

23 October 2015

Ms Joanne Palisi  
Acting General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601



Dear Ms Palisi

**A91257 – Australian Hotels Association - submission**

We refer to the above application (**Application**) and make this submission in relation to it on behalf of Tabcorp Holdings Limited and Sky Channel Pty Ltd (together, the **Tabcorp Entities**).

The Tabcorp Entities are 'interested parties' in the Application as they are potential targets of conduct for which the Australian Hotels Association (**AHA**) is seeking authorisation to collectively bargain with.

The Tabcorp Entities do not oppose the Application, however they wish to note the following in relation to it.

1. The Tabcorp Entities would object to the AHA or any of the AHA Divisions being authorised by the ACCC to conduct collective boycott activities. The Application does not seek authorisation to conduct collective boycott activities.
2. The Tabcorp Entities note that the Application seeks authorisation for the AHA National Office to conduct collective bargaining on behalf of AHA members nationally where it is determined that the matter to which the collective bargaining relates is national or multi-jurisdiction.

Tabcorp is supportive of the AHA National Office having the ability to conduct collective bargaining on behalf of AHA members nationally, provided that Tabcorp is not required to deal with the AHA National Office where it considers this is not appropriate having regard to differences in the products and services supplied by Tabcorp, or the terms on which such products and services are supplied, between Australian states and territories.

3. Finally, the Tabcorp Entities accept that the Application makes generalisations in respect of a wide variety of service providers. Tabcorp does not, however, consider that its contracts are offered on a

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'take it or leave it' basis irrespective of whether or not collective bargaining has been authorised. The Tabcorp Entities understand that pubs and clubs (including AHA venues) are important participants in the supply of their products and services. The Tabcorp Entities do 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 in relation to the supply of products and services.

Please do not hesitate to contact me if you require any additional information.

Yours sincerely



**Julian Hoskins**  
General Counsel



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