

COMMONWEALTH OF AUSTRALIA

Competition and Consumer Act 2010 (Cth)

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No: ACT 3 of 2017

Re: Application by Tabcorp Holdings Limited under section 95AU of the *Competition and Consumer Act 2010* for an authorisation under subsection 95AT(1) to acquire shares in the capital of a body corporate or to acquire assets of another person

Applicant: Tabcorp Holdings Limited (ACN 063 780 709)

DIRECTIONS

TRIBUNAL: Justice Middleton (President)

DATE OF ORDER: 10 October 2017

WHERE MADE: Melbourne

THE TRIBUNAL DIRECTS THAT:

1. A notice be issued by the Tribunal under section 95AZC of the *Competition and Consumer Act 2010* (Cth) to the Applicant in the form set out in **Schedule A** to these directions, requesting production by Applicant of the documents listed therein by 17 October 2017.
2. A notice be issued by the Tribunal under section 95AZD of the *Competition and Consumer Act 2010* (Cth) to Tatts Group Ltd in the form set out in **Schedule B** to these directions, requesting production by Tatts Group Ltd of the documents listed therein by 17 October 2017.

Date entered: 10 October 2017



REGISTRAR
Australian Competition Tribunal

SCHEDULE A

The Australian Competition Tribunal (**Tribunal**) is currently hearing an application for merger authorisation by Tabcorp Holdings Ltd under section 95AT(1) of the *Competition and Consumer Act 2010* (Cth) (**the Act**).

Under section 95AZC of the Act, the Tribunal may give the applicant a written notice requesting the applicant to give the Tribunal, within a specified period, additional information relevant to making its determination on the application.

The Tribunal requests that the applicant provide the following by 17 October 2017:

1. Copies of any documents created on or after 2 June 2017 in relation to:
 - (a) take-out rates for totalisator wagering in Queensland, Tasmania, South Australia or the Northern Territory;
 - (b) any increase or potential increase, in any jurisdiction, to take-out rates for totalisator wagering.

2. Copies of documents created on or after 2 June 2017 comprising:
 - (a) internal correspondence or consideration by Tabcorp of strategies for, or engagement with PRAs and/or State, Territory or Commonwealth governments regarding increases to maximum permitted take-out rates for totalisator wagering; and
 - (b) correspondence with PRAs and/or State, Territory or Commonwealth governments regarding increases to maximum permitted take-out rates for totalisator wagering.

3. Copies of any high level document (e.g. any document prepared by or for the Tabcorp board or its senior management) prepared on or after 2 June 2017 regarding:
 - (a) strategic considerations relating to the proposed acquisition;
 - (b) competitive effects of the proposed acquisition (including, without limitation, any competitive advantage to Tabcorp/the merged entity, and any competitive detriment to corporate bookmakers or other market participants); and
 - (c) synergies and/or costs savings associated with the proposed acquisition.

4. Copies of any high level document (e.g any document prepared by or for the Tabcorp board or its senior management) created on or after 2 June 2017 regarding the price elasticity of demand for totalisator wagering services.

SCHEDULE B

The Australian Competition Tribunal (**Tribunal**) is currently hearing an application for merger authorisation by Tabcorp Holdings Ltd under section 95AT(1) of the *Competition and Consumer Act 2010* (Cth) (**the Act**).

Under section 95AZD(1) of the Act, the Tribunal may give a person written notice requesting the person to give the Tribunal, within a specified period, particular information relevant to making its determination on the application.

The Tribunal requests that Tatts Group Ltd provide the following by 17 October 2017:

1. Copies of any documents created on or after 2 June 2017 in relation to:
 - (a) take-out rates for totalisator wagering in Queensland, Tasmania, South Australia or the Northern Territory;
 - (b) any increase or potential increase, in any jurisdiction, to take-out rates for totalisator wagering.

2. Copies of documents created on or after 2 June 2017 comprising:
 - (a) internal correspondence or consideration by Tatts of strategies for, or engagement with PRAs and/or State, Territory or Commonwealth governments regarding increases to maximum permitted take-out rates for totalisator wagering; and
 - (b) correspondence with PRAs and/or State, Territory or Commonwealth governments regarding increases to maximum permitted take-out rates for totalisator wagering;

3. Copies of any high level document (e.g. any document prepared by or for the Tatts board or senior management of its wagering operations) prepared on or after 2 June 2017 regarding:
 - (a) strategic considerations relating to the proposed acquisition;
 - (b) competitive effects of the proposed acquisition (including, without limitation, any competitive advantage to Tabcorp/the merged entity, and any competitive detriment to corporate bookmakers or other market participants); and
 - (c) synergies and/or costs savings associated with the proposed acquisition.

4. Copies of any high level document (e.g any document prepared by or for the Tatts board or senior management of its wagering operations) created on or after 2 June 2017 regarding the price elasticity of demand for totalisator wagering services.