

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

No M81 of 2015

BETWEEN:

TABCORP HOLDINGS LIMITED (ACN 063 780 709)

Appellant

STATE OF VICTORIA

Respondent



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APPELLANT'S CHRONOLOGY

Part I:

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

Part II:

Date	Event	Appeal Book (AB) Reference
1961	The Victorian Totalizator Agency Board (TAB) commences operations. The TAB is authorised to conduct certain wagering activities in Victoria, both on-course and off-course.	AB ¹
14 April 1992	TAB and the Trustees of the Estate of the late George Adams (Tatts) each granted a Gaming Operator's Licence for 20 years entitling them to operate gaming machines at venues in Victoria.	Section 33 <i>Gaming Machine Control Act 1991</i> (Vic).
21 December 1993	Premier announces proposal to float the TAB.	AB ²

¹ Amended Statement of Claim at [33], admitted in the Defence to Amended Statement of Claim at [33] (Pleadings)

² Pleadings [35]

Date	Event	Appeal Book (AB) Reference
13 April 1994	TAB Corp Limited incorporated and registered. Name subsequently changed to Tabcorp Holdings Limited (Tabcorp) on 27 April 1994.	AB ³
25 May 1994	<i>Gaming and Betting Act 1994</i> (Vic) enacted.	AB ⁴
28 June 1994	<p>Gaming Licence and Wagering Licence (as defined in the <i>Gaming and Betting Act 1994</i>) granted to Tabcorp pursuant to Section 12 of that Act.</p> <p>On the grant of the licences, Tabcorp became liable to pay to the Treasurer as consideration an amount equal to the 'allotment amount', defined as the amount determined by the Treasurer as the sum of the amounts paid for the allotment of shares in Tabcorp (less certain specified amounts). The amount so determined was \$597.2 million.</p> <p>This amount was required to be paid by Tabcorp within 14 days after the 'appointed day'. The 'appointed day' was defined as the day on which Part 7 of the <i>Gaming and Betting Act 1994</i> came into operation, which was 15 August 1994.</p>	<p>AB⁵</p> <p>Sub-sections 13(1) and (2) <i>Gaming and Betting Act 1994</i></p> <p>Sub-section 13(2) <i>Gaming and Betting Act 1994</i></p>
1 July 1994	Prospectus dated 30 June 1994 issued by Tabcorp.	AB
18 July 1994	Public Offer Opens for the Float.	AB ⁶
5 August 1994	Public Offer closes.	AB
8 August 1994	Institutional Offer opens for the Float.	AB
12 August 1994	Institutional Offer closes.	AB ⁷

³ Pleadings [1]

⁴ Pleadings [57]

⁵ Pleadings [4]

⁶ Pleadings [73]

⁷ Pleadings [73]

Date	Event	Appeal Book (AB) Reference
15 August 1994	<p>The ‘<i>appointed day</i>’ for the purposes of the <i>Gaming and Betting Act 1994</i>.</p> <p>The Wagering Licence and the Gaming Licence (as defined in the <i>Gaming and Betting Act 1994</i>) commenced for a term of 18 years from the appointed day.</p> <p>TAB ceases to be the holder of the Gaming Operator’s Licence.</p> <p>Trading of shares in Tabcorp commences on the ASX. Shares listed at \$2.25.</p>	<p>AB⁸</p> <p>Sub-section 12(2)(a) <i>Gaming and Betting Act 1994</i></p> <p>Section 222 <i>Gaming and Betting Act 1994</i></p>
29 August 1994	<p>Tabcorp pays the ‘<i>allotment amount</i>’ of \$597.2 million to the Treasurer.</p>	<p>AB⁹</p>
16 December 2003	<p><i>Gambling Regulation Act 2003</i> (Vic) enacted.</p>	
1 July 2004	<p><i>Gambling Regulation Act 2003</i> comes into effect and the repeal of the <i>Gaming and Betting Act 1994</i> takes effect.</p>	<p>AB¹⁰</p>
10 April 2008	<p>Announcement by the Premier titled ‘<i>New Structure for Gaming in Victoria Beyond 2012</i>’</p>	<p>AB</p>
27 August 2008	<p>The <i>Gambling Regulation Amendment (Licensing) Act 2008</i> (Vic) (the <i>Wagering Amendment Act 2008</i>) commences operation.</p> <p>The <i>Wagering Amendment Act 2008</i> amends the <i>Gambling Regulation Act 2003</i> to provide for:</p> <ul style="list-style-type: none"> • the grant of a Wagering and Betting Licence for a 12 year term; and • the grant of a Keno Licence for a 10 year term. <p>The <i>Wagering Amendment Act 2008</i> also introduced s 4.3.4A into the <i>Gambling Regulation Act 2003</i>.</p>	<p>AB¹¹</p>

