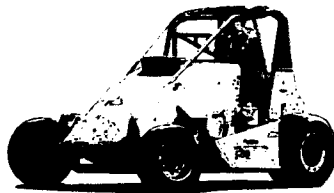


WEST COAST



SPEEDCARS

A DIVISION OF A.S.D.R.A.

Australian Speedway Drivers and Riders Association Inc.

Reg. No. A1012010B

FILE No:

DOC:

MARS/PRISM:

August 02, 2009

Attention: Ms Monica Bourke
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Ref: N94032 -N94034

Dear Monica,

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.

Although we are unable to comment specifically about the intentions of the above Track Operators, we would like to bring to your attention the current practice among many Track Operators in Western Australia, and point out why we are opposed to exclusive dealings.

The National Association of Speedway Racing Pty Ltd (NASR) is trying to create a monopoly whereby they will gain control over every speedway track in Australia. There is obviously considerable monetary gain to be had once this is achieved as NASR will then be able to set their fee structures and other requirements for racing to their own financial advantage. They have already raised their licence fee from \$175.00 last year to \$250.00 for this season (a 43% increase), and Pit Crew fees have gone from \$75.00 to \$90.00 each and 2 crew must be paid for.

The flow on effect of allowing Perth Motorplex (Placide Pty Ltd) to have exemption from the law has been as follows:

- Drivers racing at Perth Motorplex must have NASR Driver's Licences
- These same drivers want to race with their club at a country track so they demand that the track take out NASR Insurance or they won't race there.
- The track promoter is railroaded into taking out NASR Public Liability Insurance.
- Conditions of NASR Public Liability Insurance require that all cars must be registered with NASR.
- All cars registered with NASR must be driven by NASR licensed drivers.

AUST. COMPETITION &
CONSUMER COMMISSION
CANBERRA

5 AUG 2009

Secretary: Christine Meakins

11 Deanhead Street, Bullsbrook WA 6084 Phone 9571 1422 Mobile 0407 478 297

- All drivers and cars that do not comply with these requirements are banned from racing at NASR Insured tracks.

West Coast Speedcars are one of the clubs that have been banned from using NASR Insured tracks. I refer you to a letter written to you by our then president Mr John Lang on 1/9/08. West Coast Speedcars (WCS) BN 10761860B, is the trading name of the speedcar members of the fully incorporated Australian Speedway Riders and Drivers Association Inc. (ASDRA) (Reg. No. A1012010B).

As far as we are concerned no good has come out of the exemptions. They are being used to line the pockets of the NASR shareholders and are of no benefit to the sport of racing.

The detriment is that smaller clubs with budget racers who still want to be actively involved in following their chosen sport are being forced out by the unnecessary expenses incurred in propping up a money hungry NASR.

We would prefer a national body to control the sport of speedway racing, that is a non- profit organisation. One that can be recognised by Commonwealth and State Government.

We enclose communications from Shark Bay Speedway Club (inc.) and Ellenbrook Speedway in support of our claims and a copy of our letter to Ellenbrook.

We raced at Ellenbrook for many years (10km from where we live), and now have to travel to Northam to race (100km away).

Yours sincerely



President : Alan Meakins



Secretary: Christine Meakins

A D & C M Meakins
11 Deanhead Street
Bullsbrook W A 6084

RDA of WA Inc.
C/-Ultratune Morley
22 Rudloc Road
Morley W A 6062

Dear Sirs

We wish to point out that we were unnecessarily and illegally barred from racing at RDA Ellenbrook track on 17th August 2008.

West Coast Speedcars president, John Lang, was forwarded a copy of an e-mail on the 11th August, that was sent to the RDA secretary by Paul Trengove on 24th July 2008 stating that we could not compete at a NASR insured track as Public Liability would not respond at the race meeting. This misinformation was acted on by an ill informed committee at an ensuing executive meeting and West Coast Speedcars, in spite of being all members of RDA, were banned from the following race meeting.

This oversight can be forgiven considering all that has been going on with the ACCC and NASR's attempt to gain exemption from certain trade practice laws, but it needs to be pointed out that the ACCC has made its ruling and it is now illegal for NASR to use the threat of withdrawing licences, not responding to Public Liability Insurance or any other form of blackmail or coercion to force tracks or drivers to come under their control.

Ellenbrook is an independent track run by its members for its members and has no business allowing NASR to call the shots.

The Racing Driver's Association of WA Inc By Laws/Policy subsection 2.8 states:
"That the RDA be self determining, that is, RDA Club Members are not required to be Members of another organisation, excluding Junior Sedans and Street Stock Sedans."

and subsection 2.11 states:

"RDA Members who race in speedway divisions who are an Incorporated Body outside of RDA and that Club has its own licensing, insurance and specifications should be recognised, providing the vehicles comply with all safety requirements and rules as applied by RDA of WA Inc Technical Committee."

As West Coast Speedcars have complied with all relevant by-laws and policies and have always given due respect to track officials, we are at a loss to understand why we have been banned.

A letter from Kelly & Co, (NASR's Lawyers), was received by the ACCC on 2nd August 2008 in which they stated,

“...we confirm that the notifications lodged by the tracks and competitor groups will not force those parties to implement or impose any of the proposed conduct specified in those notifications. The purpose of the notifications was to ensure that such conduct, if implemented, would be immune from prosecution. NASR confirms that it claims no authority to require tracks and/or competitor groups to implement any aspect of the proposed conduct.”

