



Australian
Competition &
Consumer
Commission

Notice

in respect of notifications lodged by

**Placide Pty Ltd as trustee for the Metro
Speedway Unit Trust trading as
Speedway Perth Motorplex and
Corio Park Pty Ltd trading as
Avalon International Raceway**

Date: 19 August 2010

Notification nos. N93304-N93305

Public Register no. C2008/288

Commissioners:

Samuel
Kell
Schaper
Court
Dimasi
Walker
Willett

Summary

The Australian Competition and Consumer Commission has decided to revoke the notifications lodged by Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway Perth Motorplex and Corio Park Pty Ltd trading as Avalon International Raceway.

On 12 February 2008, 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) (together referred to as the notifying tracks) lodged notifications N93304–N93305 to restrict access to their facilities only to drivers and pit crew who hold a licence issued by the National Association of Speedway Racing (NASR).

The effect of the notified conduct is that all drivers and pit crew wishing to access the notifying tracks' facilities will be required to hold a NASR licence. Even where a race event is hosted by a licensing body other than NASR, drivers and pit crew will be required to obtain a NASR licence in order to participate in the event at the notifying tracks.

On 11 June 2008, the ACCC decided not to take any further action with respect to the notifications. Following similar notifications being lodged by Brisbane International Speedway Pty Ltd (Brisbane Speedway), Murray Bridge Sporting Car Club & Motorcycle Club Incorporated (Murray Bridge Speedway) and Premier Speedway Club Warrnambool (Premier Speedway), the ACCC decided to review the immunity provided by notifications N93304-N93305.

On 13 May 2010 the Australian Competition and Consumer Commission (ACCC) issued draft notices proposing to revoke the notifications. A pre-decision conference was held on 17 June 2010 with a number of interested parties participating in the conference. The ACCC received further submissions on the issues arising from the draft notices and pre-decision conference.

After considering further information from interested parties, the ACCC considers that the balance of public benefits and public detriments has changed since the notifications were originally considered in 2008. In particular, the ACCC is concerned that while alternate licensing bodies may host race events at the notifying tracks, their drivers are required to also hold a NASR licence which may reduce their attractiveness and ability to expand their membership.

The ACCC previously considered the NASR day licence provided an option to drivers who did not want a full NASR licence, or who held a licence from an alternate racing body, with the ability to access the track up to two times in the racing season. Drivers are now no longer able to compete in high-powered race categories under the NASR day licence. As a result, participants wishing to access the tracks will have no alternative but to purchase a full NASR licence.

The ACCC accepts that the notified conduct enables tracks to more efficiently implement risk management practices.

The ACCC does not, however, accept that the notifications create national safety and related racing standards. Rather, the notified conduct requires that a certain licence, that is a NASR licence, be held in order to participate at particular tracks.

Revocation of these notifications will not mean that an event organised and sanctioned by a particular body, for example NASR, is open to any licence holder. To participate in NASR events, drivers must obtain a NASR licence. Revocation of these notifications will mean that organisations other than NASR are able to approach these tracks to seek to host an event at the venue without requiring their licence holders to also have a NASR licence.

Rather than tracks engaging in exclusive dealing arrangements, the speedway industry should consider alternate ways to achieve consistent safety standards, for example, the development of a voluntary industry Code of Conduct establishing minimum objective standards relating to health, safety and competitor conduct.

Immunity for the notified conduct came into effect on 26 February 2008. This notice removes the protection from legal action that is afforded by the notifications. If no application for review of this notice is made to the Australian Competition Tribunal, the immunity provided by the notifications ceases to be in force on 19 September 2010.

