



Australian Government
Australian Sports Commission

Mr Darrell Channing
Director
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Mr Channing

Thank you for your letter of 3 August 2009 to the Australian Sports Commission Chief Executive Officer, Mr Matt Miller, regarding the Ice Hockey Australia exclusive dealing notification N94049 / Interested party consultation. We appreciate the opportunity to comment on the exclusive dealing notification.

I note the timeframe for submissions on this matter and subsequent liaison with Ms Lauren Ray from your office, who confirmed the Australian Sports Commission's submission, could be made up until the beginning of the week commencing 31 August 2009.

Following your letter, staff from the Australian Sports Commission (the Commission) have contacted Ice Hockey Australia (IHA) seeking further information about the circumstances that have prompted the exclusive dealing notification. From those discussions with IHA, it appears the notification has arisen primarily as a result of the conduct of an ice hockey competition in Sydney that is not sanctioned by IHA.

IHA's primary concern appears to be over the movement of participants between the non-sanctioned competition and sanctioned competitions, and particularly where those participants incur an injury in the non-sanctioned competition but then seek to make a sports injury insurance claim through a club that is part of a sanctioned competition and under the auspices of IHA's sports injury insurance policy.

As you would be aware, the Commission is not a regulatory body. When internal demarcation disputes such as this have been brought to the attention of the Commission, the Commission's view is generally that it is a matter for the sport and the parties concerned. In this situation, it would also appear to be a matter for the sport's insurer and associated accident reporting processes and procedures.

The Commission is also aware of other circumstances in which participants move between sanctioned and non-sanctioned competitions eg. from a school-based competition to a local club competition. Generally these matters are resolved by the parties concerned (and their insurers where necessary) with the ultimate view that greater participation in sport is to be encouraged.

Leverrier Street Bruce ACT 2617
PO Box 176 Belconnen ACT 2616
ABN 67 374 695 240

Tel 61 2 6214 1111
Fax 61 2 6251 2680
ausport.gov.au

Notwithstanding the sport specific issues that IHA is facing, as a general principle, the ASC would have some difficulty with a proposition of exclusive dealing notification on the basis that it potentially stifles participation, particularly when the notification appears to primarily arise from an insurance process issue. The focus for national sporting organisations should generally be on finding and developing every opportunity to support increased ways of participating.

Thank you again for the opportunity to make a submission on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Nance', written in a cursive style.

Greg Nance
Director
Sport Performance and Development

28 August 2009

CC. Ice Hockey Australia

Contact Officer: Robert Bennett
Contact Phone: (02) 6214 1734