



Ice Hockey Australia

(Trading name of the Australian Ice Hockey Federation)

ABN 77 106 538 293

23 DICKERSON WAY, REDWOOD PARK

SOUTH AUSTRALIA 5097

Tel : +61 8 8251 1734 Fax: +61 8 8251 5156

iha@iha.org.au

www.iha.org.au

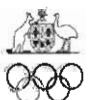
21 January 2010

Subject: SUBMISSIONS FOR PRE-DECISION CONFERENCE AT ACCC

1. IHA will in large part confine its submissions to matters not fully agitated in its previous written submissions. It does not in any way resile from those previous submissions, but does not consider it appropriate to repeat those submissions in full at this conference.

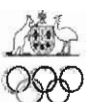
IIHF Sanctions

2. The primary submission relied upon by IHA at today's conference is that should the ACCC's final determination be substantially the same as the draft determination, then IHA is likely to suffer significant sanctions from the IIHF including potential loss of membership of the IIHF. IHA submits that the detrimental effects of such a loss of sanctioning to the sport of ice hockey in Australia would considerably outweigh any potential harm caused by the notified conduct. This harm would include:
 - 2.1 Loss of right to represent Australia and vote at IIHF Congresses;
 - 2.2 Loss of rights and funding for participation at IIHF development symposiums for coaching, officiating & sports medicine;
 - 2.3 Loss of rights and funding (some \$20,000 per year) for IHA member female and male players, coaches, managers, trainers and on-ice officials to attend and participate at the IIHF's Player (female & male) Development Camps at the IIHF's Vierumäki, University Campus in Vierumäki, Finland in which the IIHF absorbs all accommodation, meals, instruction, venue and ground transport costs;



- 2.4 Loss of rights and funding (in excess of \$100,000 per year) for IHA's five (5) national teams and their participation at IIHF World Championships and Tournaments;
 - 2.5 Potential loss of High Performance funding (\$3.3 million) to the year 2018 as submitted by the Australian Olympic Council on behalf of IHA to the Federal Government and which is currently under review;
 - 2.6 Loss of rights for Australian players to develop, train and play in 69 other IIHF Member Country's sanctioned competitions;
 - 2.7 Loss of rights for IHA and its sanctioned leagues to attract foreign players, coaches, on-ice officials and instructors from major IIHF member countries for furthering the development of the sport and furthering the development of IHA's member players, coaches and on-ice officials;
 - 2.8 Loss of right to participate at the World Olympic Qualifications;
 - 2.9 Loss of right for IHA's youth members (13 years and under) to participate at the World Friendship Games and 14 – 16 years at 2012 Youth Olympic Games in Innsbruck;
 - 2.10 Loss of right to participate and funding (\$18,000) at the New Zealand Winter Games which are conducted every two years; and
 - 2.11 Loss of right and funding (CHF 240,000) to host an IIHF World Championship or Olympic Qualification Tournament.
3. The likelihood of such a sanction is supported by the letter received from IIHF which was enclosed under cover of the letter from IHA's solicitors dated 21 December 2009. This letter focussed upon Article 7 of the IIHF Statutes and Bylaws which provides:

"The member associations of IIHF shall recognise each other as being solely empowered to control ice hockey and/or inline in their respective countries; therefore, they undertake that neither they nor any of their members will in any way have relations with non-sanctioned bodies or one of their members, except as permitted by the Statutes and Bylaws or with special permission of the IIHF."



Public Benefits

4. While IHA does not concede that the notified conduct in any way detrimentally affects the operations of unsanctioned leagues, if (which is denied), the ACCC finds to the contrary on this issue, then IHA submits that any increase in revenue that it may receive due to the notified conduct is channelled back into the development of the sport in Australia for the benefit of all ice hockey players in Australia. Accordingly, it is submitted that if (which is denied) the notified conduct does benefit IHA financially, then the public benefit of IHA using funds generated from the conduct of its sanctioned leagues to further develop the sport of ice hockey in Australia including the provision of:

- 4.1 Training and skill development of players, coaches, on-ice officials and players, in specific youth and less experienced players, coaches and on-ice officials;
- 4.2 On-ice officiating services and payment for all IHA sanctioned competitions, leagues and teams;
- 4.3 Supervision and management of representative teams and national competitions (championships, leagues & exhibition games with IIHF member country touring teams); and
- 4.4 Risk Management governance for off-ice volunteers such as timekeepers, scorers and medical officers.

outweighs any potential harm.

Amending the Notification

5. If the ACCC is not otherwise willing to reconsider its decision to revoke the notification, IHA invites the ACCC to allow it to amend the notification to add the following words to the end of the notified conduct:


“unless the operation of that game, league or competition is limited solely to a region or portion of the year where no IHA sanctioned league operates.”



6. It is submitted that were IHA's notification to be amended in this way, the notified conduct would be less restrictive than that sanctioned by the Canadian Competition Bureau.
7. Such an amendment would allow IHA members to participate in unsanctioned leagues where no sanctioned summer leagues operate in that locality and would also allow IHA members to participate in unsanctioned leagues operating in parts of Australia where no IHA sanctioned leagues operate.
8. While IHA does not consider this to be a first best solution, it submits that such an amendment would ameliorate the harm about which the ACCC has expressed concern in its draft notification, namely that the notified conduct prevents the viable formation of summer leagues and leagues in regions not serviced by IHA while at the same time providing IHA with an argument to put to IIHF that it is substantially complying with Article 7 of the IIHF Statutes and Bylaws despite clearly not fully complying with this Article.

IHA trusts the submission and discussions made at this Pre-Decision Conference will arm the ACCC with a clearer understanding of IHA's circumstances and concerns should the final decision remain as per their draft notification issued on the 04th December 2009.

Regards,



Don Rurak
President