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List of abbreviations

ACCC	Australian Competition and Consumer Commission
ASAF	Australian Speedway Accident Fund
ASC	Australian Sports Commission
ASCF	ASCF Speedway Sedans Australia Inc
Avalon Raceway	Corio Park Pty Ltd trading as Avalon International Raceway
Brisbane Speedway	Brisbane International Speedway Pty Ltd
CAMS	Confederation of Australian Motor Sport Limited
FIA	Federation Internationale Automobile
Murray Bridge Speedway	Murray Bridge Sporting Car Club & Motorcycle Club Incorporated
NASR	National Association of Speedway Racing Incorporated and National Association of Speedway Racing Pty Ltd
NDRA	National Dirt Racers Association Inc
Perth Motorplex	Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway Perth Motorplex
Premier Speedway	Premier Speedway Club Warrnambool
SCCA	Sprintcar Control Council of Australia Incorporated
the Act	<i>Trade Practices Act 1974 (Cth)</i>
VSC	Victorian Speedway Council Incorporated

1. The notified conduct

- 1.1. On 12 February 2008 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) (together referred to as the notifying tracks) lodged notifications N93304–N93305 in relation to conduct that may be in breach of sections 47(6) and 47(7) of the *Trade Practices Act 1974* (the Act). A notification provides protection from legal action for certain conduct that may breach the Act.
- 1.2. The notifying tracks describe the conduct as the offer and supply of race services from time to time, including access to track facilities and race events, subject to a condition that:
 - the offeree has purchased a suitable licence from the National Association of Speedway Racing Pty Ltd (NASR) in order to compete at the track or
 - the offeree has purchased a suitable licence from the National Association of Speedway Racing Pty Ltd (NASR) in order to visit the racing pit area.
- 1.3. The effect of the notified conduct is that all drivers and pit crew wishing to access the notifying tracks' facilities will be required to hold a NASR licence. Alternate licensing bodies, and clubs aligned with these organisations, may therefore only host race events at the notifying tracks provided that participants also hold a NASR licence.

Previous consideration of the notifications

- 1.4. On 11 June 2008, the ACCC decided not to take any further action at that time with respect to the notifications. In January 2010 the ACCC commenced a review of the notifications and on 13 May 2010 the ACCC issued draft notices proposing to revoke the protection provided by the notifications.
- 1.5. At the time the ACCC initially considered the notifications, the ACCC accepted that by requiring drivers and pit crew who wished to access their venues to hold a NASR licence, the notifying tracks can ensure that all participants are complying with a set of standards imposed by the NASR licence.
- 1.6. While the ACCC noted that the notifying tracks may promote some of the major racing events in Australia, a significant choice of tracks remained. The ACCC also considered that any public detriment resulting from the notified conduct would be mitigated by the fact that drivers who wished to participate at events held at the notifying tracks could access a day licence from NASR or obtain a full NASR licence in addition to any other licence they may already hold albeit at an additional cost.

- 1.7. However the ACCC was concerned that if a significant number of tracks began to only accept NASR licences as a condition of accessing the track and pit facilities, the public detriments arising from the requirement may change and the ACCC may reconsider the protection afforded by such notifications.
- 1.8. A further three notifications for similar conduct have been lodged since February 2008. In addition, NASR advised that, over time, it would like to see the notified arrangements rolled out across the industry.¹

Related decisions

- 1.9. On 13 May 2010 the ACCC issued notices revoking notifications in respect of similar conduct lodged by Brisbane International Speedway Pty Ltd (Brisbane Speedway), Murray Bridge Sporting Car Club & Motorcycle Club Incorporated (Murray Bridge Speedway) and Premier Speedway Club Warrnambool (Premier Speedway) (notifications N94032-N94034) for similar conduct. The legal protection provided by these notifications ceased to be in force on 13 June 2010.
- 1.10. The ACCC has also previously made the following speedway racing related decisions concerning exclusive dealing notifications:
 - On 27 August 2008 the ACCC revoked notifications N93297–N93298 lodged by NASR proposing to require NASR licence holders to only race at tracks and venues which had been approved by NASR, and that NASR licence holders must obtain membership in a relevant club or association related to the driver’s speedway racing category.
 - On 27 August 2008 the ACCC revoked notifications N93301–N93303 lodged by the Sprintcar Control Council of Australia Incorporated (SCCA), the Australian Saloon Car Federation Incorporated (ASCF) and Dirt Modifieds Australia (DMA) proposing to make membership to the relevant association conditional upon the driver obtaining a NASR licence and only racing at tracks and venues approved by NASR.
 - On 11 June 2008 the ACCC decided not to take any further action with respect to notifications N93299–N93300 lodged by NASR which involved the offer and supply by NASR of speedway racing licences on condition that the offeree only participates or competes in speedway racing categories approved by NASR.

