

Our Ref: 54561  
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**Australian  
Competition &  
Consumer  
Commission**

10 September 2014

Ms Sharyn Cole  
President  
Lottery Agents Association of Victoria Inc

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Dear Ms Cole

**Lottery Agents Association of Victoria Inc application for revocation of authorisation A91126 and substitution of new authorisation A91425 – final determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a determination in respect of the application for re-authorisation (application for revocation and substitution) lodged by Lottery Agents Association of Victoria Inc (**LAAV**) on 8 May 2014.

**ACCC Determination**

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has granted authorisation until 2 October 2024 to LAAV to collectively bargain on behalf of its members with Tatts Group, Intralot Australia (Intralot) and any future Victorian lottery licence holders subject to the exclusions below.

The ACCC has granted authorisation for LAAV to collectively bargain on behalf of its members in relation to the terms and conditions of any agreements and arrangements with Victorian lottery licence holders to which its members are a party or would be a party if negotiations were successful, subject to the exclusions below. This includes, for example, collective negotiation in relation to LAAV members supplying, or seeking to supply, lottery distribution services through any distribution channel.

The ACCC has not authorised LAAV to collectively bargain in relation to the terms and conditions of agreements and arrangements to which its members are not a party and would not be a party if negotiations were successful. This exclusion includes negotiating about the impact on LAAV members of agreements between lottery providers and non-LAAV members.

This means LAAV is authorised to seek to negotiate, for example, for their members to receive equivalent or no less favourable terms than non-LAAV members. However, authorisation does not extend to LAAV negotiating about the actual terms of agreements between lottery providers and non-LAAV members.

The ACCC has also excluded from the scope of the authorisation collective bargaining in relation to:

- (a) the impact on current lottery agents when new agencies are proposed;
- (b) the terms and conditions for new outlets; and
- (c) fees which are paid only in relation to new outlets;

except for the terms and conditions (including fees) on which members of LAAV can become lottery agents of another person or entity in connection with the grant of a Victorian lottery licence to a person or entity other than Tatts Group or Intralot.

## Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the **Tribunal**) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 1 October 2014. If no application for a review is lodged by this date, the ACCC's determination will come into force on 2 October 2014.

An application for a review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at [www.competitiontribunal.gov.au](http://www.competitiontribunal.gov.au).

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 me on 03 9290 1475.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal stroke extending to the right.

Gavin Jones  
Director  
Adjudication Branch