



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/283
Contact Officer: Monica Bourke
Contact Number: 02 6243 1351

4 March 2008

Mr Luke Dale
c/- Level 17 Santos House
91 King William Street
Adelaide SA 5000

By email: ldale@kellyco.com.au

Dear Mr Dale,

**Re: Exclusive dealing notifications lodged by the National Association of
Speedway Racing (NASR)**

I refer to the exclusive dealing notifications lodged on 12 February 2008 by the National Association of Speedway Racing Incorporated and the National Association of Speedway Racing Pty Ltd (together "NASR"). Similar notifications were also lodged by various racing body organisations and raceways.

Broadly, the notifications relate to the offer and supply of NASR licences to drivers and NASR approval of race tracks and venues.

NASR advise that the offer of personal injury insurance from a specified provider is available as a member benefit to NASR licensees. I understand that licensees are free to obtain appropriate personal injury insurance from other providers but in the event they do so, their licence fees are not adjusted.

I note that you spoke with ACCC staff on 26 February 2008 with respect to the arrangements. It would be useful if you could address some additional questions following this discussion to assist the ACCC to assess the public benefits and public detriments arising from the notified conduct.

1. The cost of a NASR licence varies in price depending upon the race category required, with the maximum fee being \$175. Can you please explain how the amount of the licence fee was arrived at and what services are accounted for by the licence fee? Does the licence fee include an amount to cover the cost of the personal injury insurance negotiated by NASR and offered as a member

benefit? If so, how much? If not, how does NASR fund the insurance premium?

2. As licensees are able to get their own appropriate insurance, why isn't a discount on the licence fee available in these circumstances?
3. How did NASR choose QBE as the insurance provider? When did NASR negotiate its policy with QBE?
4. How many NASR licensees acquire their own personal injury insurance rather than rely on the insurance provided through the NASR licence?
5. In the event of an accident, who makes the claim to QBE? Is there any relationship between the driver and QBE with respect to the insurance arranged by NASR?
6. Do you consider it is a detriment for licensees who purchase their own personal injury insurance, for example to cover NASR approved and non-NASR approved races, but do not receive a reduction in the licence fee to reflect the fact that they do not require the NASR arranged insurance?

I would appreciate it if you could you provide a response to these questions by **Wednesday 12 March 2008**.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch