

Our ref: MPJ:kjw:80853

5 October 2009

Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

**Attention: Ms Lauren Roy**

**By Email: Lauren.Roy@acc.gov.au**

Dear Ms Roy,

Re: **IHA Notification**

We refer to your email of 17 September 2009 and the attached further submissions. We make the following responses on behalf of IHA.

**John Corbishley Submission**

While IHA does not consider it productive to individually traverse all of the allegations made by Mr Corbishley, IHA denies it has previously exercised its sanctions in a discriminatory manner and has no intention to apply its sanctions in a discriminatory manner in the future.

IHA has offered to sanction the competitions operated by Mr Corbishley and his associates, but this offer has been declined. IHA remains willing to sanction the competitions operated by Mr Corbishley and his associates should its criteria regarding insurance, risk management and compliance with this national obligations be met.

IHA contends that its continued willingness in this regard evidences its primary concern to the health of the sport and the safety of its participants rather than any of the unsavoury motives attributed to it by Mr Corbishley.

**Submission from Wendy of the Macquarie Ice Rink**

*"Wendy suggests that players cannot improve without any formal competition, and the notified conduct prevents players from overseas playing in Australia unless they are members of IHA."*

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IHA disputes this assertion. IHA cannot and does not wish to prevent an overseas player from participating in an unsanctioned league or competition. IHA merely wishes to maintain the right to prevent its members from competing against unregistered international players in order to enable it to comply with its own international obligations.

#### **Michael Costin-Sydney Ice Hockey League Submission**

IHA remains more than willing to sanction the competitions operated by the Sydney Ice Hockey League. IHA's requirements for sanctioning are not onerous.

IHA does not wish to restrict the choices of ice hockey players in Australia. For the reasons previously outlined, IHA needs to be able to sanction its players from playing in unsanctioned leagues. These players have the choice of playing in IHA or non IHA competitions in the same way that leagues such as the Sydney Ice Hockey League have the choice of being sanctioned or unsanctioned.

IHA merely seeks the power to manage its own affairs in order to comply with its international and insurance obligations and provide a safer environment for its players and officials.

#### **Sydney Ice Arena Submission**

*"This particular "non sanctioned" league came about when the "Rhinos team" which was registered with Ice Hockey NSW/Australia and based at Erina Ice Arena was excluded from the "sanctioned" AIHL competition."*

IHA was advised by the AIHL that Mr Southey refused to sign a contract with the AIHL and therefore the Central Coast Rhinos were withdrawn from the AIHL. IHA was not informed as to the reasons why Mr Ellis refused to sign a contract and considers that this is a matter primarily between Mr Southey and AIHL.

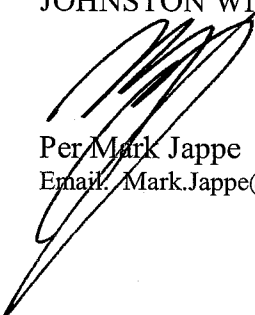
*"Application was made to Ice Hockey NSW/Australia to sanction the competition. This was rejected despite that we were willing to pay all fees and registrations including ITC cards for overseas players. The primary reason given for not sanctioning this competition was that it competed with their AIHL competition."*

IHA disputes this assertion. IHA acknowledges that Mr Southey approached it to grant sanction to his league. IHA explained that it could not sanction another league which included overseas players as its policy was to only recognise one "national" league. IHA did however inform Mr Southey that nothing prevented him from obtaining sanction for his league from IHNSW as the league operated wholly within NSW.

We are instructed that Mr Southey then requested that IHA allow ITC exemption for overseas players. IHA explained that its membership with the IIHF compelled it to adhere to its ITC regulations and therefore the request could not be entertained. IHA understands that the league operated by Mr Southey contains several overseas players who do not have valid ITC's. This participation of overseas players without valid international cards prevents IHA or IHNSW from sanctioning this league unless and until all overseas players obtain valid international transfer cards.

We thank you for this opportunity to respond to these submissions.

Yours faithfully  
JOHNSTON WITHERS



Per Mark Jappe  
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