

## Pomery, Simon

---

**From:** MLO  
**Sent:** Friday, 6 May 2011 8:43 AM  
**To:** Pomery, Simon  
**Subject:** TRIM: RE: 45740 - MINISTERIAL Holding Letter to Nick Xenophon re Gaming Industry statements - 5.05.11.doc

**Attachments:** img-5060853-0001.pdf  
**TRIM Record Number:** D11/906166



img-5060853-0001.  
pdf (21 KB)

D11/905383 - for your records.

Simon

I will add a month to the due date for both of these ministerials.

Regards

Monica.

---

**From:** Pomery, Simon  
**Sent:** Thursday, 5 May 2011 4:33 PM  
**To:** Cutmore, Monica  
**Subject:** 45740 - MINISTERIAL Holding Letter to Nick Xenophon re Gaming Industry statements - 5.05.11.doc

Hi Monica,

Attached is a proposed holding letter to Senator Xenophon from Brian in relation to the "poker machine" matters for comment.

Let me know if any changes are required.

<< File: 45740 - MINISTERIAL Holding Letter to Nick Xenophon re Gaming Industry statements - 5.05.11.doc >>

Regards

**Simon Pomery**

Senior Investigator | Enforcement Operations – ACT & National Projects  
**Australian Competition & Consumer Commission**  
23 Marcus Clarke Street Canberra 2601 | <http://www.accc.gov.au>  
T: +61 2 6243 1255 |



Please consider the environment before printing this email

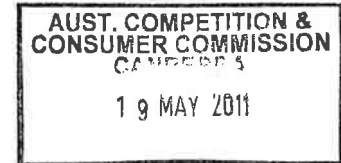


Clubs Australia

Wednesday, 11 May 2011  
Please quote our reference: 067:AB

FILE No:
DOC: 011 / 1472616
MARS/PRISM:

Mr Brian Cassidy,  
Chief Executive Officer,  
The Australian Competition and Consumer Commission,  
GPO Box 3131,  
CANBERRA ACT 2601



Dear Mr Cassidy,

On 12 April this year, Senator Nick Xenophon issued a media release stating that he had lodged a complaint with the Australian Competition and Consumer Commission (ACCC) regarding an advertisement placed by ClubsAustralia in several metropolitan newspapers on 11 April.

I understand Mr Xenophon has provided the ACCC with what he considers to be misleading comments in the advertisement as well as statements as to why they are inaccurate.

Given Member for Denison Andrew Wilkie has now released his gambling report confirming the need for Australians to register for a gambling card, is the ACCC in a position to rule on Mr Xenophon's claim?

I am willing to provide any information required to assist the ACCC in making this determination.

ClubsAustralia is keen to have the matter resolved given the claim of misleading behaviour alleged by Senator Xenophon.

Yours sincerely,

Anthony Ball,  
Executive Director

Clubs Australia Incorporated  
ABN 32 691 361 915

Level 8, 51 Druiitt Street  
Sydney NSW 2000  
P 02 9268 3000 F 02 9268 3066

EXECUTIVE OFFICE



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 45740  
Your Refs: SAM/NC-EE and ACCCM/NC-EE  
Contact Officer: Simon Pomery  
Contact Phone: 02 6243 1255

GPO Box 3131  
Canberra ACT 2601  
23 Marcus Clarke Street  
Canberra ACT 2601  
tel: (02) 6243 1111  
fax: (02) 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

6 May 2011

Senator Nick Xenophon  
Independent Senator for South Australia  
Parliament House  
Canberra ACT 2600

Dear Senator Xenophon

**Alleged misleading statements in relation to poker machines**

I refer to previous correspondence in relation to this matter, in particular:

- Your letter dated 12 April 2011 to Mr Graeme Samuel, Chairman of the Australian Competition and Consumer Commission (ACCC), concerning advertising by the Australian Hotels Association and Clubs Australia, and

Both matters have been forwarded to the ACCC's Enforcement Operations Group for further consideration.

An officer from the ACCC will be in contact with you within 28 days.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brian Cassidy'.

Brian Cassidy  
Chief Executive Officer