⁸ Pleadings [6], [74]

⁹ Pleadings [8]

¹⁰ Pleadings [9]

¹¹ Pleadings [16], [23B]

Date	Event	Appeal Book (AB) Reference
24 June 2009	<p>The <i>Gambling Regulation Amendment (Licensing) Act 2009 (Vic) (Gaming Amendment Act 2009)</i> commences operation.</p> <p>The <i>Gaming Amendment Act 2009</i> further amends the <i>Gambling Regulation Act 2003</i> to provide for the creation and allocation by the Minister of Gaming Machine Entitlements to the operators of approved venues for a 10 year term.</p>	AB ¹²
7 June 2010	<p>27,500 Gaming Machine Entitlements created. The Gaming Machine Entitlements are to have an effective date of 16 August 2012.</p> <p>The number of Gaming Machine Entitlements created was the same as the maximum number of gaming machines provided for by a declaration by the Minister that the maximum number of gaming machines available for gaming in Victoria (other than in the Melbourne Casino) was 27,500, and Tabcorp and Tatts could each operate 50%.</p>	AB ¹³ Sub-sections 3.4A.5(1)(a) and (9)(e) of the <i>Gambling Regulation Act 2003</i> Ministerial Direction dated 16 April 2008
2010	<p>27,300 Gaming Machine Entitlements are allocated for a 10 year term.</p> <p>Recipients of the entitlements paid an approximate total amount of \$981 million to the State.</p>	AB ¹⁴ Sub-section 3.4A.5(1)(b) <i>Gambling Regulation Act 2003</i>
25 March 2011	<p>Keno Licence issued to Tabcorp Investments No. 5 Pty Ltd (Tabcorp Investments).</p> <p>The licence is to operate from 15 April 2012 for a 10 year term.</p>	AB ¹⁵
April 2011	<p>Tabcorp Investments pays \$60 million to the State as consideration for the Keno Licence.</p>	AB ¹⁶
19 December 2011	<p>Wagering and Betting Licence issued to Tabcorp Wagering.</p> <p>The licence is to operate from 16 August 2012 for a 12 year term.</p>	AB ¹⁷ Clause 2.2 of the Licence.

¹² Pleadings [24]

¹³ Pleadings [26]

¹⁴ Pleadings [27]

¹⁵ Pleadings [23E]

¹⁶ Pleadings [23G]

¹⁷ Pleadings [20]

Date	Event	Appeal Book (AB) Reference
19 January 2012	Tabcorp Wagering pays \$410 million to the State as consideration for the Wagering and Betting Licence.	AB ¹⁸
15 August 2012	Tabcorp's Gaming Licence and Wagering Licence expire.	Sub-section 12(2)(a) <i>Gaming and Betting Act 1994</i>
16 August 2012	<p>The Wagering and Betting Licence commences operation</p> <p>The Gaming Machine Entitlements commence operation.</p>	<p>Clause 2.2 of the Licence.</p> <p>Sub-ss 4.3A.8(2) and 4.3A.11(1)(a) <i>Gambling Regulation Act 2003</i>.</p> <p>Sub-section 3.4A.5(9)(e) <i>Gambling Regulation Act 2003</i></p> <p>Ministerial Determination made on 7 June 2010 published in the Victoria Government Gazette on 7 June 2010.</p>
24 August 2012	Tabcorp files Writ and Statement of Claim seeking terminal payment.	AB
19 October 2012	State files Defence.	AB
21 November 2012	Tabcorp files Reply.	AB
10 December 2013	Tabcorp files Amended Statement of Claim.	AB
16 December 2013	State files Defence to Amended Statement of Claim.	AB
4 – 19 February 2014	Trial before Hargrave J in the Supreme Court of Victoria.	

¹⁸ Pleadings [22]

Date	Event	Appeal Book (AB) Reference
26 June 2014	Judgment delivered and orders made by Hargrave J dismissing Tabcorp's claims.	AB
10 July 2014	Tabcorp files Notice of Appeal in the Court of Appeal of the Supreme Court of Victoria.	AB
14 October 2014	Hearing in the Court of Appeal of the Supreme Court of Victoria before Nettle, Osborn and Whelan JJA.	AB
4 December 2014	Judgment delivered and orders made by Nettle, Osborn and Whelan JJA dismissing the appeal.	AB
2 January 2015	Tabcorp files an application for special leave to appeal to the High Court of Australia.	AB
15 May 2015	Hayne and Keane JJ grant special leave to appeal to Tabcorp (limited to the statutory claim).	AB
19 June 2015	Tabcorp files Notice of Appeal in the High Court.	AB

Dated: 19 June 2015



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