

Appendix I

Errors Not Material to Productivity Commissions Findings

Productivity Commission Statement

“In July 2008, the New South Wales Government enacted race fields legislation, signalling the end to that agreement. Victoria, South Australia, Queensland and Tasmania have since enacted similar legislation ...” (page 13.15)

Correction:

The Victorian Government was the first to introduce race fields fees on 30 November 2005 through the *Racing and Gambling Acts Amendment Act 2005* (Vic), which amended the GRA to require wagering operators to obtain approval to publish Victorian race fields information.

Western Australia was second to introduce a race fields fee regime, with the introduction of the *Betting and Racing Legislation Amendment Act 2006* No. 70 (WA), which became effective on 9 July 2007. Due to subsequent litigation, these provisions were found to be unconstitutional. Western Australia has since enacted the amending legislation which authorises the collection of the racing bets levied from betting operators who wish to publish or make available Western Australian race fields. These amendments are not yet in force, but will apply retrospectively to 1 September 2008.

New South Wales followed in July 2008 by enacting the *Racing Legislation Amendment Act 2006* (NSW), which amends the *Racing Administration Act 1998* (NSW) to require wagering operators to obtain approval and pay a fee to publish NSW race fields information.

Subsequently, earlier this year, Queensland, South Australia, Tasmania and ACT have all enacted similar legislation requiring approvals to publish race fields information in their jurisdictions and the payment of fees. The legislation in ACT however, will not be in force until 1 March 2010.

Productivity Commission Statement

“... contractual obligations under the inter-code arrangements with TABs means that some commercially unviable races will be run.” (page 13.21)

Correction:

Tabcorp and Tab Limited are not a party to inter-code arrangements in NSW or Victoria.

Productivity Commission Statement

“... Robert Bentley is both the Chairman of the Australian Racing Board and a non-executive director of Tabcorp...” (page 13.34)

Correction:

Robert Bentley is not and never has been a director of Tabcorp Holdings Limited.