¹ Australian Competition and Consumer Commission, Pre-decision conference minutes, *Notifications N94032-34 Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool*, 22 February 2010, p. 6.

2. The notifying tracks

Perth Motorplex

- 2.1 Placide Pty Ltd as trustee for the Metro Speedway Unit Trust trading as Speedway Perth Motorplex is the operator of the Speedway Perth Motorplex, located in Kwinana Beach, Western Australia.
- 2.2 Perth Motorplex provides racing services and hosts speedway race events including events in the categories of sprintcars, super sedans, speedcars and various other motorsport racing categories. Perth Motorplex also hosts events for drag racing, burnout competitions, street machine car shows, monster trucks, stunt shows and super cross events.²
- 2.3 The venue opened in December 2000 and Placide Pty Ltd was appointed by the West Australian government to manage the venue.
- 2.4 Perth Motorplex advises that it is a modern purpose built venue owned by the West Australian government and is recognised world wide as having the highest organisational standards and facilities. Perth Motorplex advises that all motorsport events scheduled at the track are sanctioned by the relevant peak national sporting organisations. In the case of speedway all events must be sanctioned by NASR and then run according to NASR's rules and regulations.
- 2.5 Speedway events are predominantly held between October and April.³ Perth Motorplex has an extensive speedway racing event calendar.⁴
- 2.6 Perth Motorplex advises it is the most attended permanent motor sport facility in Australia.

Avalon Raceway

- 2.7 Corio Park Pty Ltd trading as Avalon International Raceway operates Avalon Raceway, located in Lara, Victoria.
- 2.8 Avalon Raceway has been operating since 1976 and provides racing services and holds speedway race events including events in the categories of sprintcars, super sedans, speedcars and various other motorsport racing categories. The ACCC notes that speedcars, V8 dirt modifieds, street stocks and AMCA's are regular categories featured at Avalon Raceway, with specialty events such as demo derbies, go karts and monster truck events also held at Avalon Raceway from time to time.⁵

² <http://www.motorplex.com.au/index.php?id=50>. Accessed 10 February 2010.

³ <http://www.motorplex.com.au/index.php?id=50>. Accessed 30 July 2010

⁴ <http://www.motorplex.com.au/news.php?g=10&view=month&pg=sped>. Accessed 30 July 2010.

⁵ <http://www.avalonraceway.com/> Accessed 30 July 2010.

3. Background

NASR

- 3.1 Motorsport is governed world wide by the Federation Internationale Automobile (FIA). The Confederation of Australian Motor Sport Limited (CAMS) has been formally recognised by the FIA as the national sporting authority for motorsport in Australia. CAMS is also recognised by the Australian Sports Commission (ASC) as the national sporting organisation for motorsport.
- 3.2 NASR was established in 1997 and advises that it is the controlling body of speedway racing in Australia. In 2006, CAMS delegated to NASR the authority to be the governing body, under CAMS, of speedway racing in Australia. The delegation from CAMS is reviewed annually following a presentation and report to CAMS. CAMS is of the view that there is public benefit to having a single, not for profit, coordinated and structured hierarchy to promote safety, fairness and social responsibility in motorsport in Australia.
- 3.3 NASR advises its objective is to develop speedway racing as a high quality, well organised national sport and to promote it as such. NASR has developed racing rules which deal with competitor conduct, technical requirements, race procedures and a drug and alcohol policy as well as a judicial system.
- 3.4 Each state has NASR affiliated clubs/associations to which tracks and competitor clubs and associations belong. The relationship between NASR and the NASR affiliated state clubs and associations is as follows:
 - NASR develops unified standards in safety, training, presentation and performance for speedway racing, as well as providing membership and racing licences to speedway racing competitors.
 - Each club or association conducts the administration of the relevant speedway category nationally and/or on a state and/or regional level, including overseeing the registration, inspection and licensing of the cars required for that category, stipulating the applicable technical specifications and conducting the category's racing and competitions. NASR advises that regardless of whether or not the driver holds a NASR licence, it is necessary for drivers to meet the requirements imposed by the relevant administering club or association, which may include obtaining a licence issued by that organisation.
- 3.5 The NASR corporate structure is comprised of an incorporated entity and a proprietary limited company, both operating under the direction of a common board. NASR advises that the function of NASR Pty Ltd is to employ management staff and provide professional administration for the conduct of the sport. NASR Pty Ltd provides a service to NASR Inc on a fee for service basis and acts on behalf of NASR Inc in carrying out certain activities, such as the administration services associated with the provision of NASR licences. NASR Pty Ltd purchases, on behalf of NASR Inc, the

