



**Australian
Competition &
Consumer
Commission**

Our Ref: N94032 – N94034
Contact Officer: Monica Bourke
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13 May 2010

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Dale Gilson
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National Association of Speedway Racing
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By email: GM@nasr.com.au;

CC: Mr Paul Trengove, National Association of Speedway Racing; competition@nasr.com.au
Mr John Kelly, Brisbane International Speedway Pty Ltd; bis@in.com.au
Mr Tim McAveney, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated;
speedwaymb@lm.net.au
Mr David Mills, Premier Speedway Club Warrnambool; manager@premierspeedway.com.au
Mr Kevin Prendergast, Perth Motorplex; Kevin@motorplex.com.au
Mr Jeff Drew, Avalon Raceway; office@avalonraceway.com

Dear Mr Gilson

Speedway racing notifications

Notifications N94032-94034 lodged by Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool Pty Ltd – notices

The Australian Competition and Consumer Commission (the ACCC) has concluded its assessment of the notifications lodged by Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool (collectively referred to as the notifying tracks) on 7 July 2009.

The ACCC has issued notices revoking the immunity provided by the notifications. The reasons for the ACCC's decision are provided in the notices (attached). If no application for review of the notices is made to the Australian Competition Tribunal (the Tribunal), the immunity afforded by the notifications will cease to be in force on **13 June 2010**.

Application for review

Pursuant to section 101A of the Act, a person dissatisfied with the notices may apply to the Tribunal for its review. An application for review must be made within 21 days of the date of the notices; that is, on or before **3 June 2010**.

An application for review of the notices should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia. For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the Tribunal's website located at <http://www.competitiontribunal.gov.au/>.

Notifications N93304-N93305 lodged in 2008 by Perth Motorplex and Avalon Raceway

As you would be aware, on 11 June 2008 the ACCC decided not to take any further action with respect notifications for similar conduct lodged by Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway Perth Motorplex (Perth Motorplex) and Corio Park Pty Ltd trading as Avalon International Raceway (Avalon Raceway).

Following the notifications lodged by Brisbane Speedway, Murray Bridge Speedway and Premier Speedway, the ACCC decided to review the immunity provided by notifications N93304-N93305. The ACCC provided Perth Motorplex and Avalon Raceway with an opportunity to provide further information with respect to the notifications.

The ACCC has decided to issue draft notices proposing to revoke these notifications. The reasons for the ACCC's decision are provided in the notices ([attached](#)).

Next steps with respect to the notifications lodged by Perth Motorplex and Avalon Raceway

Once the ACCC issues a draft notice, the notifying tracks or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference is a public meeting, which provides the opportunity for interested parties to make oral submissions in relation to the draft notice. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft notice, you must notify the ACCC in writing by **Friday, 28 May 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft notice. Written submissions should be lodged by **Friday, 4 June 2010** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Submissions can also be lodged by email to adjudication@acc.gov.au.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Guidelines for seeking exclusion from the public register are attached for your information.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Monica Bourke on (02) 6243 1351 or via email at monica.bourke@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch