

Anna Cunningham

From: R Bentley [crossmore13@yahoo.co.uk]
Sent: Wednesday, 14 January 2009 8:24 AM
To: Malcolm Tuttle
Subject: Re: FW: QRL Nominated Arrangements - 2007 Nominated Arrangements

MAL,

I ADDITION MILES WILL NEED TO ADVISE RACING NSW THAT WE HAVE A NOMINATED AGREEMENT.NSW DID NOT RECOGNISE THE OBLIGATION UNLESS THEY RECEIVED A CONFIRMATION FROM RISA.

kind regards
bob

--- On Wed, 14/1/09, Malcolm Tuttle <mtuttle@queenslandracing.com.au> wrote:

From: Malcolm Tuttle <mtuttle@queenslandracing.com.au>
Subject: FW: QRL Nominated Arrangements - 2007 Nominated Arrangements
To: "R Bentley" <crossmore13@yahoo.co.uk>
Date: Wednesday, 14 January, 2009, 6:56 AM

Bob

Below FYI

Regards Mal.

From: Malcolm Tuttle
Sent: Wednesday, 14 January 2009 5:54 AM
To: Shara Murray
Cc: T Hanmer; Adam Carter
Subject: RE: QRL Nominated Arrangements - 2007 Nominated Arrangements
Importance: High

Shara

Further to our conversations yesterday it appears that Myles is now confirming that the PPA is a nominated agreement notwithstanding his earlier advice. It appears on face value that this means that other PRAs can not charge for the exchange of racing information for a period of 3 months. From our point of view NSW should not have been charging UNITAB for information for Sept, Oct and Nov. The period of 3 months is consistent with recent correspondence from Rob Hines. The funds need to be recouped, plus interest, from Racing NSW and once confirmed Adam needs to raise an invoice.

So that the process does not become confusing I suggest the following process having regard for the letter we have sent to all PRAs re nominated agreements and that the other codes in NSW may also be charging (confirm with Adam).

Confirm that the PPA as a nominated agreement provides that other PRAs can not charge UNITAB for 3 months ie in the case of NSW from Sept 1

Advise racing NSW that Myles has now confirmed that the PPA is a nominated agreement and as such we will be raising an invoice against Racing NSW for the relevant period

Adam to raise invoice against racing NSW for the amount from Sept 1 (Pls advise me if other codes have been charging – this is a T'Bred agreement)

Tidy up letter we sent out to other PRAs as we have only received 2 responses, SA and WA, and I don't expect much from other PRAs regarding specific detail regarding their individual nominated agreements. (eg It might be that we get a list of the NA's from Myles and confirm that they deal with the exchange of information) There is a risk associated with this as we will be purporting to give effect to the provisions of a NA without understanding properly the provisions of the agreement because of non disclosure issues. Probably best to prepare a letter at this stage to PRAs confirming that the PPA is a NA and we expect other PRAs to recognise this in the context of Race Information Legislation. (No letter to NSW as they will get the above letter)

Prepare response to Rob Hines' letter advising that we will recognise our legal obligations as they may exist in relation to NAs to the RISA participation agreement. (You might also like to include this in the letter to PRAs in the event they have NAs)

When we get to the stage where we can commence charging wagering operators we can give further consideration to the NA issue and where exemptions exit.

Check with Tony to establish if a response is required to the Robert Nason letter (was referred to Mike Kelly) and if there is a meeting date with Betfair at this stage.

Also can you follow up again with Carol Perrott to see if the amended regulations are available. Given the significant changes our application forms and conditions will require amendment before we can send further drafts to the Racing Office.

I am anticipating being able to pick up emails at Straddie.

Regards Mal.

From: Shara Murray
Sent: Tuesday, 13 January 2009 4:25 PM
To: Malcolm Tuttle; Adam Carter
Subject: FW: QRL Nominated Arrangements - 2007 Nominated Arrangements

Adam

As discussed.

Shara

Shara Murray

Corporate Counsel | Company Secretary



PO Box 63, Sandgate QLD 4017

P +61 7 3869 9712

F +61 7 3269 9043

M 0407 156 539

E smurray@queenslandracing.com.au

W www.queenslandracing.com.au

From: Myles Foreman [mailto:myles.foreman@risa.com.au]
Sent: Tuesday, 13 January 2009 3:50 PM
To: Shara Murray
Subject: QRL Nominated Arrangements - 2007 Nominated Arrangements

Shara,

Further to our conversation earlier today I can confirm the 2007 Deed of Release specifies the 'Product and Program Agreement' between UNITAB and QRL as a Nominated Arrangement as defined in clause 1.1 of the Participation Agreement. (Extract Attached)

This then means that under the RISA Participation Agreement Schedule 6 Clause 2 (a) ceases on the Opt Out Date which is defined as 5 calendar years after the Effective Date which is defined as 1 December 2003. (Extract Attached)

Myles Foreman

Chief Executive Officer

Racing Information Services Australia Pty Ltd | (RISA)

Level 1 | Racing Centre | 400 Epsom Road

Flemington 3031 | Australia

T: 03 9258 4701 | M: 0418 559 144 | F: 03 9258 4273

E: myles.foreman@risa.com.au | W: www.risa.com.au



Racing Information Services Australia Pty Ltd (RISA)
Thoroughbred Racing Information & Industry Services

Racing Information Services Australia Pty Ltd - (RISA) - www.risa.com.au, www.risaform.com.au,
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