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05 JAN 1989

Reference

3rd January 1989

Mr. D. McKenzie
Computer Systems

Dear Don,

I refer to your letter dated 8 December 1988, in which you requested clarification of your position re the business which you operate from home.

I have no objection to this business continuing to operate as described by you, providing that it does not interfere with your duties as a Systems Engineer. In the event that you have an opportunity to supply the TAB or any other body in the Victorian Racing Industry with equipment as has occurred in the past, I would advise that you discuss this with me beforehand.

Thank you for bringing this matter to my attention.

DAMIEN BRIGNELL
Assistant General Manager,
Computer Systems



Don McKENZIE
Systems Engineer
Computer Systems
Business Group

Home Address

[REDACTED],
Tullamarine 3043
December 8, 1988
Phone [REDACTED]

Distribution:-

Ingrid HALL
DIRECTOR,
HUMAN RESOURCES

Damien BRIGNELL
DIRECTOR,
COMPUTER SYSTEMS

Dear Ingrid,

An item of some concern to me has been brought to my attention. I refer to a memorandum on the subject of T.A.B. policy RE:- other employment and have enclosed a copy of this document for your quick reference.

The Paragraph of concern is the one mentioned on page one of this document as recently amended, that is Paragraph 10.3 which covers "EMPLOYMENT OF STAFF EXTERNAL TO T.A.B."

The correspondence that I received during the transfer from A.T.L. to the T.A.B. made no mention of any external employment "conditions". These documents include a letter from Mr Jim Carroll setting out the conditions of employment and an eleven page general welcome to the T.A.B. which covers the position, general conditions, and facilities available.

When the "Transmission of Business" took place from A.T.L. to VICTAB, your policy re "Other Employment" was never verbally raised, and as such, I can't see how I could possibly violate a T.A.B. policy that I was unaware of.

I have been running a small business from my home address for several years now, and wish to continue to do so. My business is in the area of computer kits and related components aimed mainly at the Electronic Hobbyist. I advertise in "Hobby Type" electronic magazines such as Electronics Australia, and with computer user groups. I am actively associated with several computer user groups. I am registered as a Wholesale Merchant with the Australian Taxation Department for Sales Tax purposes. I have even sold kits to VICTAB prior to the "Transmission of Business."

From time to time I have held software contracts with large companies. I wrote the computer generated morse code receiving test for "HAM and NOVICE" radio operators for the Department of Communications for many years until I tired of it due to the repetitive nature of this work, and asked for it to be handed on. Currently, I have no software contract and write only to support the kits that I market.

At all times whilst employed by A.T.L., I have not kept my activities secret and in fact made this point clear when I was invited in December 1980 to join the staff of A.T.L. This information was included in the staff application form that I signed. For obvious reasons which I'm sure require no explanation, I have always steered well clear of any private project that may vaguely resemble totalisator betting equipment.

Prior to joining the staff of A.T.L. (approx. 1979-80), I was requested by the Management of A.T.L. to assist the Cranbourne Dog Club with a computerised odds display and dividend calculator to enhance the manual Tote system that they operated. A private agreement was struck between the Cranbourne Dog Club and myself with A.T.L.'s sanction. This system was used successfully until superseded by the installation of the Tote-All system.

Of course, there is a bit of a lead in story to the Cranbourne system. It was based on an "off the shelf home computer" that was available during this time. Using my own time and money, I was hoping to develop a Micro-Tote that would interface to the current betting terminals, but unfortunately A.T.L. didn't see the need for such a device and I shelved the idea. Cranbourne Dog Club heard on the grape vine about my system and approached me. I passed them onto Mr Frank Dowdle the A.T.L. Branch Manager of the day who in turn cleared it with our Sydney head office and requested me to give all assistance possible to the Cranbourne Club as they are one of our "Clubs".

Which brings me to the point of this letter.

The only T.A.B. policy in Mr Jim Carroll's letter that may cover my situation reads as follows:-

"All other conditions of employment will be as close as possible to current A.T.L. conditions. However, where T.A.B. policy differs markedly, T.A.B. conditions will prevail."

I am now faced with the following two possible solutions:-

(1) Ignore your Memorandum, tear this letter up in the hope that the question is never asked of me, and live in fear that somewhere down the T.A.B. time tunnel the subject matter may arise. It couldn't possibly arise. And after all, what have I done wrong?

(2) Write letters seeking permission from the appropriate Directors as requested in this Memorandum. I must also take into consideration that if permission was denied, it would place me in a very awkward position.

Having at this point opted for solution (2), could you please give due consideration to my request to continue employment with the T.A.B. whilst running my own business as outlined in this letter?

Yours Sincerely,

Don McKenzie.