



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/283, C2008/297 & C2008/289
Contact Officer: Monica Bourke
Contact Phone: (02) 6243 1351

11 June 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 NASR and others
– draft notices in respect of notifications
N93297 – N93298 and N93301 – N93303**

As you are aware, the Australian Competition and Consumer Commission (ACCC) has been conducting a review of the exclusive dealing notifications lodged on 12 February 2008 by the following parties:

- National Association of Speedway Racing Incorporated (N93297 and N93299)
National Association of Speedway Racing Pty Ltd (N93298 and N93300)
Sprintcar Control Council of Australia Incorporated (SCCA) (N93301)
Australian Saloon Car Federation Incorporated (ASCF) (N93302)
Dirt Modifieds Australia (DMA) (N93303)
- Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway Perth Motorplex (Perth Motorplex) (N93304) and Corio Park Pty Ltd trading as Avalon International Raceway (Avalon Raceway) (N93305).

For the reasons set out in the attached draft notice, the ACCC is proposing to give notice under section 93A of the *Trade Practices Act 1974* to revoke third line forcing notifications lodged by NASR (N93297 and N93298), the SCCA (N93301), ASCF (N93302) and DMA (N93303).

For the reasons set out in the attached draft notice, the ACCC does not intend to take any further action with respect to third line forcing notifications lodged by Perth Motorplex and Avalon Raceway (N93304 and N93305) at this time.

Further, for the reasons set out in the attached draft notice, with respect to the conduct notified in exclusive dealing (other than third line forcing) notifications lodged by

NASR (N93299 and N93300), the ACCC does not have any evidence at this time to suggest a purpose, effect or likely effect of this conduct is to substantially lessen competition in a relevant market. As such, the ACCC does not propose to take any further action at this time in respect of these notifications.

Having now issued the draft notice proposing to revoke notifications N93297, N93298, N93301, N93302 and N93303, the notifying parties or any interested party who may be dissatisfied with the ACCC's draft notice may request that the ACCC convene a conference in relation to the draft notice. Such a conference provides the opportunity for interested parties to make oral submissions directly to a Commissioner of the ACCC in relation to the draft notice. Conferences are conducted informally, without the participation of legal or other professional advisers.

If you wish the ACCC to hold a conference in relation to these draft notices, you must notify the ACCC in writing by **Friday 27 June 2008**. Please note that the *Trade Practices Act* does not allow the ACCC to extend this deadline.

You are also invited to make a written submission in response to the ACCC's draft notices. Written submissions should be lodged by **Friday 4 July 2008** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of a notification. Guidelines for seeking exclusion from the public register are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference in relation to the draft notices be called, in deciding whether or not to issue final notices revoking the third line forcing notifications lodged by the NASR, SCCA, ASCF and DMA.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact Monica Bourke on (02) 6243 1351 or via email at monica.bourke@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch