

10 July 2019

Adjudication Branch
Australian Competition & Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

BY EMAIL: adjudication@accc.gov.au

Dear Sir/Madam

Clubs Australia - Application for authorisation of collective bargaining arrangements – AA10000444

We refer to the application for authorisation to conduct collective bargaining submitted by Clubs Australia (**Applicant**) on 27 May 2019 (**Current Application**).

Tabcorp Holdings Limited (**Tabcorp**) is an Australian gambling entertainment company which operates three core businesses – Wagering and Media, Lotteries and Keno and Gaming Services.

The Current Application seeks approval to collectively bargain with Tabcorp and its subsidiaries as a provider of wagering services, subscription broadcast services, electronic gaming machines and related services and gaming systems. Relevantly, the authorisation granted to the Applicant in 2014 (authorisation number A91381) (**Previous Authorisation**) did not extend to providers of electronic gaming machines and related services or gaming systems.

Tabcorp does not oppose the Current Application. The Current Application is predicated on voluntary participation by clubs and suppliers, and does not extend to collective boycott activity. These features are critical aspects of the Current Application, and Tabcorp would have significant concerns if they were not fully reflected in the Applicant's conduct.

Tabcorp notes that the Applicant is seeking authorisation for a period of 10 years. In light of the material differences between the Current Application and the Previous Authorisation (including the scope of the proposed authorised conduct and the expanded list of targeted suppliers and industries), Tabcorp submits that this would not represent a true 're-authorisation', and that a term of five years would be more appropriate for any authorisation granted in connection with the Current Application.

As noted by the ACCC in the Previous Authorisation (at paragraph 112), a period of five years gives sufficient time for the benefits of authorised arrangements to be realised and avoids unnecessary cost in the parties having to go through the authorisation process more regularly.

Yours sincerely



Joshua Hunt

General Counsel, Gaming Services & Corporate Strategy

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| Tabcorp Holdings Limited | Level 21, Tower 2 727 Collins Street Melbourne VIC 3008 Australia | GPO Box 1943 Melbourne VIC 3001 Australia | tabcorp.com.au ABN 66 063 780 709 |
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