



Australian
Competition &
Consumer
Commission

Our Ref: 54561
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18 June 2014

23 Marcus Clarke Street
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Dear Sir/Madam

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Lottery Agents Association of Victoria Inc application for revocation of authorisation A91126 and substitution of new authorisation A91425 – 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 Lottery Agents Association of Victoria Inc (**LAAV**) on 8 May 2014.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

LAAV is seeking the revocation of authorisation of A91126 and substitution of authorisation A91425 for ten years to allow it to continue collective bargaining on behalf of its members over the terms and conditions of retailer agreements and arrangements with Tatts Group and Intralot and any other lottery operator licenced by the Victorian Government (the **Conduct**). A copy of the application is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

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

Draft determination

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years 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 following exclusions.

The ACCC **does not propose to** authorise 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.

The ACCC **also proposes to exclude** 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.

Interim authorisation

The ACCC has also decided to grant interim authorisation in respect of the application for authorisation, subject to the same exclusions as above. Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

Next steps

Once the ACCC issues a draft determination, the Applicant 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 **11 July 2014**.

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 **4 July 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.

Indicative date	Stage in assessment process
8 May 2014	Lodgement of application and supporting submission.
18 June 2014	ACCC decision regarding interim authorisation and draft determination.
11 July 2014	Closing date for submissions in relation to the draft determination.
July/August 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 Tanya Hobbs on 02 6243 1029.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a stylized flourish extending to the right.

Gavin Jones
Director
Adjudication Branch