personal accident insurance which is produced to licensees as a member benefit.

- 3.6 NASR advises that the governing Board of Directors for NASR Pty Ltd is made up of individuals representing the following interests:
- 4 directors representing the interests of competitors (ie clubs)
 - 4 directors representing the interests of promoters (ie tracks) and
 - 1 independent director.
- 3.7 The directors representing competitors are nominated by NASR Pty Ltd's competitor class shareholders, while the directors representing promoters are nominated by NASR Pty Ltd promoter class shareholders.
- 3.8 Clubs and promoters are entitled to participate in the process of appointing NASR's Board, provided that they elect to become members of NASR Pty Ltd.
- 3.9 The ACCC notes that the corporate structure of NASR is not directly relevant to the ACCC's assessment of the notifications although the ACCC understands it may be a consideration for CAMS as part of the delegation it gives to NASR.

NASR licences

- 3.10 NASR licenses speedway racing drivers for all NASR recognised categories of speedway racing. NASR has over 10 000 members.⁶
- 3.11 In order to be eligible for a NASR licence, drivers must pass a suitable medical examination (which must be completed and submitted annually) and not have any outstanding disciplinary sanctions by any speedway division. NASR licence holders agree to be bound by the rules and regulations of NASR including to abide by NASR's drug and alcohol policy.
- 3.12 NASR offers licences based on race category and membership type (ie driver, official, mechanic), with the fee varying accordingly. The 2010-11 fee ranges from \$185 to \$280 for drivers, \$120 for vintage and extraneous categories, and from \$70 to \$115 for juniors, mechanics and pit entry. The cost of the licence is calculated to cover the range of benefits from holding a NASR licence, which include:
- a licence to compete in NASR events
 - Choice Hotels Association Card
 - Entertainment book available at a discount rate

⁶ NASR website, *Achievements*, <http://www.nasr.com.au/Achievements.html>. Accessed 13 April 2010.

- Leaded Fuel Passbook, which permits purchase of leaded fuels under the exemption granted to NASR under the *Fuel Quality Standards Act 2000 (Cth)*
 - NASR News, a full colour magazine style newsletter produced three times a year
 - discounted membership of the Paraplegic Benefit Fund Australia
 - personal accident insurance
 - guarantee of appropriate public liability insurance at NASR approved venues and events and
 - administration and management of the sport of speedway racing.
- 3.13 The NASR licence is not valid until it is issued to the driver by their nominated/relevant association or club.
- 3.14 NASR advises that while some of the revenue it collects from licence fees is used to meet operational costs, the majority of revenue derived from its collection of membership fees is reinvested into the development and enhancement of the sport of speedway racing in Australia.
- 3.15 NASR offers a day licence at a reduced cost to people who wish to compete in an event, or access a track, only once or twice during a speedway racing season. At the time of allowing the notifications to stand in 2008, the ACCC placed weight on the ability for drivers to obtain a day licence to access track facilities for up to two events per season. Since 2009 the ability to race under a NASR day licence has changed. Drivers are no longer able to compete under a NASR day licence in high-powered racing categories such as sprintcars or super sedans. A one day licence is still available for non-race activities in all categories of racing.

