

Sydney Ice Hockey League
www.sydneoicehockey.com.au
PO Box 1004
Potts Point NSW 2010
Phone: 02 92990709
Mobile: 0417926441
Email: mike@metafore.com.au

29 January 2009

Dear Sir or Madam:

Final Submission on Ice Hockey Australian Australia - Notification - N94049

In response to the written submissions from Ice Hockey Australia (IHA) dated 21 January 2010, I submit the following:

The claimed risk of IIHF sanctions

IHA has gone to great lengths to list a range of possible sanctions that may be imposed by the International Ice Hockey Federation (IIHF) should the ACCC's draft ruling prevail. The risks of any, or all of these sanctions being imposed, as well as any claimed resultant loss of funding have been greatly overstated. In any case, the rule of Australian law would reasonably be expected to take precedence in this case.

IHA has not produced evidence of any representation(s) they have made to the IIHF in relation to the obtaining of "Special Permission" that, as stated in Article 7 of the IIHF Statutes and Bylaws, may be sought in relation to allowing registered members to participate in a non-sanctioned league.

Australia's position as a summer sports nation, relatively small population, geographical size, lack of available ice rinks, and isolation from the major winter sports centres, all make the challenge of growing the sport within our shores unique. Under these circumstances it is reasonable to assume that 'Special Permission' could be sought by IHA, with strong prospects for success.

IHA is entrusted with the task of representing Australian Ice Hockey internationally and, as evidenced by the disclosures within its submission, receives significant funding from the public purse for this purpose. It is therefore reasonable to expect that IHA would do all in its power to shield the growth of the sport domestically from the adverse affects of international interference. It would appear from the timing of correspondence between IHA and the IIHF that rather than defend Australia's position, IHA has colluded with the IIHF in an attempt to strengthen its otherwise unsupportable argument to maintain a virtual domestic monopoly.

Amending the notification

IHA has requested that rather than apply the draft ruling, the ACCC consider reducing the scope of its notification to only those non-sanctioned leagues that compete directly with sanctioned leagues, either within the same season, or the same locality.

This request clearly identifies beyond any doubt that IHA's underlying motive is the prevention of direct competition with its existing and/or proposed leagues.

It is inconceivable that the IIHF would recognise any improvement in the claimed critical factors of insurance, injury, officiation, and player discipline, simply because a member participated in a non-sanctioned league that was run in a different locality and/or season.

I thank you in advance for considering the above in your final notification on this matter.

Michael Costin

Sydney Ice Hockey