



Australian Government
Australian Sports Commission

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 3131
Canberra ACT 2601

Dear Dr Chadwick

Thank you for your letters of 28 January 2010 and 4 February 2010 to the Australian Sports Commission Chief Executive Officer, Mr Matt Miller, regarding Exclusive Dealing Notifications N94032-N94034 and the subsequent Pre-Decision Conference requested by the Premier Speedway Club Warrnambool.

I note the timeframe for submissions on this matter, and subsequent liaison with Ms Monica Bourke from your office confirmed that the Australian Sports Commission's (the Commission) submission could be lodged early in the week beginning 1 March 2010.

As you would be aware, the Commission is not a regulatory body, and has previously provided a view to the Australian Competition & Consumer Commission on another sport related issue, that these matters can generally be resolved by the parties concerned, with the ultimate view that greater participation in the sport is to be encouraged.

While the Commission believes the focus of sporting organisations should generally be on finding and developing every opportunity to support increased ways of participating in sport, initiatives such as education programs and accreditation schemes are vital from a risk management and quality assurance perspective.

As a general principle, the Commission would have some difficulty with the proposition of an exclusive dealing notification which potentially stifles participation, particularly if the notification appears to primarily arise from a minor operational process issue. However, if it can be demonstrated that there is real potential for increased workload and/or expenses, or that the integrity of the organisation or the activity could be harmed in some way, then the notification may well be justified.

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The Commission also considers it fundamental that occupational health and safety not be compromised for the sake of a potential increase in participation opportunities, and in this instance, the inherent dangerous nature of motor sport suggests that it would most likely be a consideration.

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

Yours sincerely



Greg Nance
Director
Sport Performance and Development

2 March 2010