

SCCA SUBMISSION FOR ACCC PRE-CONFERENCE TO BE HELD ON MONDAY 22 FEBRUARY

The Sprintcar Control Council of Australia Inc (SCCA) supports the findings of the ACCC in the matter of the notifying conduct preventing the SCCA from holding events at all notifying tracks unless the SCCA members hold a National Association of Speedway Racing (NASR Pty Ltd) licence.

The SCCA reiterates that it is recognized by NASR as the controlling body of sprintcar racing in Australia and that the SCCA conducts all sprintcar racing to the SCCA Racing Rules, Regulations and Specifications. Table a copy of the current rule book displaying that acknowledgement.

The SCCA remains adamant that the current process and procedure as stated in the SCCA Racing Rules, Regulations and Specifications book relative to the issuing of a sprintcar racing competition licence adopts a time-proven system with appropriate health, safety and insurance requirements. More importantly, as the recognised controlling body of national sprintcar racing, the SCCA sets explicit criteria for the issuing of sprintcar race competition licences and continues to monitor and evaluate the performance of its members to whom the sprintcar race competition licence has been issued.

The SCCA wholeheartedly endorses the findings of the ACCC that the minimum personal accident insurance requirements could be established. Speedway racing administration bodies such as the SCCA could then ensure that the personal accident insurance requirements for the issuing of sprintcar race competitor licences and other speedway racing administration licences either met or exceeded the minimum standards. The SCCA remains firm in its philosophy that its members should have a right of choice for personal accident insurance and that notifying tracks should not have a monopoly on personal accident insurance issued by NASR. The notifying tracks and the other tracks that will inevitably follow have a monopoly on personal accident insurance through the NASR Personal Accident Insurance Policy. This completely stifles a competitive market for drivers to obtain alternate personal accident insurance and directly impacts the growth of competitive participation in speedway events.

The SCCA firmly believes that allowing its members freedom of choice in obtaining adequate personal accident insurance will in fact encourage competitors to the sport. Notwithstanding, the SCCA supports the ACCC suggestion that minimum health, safety and personal accident insurance requirements be established by a panel of qualified personnel to maintain its (the SCCA) already well established high standards of safety for its members. The SCCA endorses the findings of the ACCC that speedway racing associations are the most appropriate bodies for the issue and control of racing competition licences. Moreover, in having that authority reinstated – as NASR have done with the SCCA – those speedway racing associations would be encouraged to grow administratively and competitively, thereby contributing to the prosperity of the speedway industry as a whole. The SCCA takes this opportunity to address some matters in the ACCC draft notice that it feels are extremely relevant in reaching its final decision.

3.12 The ACCC took into account that NASR formally assesses track safety and approves tracks. The SCCA is of the opinion that NASR's standards in this area have taken retrograde steps. To support this opinion, the SCCA has been advised by NASR administration that it cannot continue to maintain its standards due to lack of finances. The SCCA has been seeking a current NASR list of national track gradings since October 2009. For whatever reason, NASR has not been able to meet the request.

3.13 NASR advises that it allows tracks a competitive market for Public Liability Insurance. NASR advises that holding NASR Public Liability Insurance is not a condition of track approval. Whether a track chooses to adopt the NASR Public Liability Insurance is a business decision for the individual track. This policy supports the SCCA submission that the sole reason for NASR creating a NASR licence is to sell personal accident insurance and to establish a monopoly. Otherwise drivers should choose to adopt personal accident insurance to suit the individual.

5.1 Under the criteria for being issued with an SCCA racing competition licence (as detailed in previous SCCA submissions), notifying tracks can be equally ensured that drivers visiting the track and pit facilities are covered by adequate personal accident insurance. It is the opinion of the SCCA that this process does not hinder, but rather supports the notifying tracks risk management process. Accordingly, the projected monopoly of the NASR Personal Accident Insurance policy would be removed.

The SCCA advises the ACCC that the NASR drug policy is not compliant with the Confederation of Australian Motor Sport (CAMS) nor the Federation Internationale de l'Automobile (FIA) in that it is not the approved Australian Sports Anti Doping Authority (ASADA) policy. The SCCA drug policy is approved by ASADA.

The SCCA advises the ACCC that NASR does not supply the rules and regulations for sprintcar racing.

5.2 The acceptance of other speedway racing association licences will not lessen participation at any of the notifying tracks.

It is ludicrous to suggest that drivers can purchase personal accident insurance from other organizations. Australian law prevents making more than one claim relevant to one particular circumstance.

7.27 The SCCA advises the ACCC that NASR recognizes the SCCA as the controlling body of sprintcar racing and accepts that all sprintcar racing is run under SCCA Racing Rules, Regulations and Specifications – not NASR Speedway Racing Rules and Regulations.

The SCCA advises the ACCC that the NASR drug policy is not compliant with the Confederation of Australian Motor Sport (CAMS) nor the Federation Internationale de l'Automobile (FIA) in that it is not the approved Australian Sports Anti Doping Authority (ASADA) policy.

7.29 NASR advises the ACCC that it has been working to develop unified standards in safety, training, presentation and performance. NASR has advised the SCCA that it is unable to maintain its standards due to lack of finances. The SCCA maintains that speedway administration remains just as fragmented despite NASR's efforts.

7.33 The SCCA fully supports this ACCC finding in that the notifications do not achieve unified standards for safety and other requirements for the sport as a whole.

7.40 The SCCA strongly agrees with the ACCC finding that the NASR licence monopoly will reduce the attractiveness of the SCCA to current members and new members. The SCCA will have difficulty in expanding its licence base.

8.2 The SCCA welcomes the ACCC suggestion that less restrictive means can be established to meet the minimum standards for health, safety and insurance requirements.