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19 Apsley Road
Willetton
Western Australia 6155
bcwalsh@iinet.net.au
08 9354 1376

16th August 2009

Dear Mr Channing

RE: N94049 Ice Hockey Australia – Exclusive Dealing Notification

We would like to make a submission on the exclusive dealing notification N94049 from Ice Hockey Australia. We have been given a copy of the letter sent to the Cockburn Ice Hockey Rink as an interested party.

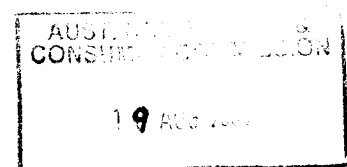
Our son Cameron Walsh plays ice hockey in Australia during our season here. Cameron then travels to Canada during our off season to play in the GMHL (Greater Metro Hockey League) in Ontario, Canada. This is an independent league.

Cameron plays in this league as he is trying to improve the standard of his play so he can gain entry to the NCAA, college system in USA. He will then be able to play ice hockey at a high standard while gaining a college education. The GMHL will give Cameron the experience and exposure needed to play in the NCAA something he cannot get in Australia. The level even in the Australian Ice Hockey League is not as high as the GMHL. After one season in the GMHL Cameron came back a much improved player.

Cameron originally applied to attend a tryout camp for the Central Junior hockey League in Ontario, Canada run by Hockey Canada which is affiliated to the International Ice Hockey Federation the same as Ice Hockey Australia. We paid \$4,000 for airfare plus additional costs for the draft camp. Two weeks prior to him leaving we were advised that it would not be worth Cameron attending the draft camp as he would not be allowed to participate in the camp. This is because he would be classed as an import player. Teams in most sanctioned leagues in Canada are only allowed a maximum of two imports and these are nearly always from ice hockey background countries in Europe or USA.

We were then informed about a development league for junior players in Ontario called the GMHL (Greater Metro Hockey League). Cameron attended their draft camp and was drafted in the first round of fifteen rounds. Since his first season in the GMHL Cameron has returned to Australia to play this past Australian season a much improved player.

Cameron leaves for his second season in the GMHL on 27th August. Since booking his air fare we have now found out that if he plays this coming 2009/2010 season in the GMHL that Ice Hockey Australia will ban him from all ice hockey in Australia and in National teams for three years. My son is only trying to improve his game something which is not possible in Australia due to the low standard we have in this



country. The standard in Australia will only improve with players like Cameron gaining overseas experience and overseas players coming here.

Recently Hockey Canada tried to ban all players participating in the GMHL and all other non-sanctioned ice hockey leagues in Canada for two years. This ban also included all personnel and rinks holding these games. The Canadian Government ruled that these bans were unlawful. Players can now play in the GMHL or any unsanctioned league and return to a Hockey Canada league the following season. Rinks are also allowed to hold games without any repercussions likewise with personnel. I am attaching an article relevant to this.

Cameron has represented Australia in the National Team at Under 18 and Under 20 level. He is considered one of the best ice hockey players in WA. It seems ludicrous that Ice Hockey Australia wants to ban players like Cameron for simply trying to better themselves. The winners in the end will be Australia as he will be back here each Australian season passing on what he has learnt to other players and lifting the standard here.

Please think carefully before granting this exclusive dealing notification. It will mean players are stagnated at a level in Australia which I am sure will see players leave the sport. We are sending this with the full support of our ice hockey club Cockburn Hawks and Cockburn Ice Rink.

Please keep us informed of the progress of the ACCC's assessment of the notification.

Yours faithfully



Carole Walsh



Brendan Walsh



Cameron Walsh

Attachment: "Canadian Hockey with no borders" article

Canadian hockey with no borders

North Star, Sports, Wednesday, June 10, 2009

by Allyson Snelling

Less than one year after Hockey Canada-imposed sanctions pushed one player out of sanctioned hockey leagues for playing in the Greater Metro Jr. A Hockey League (GMHL), the federal government has intervened through its Competition Bureau to force Hockey Canada to eliminate three major sanctions against "outlaw" leagues.

A press release issued by Parry Sound-Muskoka Member of Parliament and Minister of Industry Tony Clement said that, until recently, hockey players who participated in "outlaw" leagues, or leagues not sanctioned by Hockey Canada, were penalized from playing in sanctioned leagues for up to two subsequent seasons.

Local members of Parliament and others found this rule unfair and complaints were sent to the Competition Bureau, the release said.

"In Canada, hockey is our birthright," said Clement. "Now, thanks to the individuals who put pressure on Hockey Canada, the obstacles faced by some of our young players are gone. We have restored the right of every Canadian to play hockey wherever and whenever they like. We have taken our local teams, like the South Muskoka Shield, out of the penalty box."

According to the press release, the Competition Bureau received complaints about Hockey Canada sanctioning against so-called "outlaw" hockey leagues, and the players and arenas in which they play.

The Bureau examined the bulletin and concluded that some aspects of the sanctions gave rise to issues under section 79 of the Competition Act, otherwise known as the "abuse of dominance" provision.

As a result of the dialogue initiated by the Bureau, Hockey Canada has eliminated three major sanctions: Municipalities and arenas may now offer ice time to non-affiliated leagues without the fear of losing the business of Hockey Canada-sanctioned activities.

The suspension period for a player that participates in an outlaw league can no longer extend beyond the season in which that participation takes place.

The third sanction was changed to make it clear that a Hockey Canada team would not be in violation of the bulletin merely by playing in the same arena as an outlaw league.

"I'm thrilled about this historic decision," said Clement "This just goes to show that the system works. Now it is time to get back to doing what we do extremely well here in Parry Sound-Muskoka: play hockey!"

Last July, Hockey Canada released a bulletin outlining its position on what they call "outlaw" leagues, a category the GMHL has fallen into, defined as being "all leagues which operate outside the auspices/sanctioning of Hockey Canada programs in direct competition with those offered by Hockey Canada."

Players who participate in up to five "outlaw" games were ineligible for membership in sanctioned Hockey Canada programs for three months from their last "outlaw" appearance. Players participating in more than 10 "outlaw" games would be barred for a whole year.

The sanctions hit home when Steve Vince, a player from the South Muskoka Shield in Gravenhurst, who had played 10 games for the Shield – two of which were exhibition, was forced to sit the rest of the hockey season out because of the ice time he enjoyed with the GMHL.

Vince believes the decision by the federal government is “definitely good for everyone,” despite the fact it came too late to get him back in sanctioned hockey.

“I’m glad (the rule) is gone,” he said. “It will help everyone else, but it’s kind of too late for me. I wish they could have changed it when I was trying to go to Hockey Canada. My parents spent a lot of money (appealing the decision), trying to get it changed. We’re hoping we can get some of that back.”

Vince said the new rule suspends players that participate in an outlaw league from participating in Hockey Canada programs for the remainder of that season, which is the same Hockey Canada rule that applied in the 2007-08 season.

“It’s more fair this way. I think it’s really good they changed it,” he said. “It’s all over now and gives people the choice they deserve.”

South Muskoka Shield general manager Gord Carey said the eliminated sanctions will ease intimidation from players’ minds about playing a season of hockey in a league like the GMHL, a league that is not sanctioned by Hockey Canada.

“Most kids were intimidated from day one because of the penalties,” said Carey, adding he is happy that freedom of choice has been restored.

Former Shield coach Jeff Stack, who also owns the GMHL’s Oro Medonte 77’s and holds the rights to put a GMHL hockey team in Parry Sound, agrees the change is monumental.

“We actually expected tougher sanctions,” said Stack. “We’re expecting more kids are likely to try out (for GMHL teams) because they’re not scared how it may impact their hockey careers. Any 16-year-old should still have the dream of playing hockey in college, major junior or even the NHL, but they were scared that dream would be quashed when they stepped on the ice with a GMHL team.”

Stack said the change also allows 16-year-old players to continue to develop outside of the Hockey Canada structure.

He said most sanctioned teams have limiting rules on the number of 16-years-olds they can sign to a team. Those who don’t make the cut had no other option but to go back to midget hockey, he said, which doesn’t allow them to grow at the level they should be.

“Now they can come to the GMHL and play against a higher calibre of players, who are also older and bigger,” said Stack. “They will automatically become better hockey players. It’s big for our league, but we’ve always wanted to develop kids. It opens the door for more kids to be developed.”

Marshall Uretsky, spokesperson for the GMHL, said the organization is “awfully pleased” by the decision, although he believes there are still other issues to be sorted out.

As a long-time official, Uretsky said he’d like to see a stand taken on referees as Hockey Canada has rules against its officials working for outlaw leagues.

“It isn’t over,” said Uretsky.

“There should still be freedom to make a living as a referee or a coach.”

However, he said, the decision opens the doors for players and municipalities to feel more comfortable hosting a GMHL team in their facilities and nixes statements as to who ice can be rented to.

“The whole objective from the beginning was freedom for players and we never understood how Hockey Canada and its subsidiaries and branches felt the thing to do was impose penalties against its own members,” he said.

“Hockey Canada has been given a good spanking and they deserved it. We were never out to start a fight, but we wanted our piece of the hockey pie and found a niche in the market for our product because kids weren’t getting those opportunities in sanctioned hockey.”

The GMHL did not file an official complaint with the Competition Bureau, but did contribute to the process by providing statements and comments on the matter, Uretsky said.

“Now kids can come to our league even if their objective is to play for a sanctioned Jr. A team,” he said.

“At least now they can come develop for a year and have the freedom to go wherever they want after. Tony Clement stepped up and saw that it was wrong and was in a position to do something about it.”

Originally published at <http://www.parrysound.com/press/1244650273/>



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Hockey Canada Outlaw Leagues

In July 2008, the Competition Bureau received a complaint regarding Hockey Canada's bulletin A09-02, which outlined sanctions against so-called "outlaw" hockey leagues, referring to leagues that operate outside the auspices of Hockey Canada, and in that sense in direct competition with them.

The Bureau examined the bulletin and concluded that some aspects of the sanctions gave rise to issues under section 79 of the *Competition Act*, otherwise known as the "abuse of dominance" provision.

The Bureau contacted Hockey Canada to explain its concerns with the potential anti-competitive aspects of the sanctions. The ensuing dialogue led Hockey Canada to eliminate or substantially modify, as appropriate, the sanctions so as to address the Bureau's concerns.

The revised bulletin containing the new sanctions was posted on Hockey Canada's Web site.

This issue was formally resolved in May 2009.

Date Modified: 2009-06-03