



August 20th, 2009

Australian Competition & Consumer Commission
Attention: Lauren Roy
GPO Box 3131
CANBERRA ACT 2601

Dear Lauren,

Ice Hockey Australia - exclusive dealing notification N94049

The New South Wales Ice Hockey Association Inc. (Ice Hockey NSW, IHNSW) supports the Exclusive Dealing Application filed by the Australian Ice Hockey Federation (Ice Hockey Australia, IHA) and provides the following information in support of that application.

Mainstream ice hockey in NSW is managed by and operated under the auspices of IHNSW, the sole administrative representative recognised by the NSW Department of Sport & Recreation. Indeed, IHNSW is the sole ice hockey recipient of NSW Government sports funding.

IHNSW is a not-for-profit organisation that does not wish, nor intend, to control or restrict participation in the sport overall, but it does have a responsibility to its membership to provide a safe, structured and competitive environment in which to play.

IHA is the only sport-governing body in Australia recognised by the International Ice Hockey Federation (IIHF) and in turn, IHNSW is the only body recognised in NSW by IHA. IHNSW has a responsibility therefore, to comply with all of IHA's policies and regulations and as a consequence, those of the IIHF.

IHA provides IHNSW members with the opportunity to participate in national and world championships and without a recognised and structured framework, state and national representation is not possible; as is the case with all sports involved in international competition.

Unlike many other IHA-affiliates, IHNSW works with peculiar logistics and despite the tyranny of distance, it manages to provide, with extremely limited resources, structured leagues in ten divisions, throughout winter and summer, encompassing Newcastle, Sydney and Canberra.

Unless IHNSW is able to exercise some control over its members and thereby ensure that the same minimum standards of officiating and coaching are adhered to, the entire membership, not just in NSW, but Australia-wide, is exposed to litigation and increased costs in the form of higher insurance premiums, caused by ineffective and incorrect game management.

Higher costs for an already very expensive sport, is not an acceptable option. As mentioned, ice hockey can be a dangerous sport with severe injury very likely, if it is not undertaken in a proper and regulated fashion. All sports impose some form of sanction in order to control and eliminate irresponsible and/or dangerous practices, usually by way of a suspension from play.

Ice hockey does not enjoy the same participation level as many sports in Australia, but it has a dedicated and increasing following. Public perceptions are strongly colored by an unfair stereotype of the sport as having a high risk of injury and parents and juniors are often turned away by this unjust label, whilst the sport overall suffers and junior development in particular.

Whilst it is important for IHNSW to be able to distance itself from unsafe leagues that do not observe the same strict standards of officiating and encourage a different style of play, it is evitable that any bad publicity from a single violent incident in an unregulated minority competition will be associated with a higher risk of injury and therefore, inevitably damage junior recruitment in NSW.

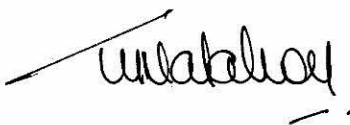
The image of ice hockey would be damaged by an increased rate of injury associated with playing the sport. Costs for the great majority of players would escalate significantly were insurers not able to differentiate between the highly regulated IHNSW-system and the more impromptu and far less safe, minority competitions, in terms on injury incidence.

IHNSW does not want to force people to join in order to play ice hockey, but it does believe that, unless it's able to prevent its members from playing in non-endorsed games, it does not possess any useful deterrent against dangerous play.

If players with a record of dangerous or undisciplined behavior on the ice are permitted to move between leagues despite being suspended in one, the risk of further dangerous play, causing injury, must be significantly higher.

A coherent system of referee accreditation and consistently applied suspensions are important parts of the risk-management system applied by IHA. If referees in one league are not trained to the same high standard as others in a competitive contact sport, players moving from one league to another will not experience consistent application of the officials game rules and playing regulations thereby, leading to an increased risk of on-ice conflict and therefore, a very increased risk of injury.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim McMahon', with a long, sweeping horizontal line extending to the left.

Tim McMahon
President
IHNSW