



Wednesday 7th July 2010

Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Sent via Email
Att Ms Monica Bourke

Re Notification N93304 – N93305 Placide Pty Ltd (Perth Motorplex) and Corio Park Pty Ltd (Avalon Raceway)

Dear Monica,

I make this submission as the Director of Placide Pty Ltd (Speedway at Perth Motorplex) in support of our comments made at the Pre-Decision video conference held on the 17th of June 2010 and the letter sent by Placide Pty Ltd General Manager, Kevin Prendergast, to the ACCC on 14th February 2010.

My background is as a Director of an engineering group that is a significant manufacturing exporter in defence, marine, aerospace and mining products.

I am also the Director of Placide Pty Ltd, which runs the speedway activity at Perth Motorplex.

I have a passion for motor sports and convinced the West Australian Government to build a Motorsport venue for the benefit of the West Australian public. This venue, the Perth Motorplex was opened in December 2000 and caters for Speedway, Drag Racing and associated Motorsports.

To ensure that the West Australian public received the maximum benefit, the West Australian Government appointed our company to deliver those benefits to competitors, sponsors and to deliver "motortainment" benefits to the public in an efficient and responsible manner.

The Perth Motorplex is now the most attended permanent motor sport facility in Australia, which should be surprising, given Perth's population.

Our experienced management team has found Speedway to be a fragmented sport with many conflicting groups working against the public interest of modern, safe and efficient speedway racing.

Anketell Road Kwinana Beach

PO Box 241 Kwinana WA 6966 Phone (08) 9419 6622 Fax (08) 9439 4488

Email speedway@motorplex.com.au Website www.motorplex.com.au

Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway at Perth Motorplex ACN 009 409 572

We are not specifically concerned about the politics of NASR or any other "sanctioning" group, but what we require is that the sport of Speedway has a common set of safety regulations, racing rules and a disciplinary judicial system that protects the sport and the public interest.

To date I have watched the ACCC process unfold and have watched the public interest damaged by encouraging fragmentation and conflict where common sense was beginning to emerge after decades of continual conflict from small special interest groups.

My problem is a simple one.

As a Director of the company, I am charged with incredible responsibilities in these modern times.

We are operating in an extremely dangerous environment and spend much of our time ensuring that we deliver an exciting but dangerous sport while considering the OH&S issues for volunteers, competitors and ensuring public safety.

Now let's have look at just what happens if some is killed and the coroner is involved. I assume the ACCC is aware that people can be and have been seriously injured and killed in Speedway racing. That's certainly not in the public interest!

It is normal for the Coroner to see any death as someone's fault and will seek a cause and ultimately, apportion blame for that death.

As the Director I can be subject to massive fines and can even be jailed and that's why I take these things very seriously. Under modern law employees can also suffer a similar fate and at the Motorplex we often discuss such consequences in our planning meetings.

Many speedway enthusiasts have very little idea of responsibilities and obligations for those running Motorsport and legal requirements are all part of working in the public interest.

The majority of country and smaller speedways are club based and with all due respect, many of these venues have traditionally been managed around a kitchen table. They fill a role and we wish them well.

Today's world of major venue operations has obligations that are far removed from this environment and we will see that many of the smaller or regional venues will struggle to meet the modern complexities when they will inevitably, be required to comply with such complexities.

The Perth Motorplex (along with many of the other major Speedway venues in Australia) are now multimillion dollar venues with the relevant business operations as required in the 21st century.

Anketell Road Kwinana Beach

PO Box 241 Kwinana WA 6966 Phone (08) 9419 6622 Fax (08) 9439 4488

Email speedway@motorplex.com.au Website www.motorplex.com.au

Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway at Perth Motorplex ACN 009 409 572

As operator of a major Motorsport venue we are expected to work at a high standard to ensure that all venue activity is safe and complies with relevant rules, regulations and laws regardless of cost.

We are held responsible, through fines and jail terms if we fail to manage OH&S or are deemed responsible for a death by the Coroner. We have significant obligations to Local and State Government departments such as EPA for noise management, FESA for Emergency Response plans for the venue, evacuation plans, and traffic management plus liquor licensing and Health regulations.

To ensure that our Company can comply with these requirements we constantly work with many areas of Government including Police, Fire and emergency services.

In order to ensure we have the best possible operation we have also invested heavily in equipment including fire trucks, water tankers and specialist equipment such as two 'Jaws of Life' extraction sets.

It is not likely that these standards can be met by many venues and these obligations are only going to increase in the future.

It may be possible to find a way to accept multiple licensing authorities, however in each and every case we will need to engage a consultant to review each entrants licence and insurance provider. Such costs will need to be passed on to the competitor, which is likely to be costly.

If the existing "Notice" is revoked then our position is untenable in many ways. We will then be faced with different racing rules, driver standards, safety standards and judicial system. It is just not workable and its highly dangerous to try and have multiple systems all mixed in together. As a real life example, we have one competitor of national significance that was suspended under the NASR judicial system for extremely dangerous actions that could have killed people, only to find out that he obtained a Licence from another body and continued to race without serving the penalty.

It is our opinion the ACCC have been badly misled by people that don't understand their responsibilities in the modern world and are focused on spurious claims.

Speedway is famous for its fragmentation and in-fighting between a few different power groups or particular individuals, that will resort to amazing tactics to achieve their own power objectives.

This behaviour has no place in the modern world of sporting operations, especially when thousands of the public spectators are in attendance and rely on us controlling the issues to ensure their safety. The public interest is very

Anketell Road Kwinana Beach

PO Box 241 Kwinana WA 6966 Phone (08) 9419 6622 Fax (08) 9439 4488

Email speedway@motorplex.com.au Website www.motorplex.com.au

Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway at Perth Motorplex ACN 009 409 572

much protected by the way in which Speedway at Perth Motorplex manages the complex issues to ensure a reliable, consistent and sustainable approach for all Speedway stakeholders.

The continuance of the NASR system for the Speedway venues that wish to participate is the best way to maximise sustainable cost reductions. This is achieved by pooling resources, rather than having multiple and different rules, regulations, Judicial, licensing, insurance and other items, in what is a relatively small sport.

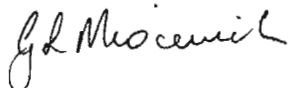
The management of the Perth Motorplex will not break the law and therefore must abide by the determination of the ACCC. But we can only hope that the ACCC can understand that Perth Motorplex is doing what is overwhelmingly "in the public interest" and at the same time providing a great service to all stakeholders in the sport of Speedway.

We are also of the belief that the ACCC is not looking to harm the sports stakeholders however we are concerned that is a potential outcome, which should definitely be avoided.

We request that the "Notice" is retained and I again state that this is an extremely important issue to enable us to be able to continue to meet our obligations to provide the highest safety environment while having organised, consistent and functioning operations for all stakeholders.

We await your decision.

Yours sincerely,



Gary Miocevic
Director

Anketell Road Kwinana Beach

PO Box 241 Kwinana WA 6966 Phone (08) 9419 6622 Fax (08) 9439 4488

Email speedway@motorplex.com.au Website www.motorplex.com.au

Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway at Perth Motorplex ACN 009 409 572