

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No. M83 of 2015

**ON APPEAL FROM THE COURT OF APPEAL
OF THE SUPREME COURT OF VICTORIA**

BETWEEN:



STATE OF VICTORIA
Appellant

and

TATTS GROUP LIMITED
Respondent

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APPELLANT'S CHRONOLOGY

PART I:

20 This chronology is in a form suitable for publication on the internet

PART II:

Date	Event	Appeal Book Reference
14 April 1992	Under section 33 of the <i>Gaming Machine Control Act 1991 (Vic)</i> (the 1991 Act), the State issues gaming operator's licences to the Trustees of the George Adams Estate (Trustees) and the Totalisator Agency Board of Victoria (TAB), each for a term of 20 years.	
6 August 1992	The Trustees commence gaming operations in Victoria.	
1994	The TAB is privatised, and its business and assets are transferred to the newly floated company, Tabcorp. The <i>Gaming and Betting Act 1994 (Vic)</i> (the 1994 Act) is enacted which provides for the grant to Tabcorp of two conjoined licences, being a	

Date: 19 June 2015

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Date	Event	Appeal Book Reference
	<p>wagering licence and a gaming licence.</p> <p>As consideration for its wagering licence and gaming licence, Tabcorp pay the net float proceeds of \$597.2 million to the State.</p> <p>Section 21 of the 1994 Act confers upon Tabcorp a conditional right to payment upon the expiry of its licences.</p> <p>Following the 1994 Act, the only two authorised gaming operators in Victoria outside of Crown Casino are the Trustees and Tabcorp.</p>	
1994 - 1995	<p>The State enters into negotiations with the Trustees for the purpose of ensuring that the two gaming operators compete with each other on an equal basis. This includes securing a commitment from the Trustees to pay a licence fee equivalent to the amount paid by Tabcorp for its gaming licence.</p>	
17 November 1995	<p>The State and the Trustees enter into a written agreement (1995 Agreement).</p> <p>The 1995 Agreement contains, <i>inter alia</i>, clauses to the following effect:</p> <ul style="list-style-type: none"> (a) The Trustees pay the State a licence fee (clause 3). (b) The Trustees receive a payment on the expiry of their licence provided certain conditions are satisfied (clause 7). (c) The Minister on behalf of the State agrees to cause draft legislation to be prepared and to use his best endeavours to procure that the Parliament of Victoria enact legislation which includes, <i>inter alia</i>, the Trustees' obligation to pay the licence fees in accordance with clause 3 of the Agreement and the State's conditional obligation to make a payment under clause 7 (clause 8). 	
2 July 1996	<p>The 1991 Act is amended pursuant to clause 8 of the 1995 Agreement (the 1996 Amendments).</p>	

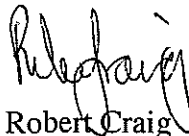
Date	Event	Appeal Book Reference
	<p>The 1996 Amendments introduce a statutory:</p> <ul style="list-style-type: none"> • requirement on Tatts to pay an annual licence fee in terms equivalent to its obligation under cl 3 of the 1995 Agreement; and • payment provision in similar, but not identical, terms to the contractual terminal payment provision contained in clause 7 of the 1995 Agreement. The statutory terminal payment provision was provided for in a new section 35A of the 1991 Act (as amended). <p>Prior to the State introducing into Parliament the Bill containing the 1996 Amendments, the Trustees provide comments on the Bill.</p>	
28 June 1999	The State and the Trustees enter into a further agreement (1999 Agreement) which, <i>inter alia</i> , amends the annual licence payment provisions of the 1995 Agreement.	
1 July 2004	The Parliament of Victoria enacts the <i>Gambling Regulation Act 2003 (Vic) (Act)</i> which consolidates its gambling legislation and repeals the 1991 and 1994 Acts.	
31 May 2005	Tattersall's Limited, by this time known as Tatts Group Limited (Tatts), the Trustees, several subsidiaries of Tatts and the State enter into an agreement pursuant to which the 1995 Agreement (as amended by the 1999 Agreement) was transferred and novated to Tatts, and the Trustees transferred their gaming operator's licence to Tatts by a deed of assignment.	
10 April 2008	Following a public review of gambling licences in Victoria, the then Premier of Victoria announces that " <i>the State had decided to move to a new structure for the gaming industry, which removes the need for separate gaming machine operators, Tattersalls and Tabcorp, with venues set to own, operate and maintain gaming machines</i> ".	

Date	Event	Appeal Book Reference
2009	The Act is amended to provide for the creation and allocation to operators of approved venues of "gaming machine entitlements" (GMEs).	
7 June 2010	<p>The Minister for Gaming creates 27,500 GMEs with an effective date of 16 August 2012. Subsequently, 27,300 of these entitlements are allocated to holders of venue operator's licences. Tatts does not apply for or receive any GMEs.</p> <p>Recipients of the GMEs are required to pay premiums totalling approximately \$981 million to the State in relation to all gaming machines to be operated in the State after 16 August 2012.</p>	
15 August 2012	The gaming licences held by Tatts and Tabcorp expire.	
16 August 2012	Tatts commences proceedings No SCI 2012 4689 in the Supreme Court of Victoria.	
3 - 24 February 2014	Hearing at first instance before Justice Hargrave.	
26 June 2012	Judgment at first instance (<i>Tatts Group Limited v The State of Victoria</i> [2014] VSC 302).	
14 - 17 October 2014	Hearing of appeal before Court of Appeal.	
4 December 2012	Judgment on appeal (<i>State of Victoria v Tatts Group Limited</i> [2014] VSCA 311).	
15 May 2015	The High Court of Australia (constituted by Hayne and Keane JJ) grants special leave to appeal.	

Dated: 19 June 2015



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