5 of the Draft Determination (the Specified Provisions) contained in international pooling arrangements.

The ACCC also proposes to grant authorisation to Tabcorp to make international pooling arrangements that may contain any of the Specified Provisions with confidentially identified parties and future parties, and to give effect to those Specified Provisions.

The ACCC proposes granting authorisation for seven years.

Interim authorisation

The ACCC also grants interim authorisation to Tabcorp to enter into international pooling agreements with identified parties (whose identities were provided to the ACCC on a confidential basis) that contain the Specified Provisions, and to give effect to those provisions.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **Thursday, 11 September 2014**. "Submissions should be emailed to adjudication@acc.gov.au with the subject "A91419 – A91424 – Tabcorp Wagering Manager (Vic) Pty Ltd & TAB Limited – submission".

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 **Thursday, 11 September 2014**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, 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. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

7 May 2014	Lodgement of application and supporting submission.
August 2014	Draft determination and interim authorisation.
August 2014	Public consultation on draft determination including any conference if called.
Sept/Oct 2014	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 Gina D'Ettorre on 03 9290 1483 or adjudication@acc.gov.au.

Yours sincerely



David Hatfield
Director
Adjudication Branch