The ACCC has revoked the above notifications in all cases except for Placide and Avalon which means that anyone else engaging in exclusive dealings or third line forcing will be liable to prosecution.

- It is not legal for NASR to insist that our cars be registered under WASDA and anyone doing so is liable to prosecution under the Trade Practices Act.
- It is not legal for a car club to insist that a track have a particular insurance; to do so leaves that car club open to prosecution. This is anti-competitive and third line forcing.
- It is not legal for NASR to insist that NASR licensed drivers must only drive on NASR insured tracks (also third line forcing). To do so is illegal and leaves NASR or the person implementing that requirement open to prosecution.

NASR have confirmed that they have no authority to require tracks or clubs or drivers to implement any of the above requirements. They have covered themselves by this statement, so that leaves you (the party implementing these illegal restrictions) liable to prosecution under the Trade Practices Act. You are not immune from liability and ignorance of the law is no justification.

Aside from that, Alan has been a member of the RDA Ellenbrook for the past twenty years. Tom Green's assurance that RDA members would always come first seems to have no basis in fact.

We are extremely disappointed with the management of this club.

Yours sincerely

Alan & Christine Meakins

9 September 2008



SPEEDWAY CLUB (Inc.)

President: David Charles
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Vice President:
Wayne Allan Ph 08 9948 1578
John Standring Ph 08 9948 1352

Secretary/Treasurer:
Dolly (Carmynne) Charles
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RE: FAR WESTERN CHAMPIONSHIP - SHARK BAY 2009

There has been a lot of information being put around in regards to the running of the Far Western Championship in Shark Bay to be held on Saturday 11th July 2009.

This has caused confusion for many drivers who wish to attend this year's event.

Below are some points we hope will clarify the situation for all who wish to attend.

- Shark Bay Speedway Club inc. run as a NASR insured track
- Shark Bay Speedway track is licensed under the Western Australia Speedway Commission inc and NASR (WA) inc.
- We run under the most recent Australian Speedway Racing Rules and Regulations book
- For insurance reasons we can only run vehicles registered with NASR or a NASR affiliated body.
- This has nothing to do with personal insurance/license.

The Far Western Championship has always been a fun day of racing and we would like to keep it that way in the future.

It is not the intention of the Shark Bay Speedway Club to single out any group or division as an example. It is also not our intention to become embroiled in any disputes, politics or issue other Clubs or divisions may have. Shark Bay Speedway Club needs to know we are fully insured for our safety as well as yours and to this end must follow the guidelines set out to us in our insurance policy.

I hope this clears up any misunderstandings any one has and of course if you need a nomination form or any other information please contact me. All details are on the letterhead above.

Dolly Charles
Secretary/Treasurer
Shark Bay Speedway Club inc.

THE RACING DRIVER'S ASSOCIATION of W.A. INC

ABN 66 680 535 953

Ellenbrook Speedway

Proudly sponsored by Laurance Scrap Metals



President: Fabio Martinelli 0409 998323
Secretary: Gemma Young 0407 371551

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RDA UPDATE FEBRUARY 2009

Welcome to our 2nd Edition of the RDA Update. I hope that every one has had a great start to year. With the 2009 race season approaching so rapidly the Committee thought it would be a good idea to get some info out to our members. Please take the time to read the following as some of it is fairly important.

Important Information

It is a **Strict Requirement** of our Public Liability Insurance that all cars be registered by their State/ National governing body as recognized by NASR. Any exception the above rule will forfeit our Public Liability Insurance. If your car does not comply with the above conditions you will not be able to race at Ellenbrook.

Busy Bees

Our first Busy Bee will be held on the 29th March one week prior to our season commencing there is a lot of work to be done so it would be great if every one could attend. Please bring along shovels, rakes, wheel barrows, whipper snippers & Lawn Mowers. The track will also be open every Sunday from 10am right up until the 1st Busy Bee. Every one is encouraged to come along and help out for a few hours.

People Required

As you are all aware it takes many volunteers to run our track. Unfortunately this year we have had a lack of response to available positions. Two of the main openings are for a Canteen Manager & Bar Manager, it is unfortunate but if we are unable to find volunteers to

fill these positions neither of these facilities will be available when racing starts. Please contact Gemma Young if you are interested 0407 371 551

Dan Hade Wins Number 1

A Big congratulations to Daniel Hade on winning the WA State Title @ Mount Barker earlier this year. Our club is very proud to have another Junior WA1 representing us.

Club Memberships

Just reminders that club memberships expired on the 31st December 2008 and are now due. **Club Championship points are only counted from the day you join as a member.**

Bullsbrook Community Fair

On the 28th March, Bullsbrook Playgroup will be holding the Bullsbrook Community fair. Ellenbrook Speedway has been invited to be part of this great community event. This will be our main advertising drive for our 2009 Street Stock State Title. The fair will be held between 3pm- 8pm if you are interested in helping out please contact Gemma Young.

New Look Website

It has come to my attention that our website is in need of a bit of an update. Keep an eye out for our brand new look. www.ellenbrookspeedway.com.au