

March 29, 2010

ATTENTION MONICA BOURKE

SUBMISSION REGARDING THE ACCC PRE DECISION CONFERENCE IN  
RELATION TO NOTICES N90342 - 34

Dear Monica

I would like to register my comments regarding the above notifications, I would like to state that I DO NOT support the ACCC decision in revoking the above notifications.

As I read through the various submissions I note that safety and a Duty of Care appears to be a major concern in these submissions.

I understand that some National and State bodies have a set criteria that their members must undergo a medical examination as part of their membership acceptance as a driver within these clubs and divisions.

I firmly support these criteria's as I cannot understand how anyone would be permitted to race on a race track without a proper medical examination being carried out by a qualified medical practitioner.

I have had comments made to me that there have been competitors that have had a medical examination carried out and failed the examination as they were not fit to race according to the doctor.

The problem as I understand it is that those who have failed their medicals can then go off and gain a licence through a National or State licensing body that do not require medicals as part of their licensing criteria.

Further these people are then permitted to race with NASR licence holders in racing events due to what I again understand was a decision originally made by the ACCC.

I would have to pose the question if an accident was to occur due to a driver that did not have to submit to a medical was to blackout, take a turn or be vision impaired etc, be deemed to be responsible for the accident due to his/hers medical condition, where would those people responsible for the nights race meeting stand if a charge of negligence was to be made against them, and did they offer their Duty of Care?

I fully support NASR in ensuring that they have at the very least applied Due Diligence and minimised as much as possible the very real above scenario occurring by insisting on medical examinations thus offering and applying their Duty of Care.