



**Australian
Competition &
Consumer
Commission**

Our Ref: N94032 – N94034
Contact Officer: Monica Bourke
Contact Phone: 02 6243 1531

15 July 2009

[Address Block]

Dear [salutation]

*This letter was
sent to the attached
list of interested
parties 15.7.09
MB.*

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Exclusive Dealing Notifications lodged by Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool Pty Ltd – interested party consultation

On 7 July 2009, the Australian Competition and Consumer Commission (the ACCC) received exclusive dealing notifications from the Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool Pty Ltd (collectively referred to as the 'Track Operators').

The ACCC invites your comment on the exclusive dealing notifications. Information about the exclusive dealing notification process is attached.

The notified conduct

The Track Operators propose to offer and supply race services, including access to track facilities and race events, on condition that:

- (a) the offeree has purchased a suitable licence from the National Association of Speedway Racing Pty Ltd (NASR) in order to compete at the Track Operator and
- (b) the offeree has purchased a suitable licence from NASR in order to visit the racing pit area.

Copies of the Track Operators' notifications are available on the ACCC's website at www.accc.gov.au.

The ACCC's previous consideration of NASR related notifications

In 2008 the ACCC considered a number of notifications lodged by NASR, various speedway racing bodies and speedway race track operators. The ACCC revoked the immunity afforded by the notifications lodged by NASR (N93297-N93298), the Sprintcar Control Council of Australia Incorporated (N93301), the Australian Saloon Car Federation Incorporated (N93302) and Dirt Modifieds Australia (93303).

The ACCC decided not to take any further action with respect to the notifications lodged by Placide Pty Ltd as trustee for the Metro Speedway Trust t/a Speedway Perth Motorplex (Perth Motorplex) and Coria Park Pty Ltd t/a Avalon International Raceway (Avalon International Raceway). These notifications therefore provide legal protection for the requirement that

drivers hold a NASR licence in order to access race and pit facilities at the Perth Motorplex and Avalon International Raceway.

In making this assessment the ACCC noted that while these tracks may promote some of the major racing events in Australia, a significant alternative choice of tracks remains where drivers are not required to have a NASR licence. Further, drivers who wished to participate at events at these tracks were able to access a day licence from NASR or could obtain a full NASR licence in addition to any other licence they may already hold.

At that time the ACCC noted that if a significant number of tracks began to only accept NASR licences as a condition of accessing track and pit facilities, the public detriments arising from the requirement may change.

Interested party submissions

The ACCC invites your comments on the likely public benefits and public detriments, including any lessening of competition, from the conduct which has been notified by the Track Operators. Given the ACCC's previous assessment, the ACCC is particularly interested in the likely impacts of these additional three tracks also requiring drivers to hold a NASR licence.

The ACCC is able to take into account information received as part of the consultation process undertaken for the previous notifications. Any issues outside of the notified conduct may not be relevant to the ACCC's assessment of the current notifications.

Request for submissions

If you intend to provide a submission in relation to the exclusive dealing notifications, please do so by **5 August 2009**.

Alternatively, if you would like to provide comments orally, please contact Monica Bourke on (02) 6243 1351 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

You can forward this letter to any other party who may wish to make a submission to the ACCC regarding these notifications.

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 or monica.bourke@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

**Exclusive dealing notifications lodged by Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool Pty Ltd
Interested parties consulted 15 July 2009**

National Dirt Racers Association Inc	Sprintcars Australia
Confederation of Australian Motor Sport	SCCA
Australian Institute of Motor Sport Safety	ASCF Speedway Sedans Australia Inc
Australian Sports Foundation	Northern Tasmania Speedway Drivers Association
Formula Motorsports Group	Motorsports NT Inc
Australian Dirt Driver's Association Inc	Darwin Speedway Rider and Drivers Association Inc
Speedway Karting Assoc of Australasia Inc	NTSCI
JQMA	Victorian Speedway Council Inc
Australian Formula 500 Association	Sprintcar Racing Association of Victoria
Crash N Bash Drivers Association	VSCF
NOS Sprints	Queensland Saloon Car Association Inc
Dirt Modifieds Australia	Geraldton Hot Rod and Country Club Inc
NSW Formula 500 Association	Modified Sprintcar Association of Queensland
NSW Compact Speedcars	Classic Speedway Association QLD Inc
NDRA WA	QSCF Inc
Western Australian Speedway Commission Inc	NASR SA
WASCF Inc	SSA of NSW
West Coast Speedcars	East Coast A Grade Sedan Club Inc
Corowa Speedway Club Inc	Kalgoorlie International Speedway
South Burnett Speedway Club Inc	Arunga Park Speedway
Roma International Motor Speedway	Riverland Speedway
Stawell Motor Sports Club	Perth Motorplex Kwinana Beach
Maryborough Speedway	Bairnsdale Speedway Association Inc
Alexandra District Speedway Incorporated	Collie Racing Drivers Association
Borderline Speedway	Lismore Speedway
Latrobe Speedway Pty Ltd	