NASR personal accident insurance

- 3.16 NASR has negotiated a group personal accident insurance policy on behalf of its members. Access to its group personal accident insurance is provided as a member benefit of its licences.
- 3.17 The personal accident insurance covers attendance at an authorised event or meeting organised by, recognised by, or under the direct control of NASR and/or any affiliates. It includes necessary and direct travel to and from such authorised events or meetings.
- 3.18 NASR advises that an authorised event or meeting refers to any race or event in a NASR approved speedway racing category, regardless of whether the race or event occurs at a track or venue which is approved by NASR as long as it meets the objective safety criteria set by NASR.
- 3.19 NASR advises that the licence and personal accident insurance are not severable. NASR advises that there is no direct relationship between the

licensee and the insurance provider. The licensee does not enter into a separate agreement with the insurance provider and is not required to pay a separate fee to the insurance provider. If a licensee wishes to make a claim, they contact NASR who lodges the claim on their behalf.

- 3.20 While a licence holder cannot opt out of the insurance provided by NASR as a benefit of the licence, they are not restricted from obtaining additional personal accident insurance from an alternative insurance provider.
- 3.21 Many concerns have been raised with the ACCC about NASR's decision to provide personal accident insurance as a member benefit with the NASR licence. The linking of the NASR licence with insurance is not part of the notified conduct. However, it seems to the ACCC that a more competitive approach would be for NASR to require its licence holders to obtain minimum levels of insurance while allowing members to shop around and choose their insurance provider.

Alternate licensing bodies

- 3.22 There are a number of alternate bodies which also provide licences for speedway racing in Australia including the National Dirt Racers Association Inc (NDRA) and the Victorian Speedway Council Incorporated (VSC). These bodies license drivers to race in particular speedway racing categories (see paragraph 3.29 to 3.31).
- 3.23 In order to participate in an event organised or sponsored by a particular racing body (such as NASR, the NDRA, the VSC) drivers must obtain a licence from that body. Drivers may hold licences from multiple bodies.
- 3.24 Where an alternate licensing body hosts an event at the notifying tracks, as a result of the notified conduct, members of such bodies will be required to obtain a NASR licence in addition to any licence they may hold with an alternate licensing body, in order to participate in any race event held at the notifying tracks.
- 3.25 The VSC licensed approximately 521 drivers in the 2008–09 race season. The ACCC understands that drivers are only licensed once it has been demonstrated that the candidate holds personal accident insurance.
- 3.26 The NDRA advises that since 2008, its membership has grown from approximately 600 to 3000 members.⁷
- 3.27 The VSC and the NDRA advised that they have recognised fines and suspensions imposed by alternate licensing bodies when informed.
- 3.28 NASR submits that the operations of the VSC and the NDRA are not equivalent or substitutable for those of NASR.

⁷ The NDRA provided further evidence to substantiate its claim relating to its membership. This information was excluded from the public register.

Racing categories

- 3.29 There are numerous categories/divisions of speedway racing. Categories are set by reference to the type of vehicle, for example 360 sprintcars, compact speedcars, Formula 500s. Categories range from high-powered vehicles, such as sprintcars, to lower-powered vehicles such as street stockers and karts.
- 3.30 NASR currently recognises approximately 110 speedway categories under its licence. The VSC currently recognises 13 categories. The standard saloon category is the most popular VSC recognised category.
- 3.31 Races are generally held according to the race category. Vehicles race against other vehicles of the same class.

Tracks

- 3.32 The notifying tracks advise that there are over 110 speedway tracks in Australia. These tracks range in size, and the events held at a track depend upon its facilities. Generally, tracks operate as individual businesses and are not owned by NASR. Some speedway tracks are run by or affiliated with a speedway club.
- 3.33 NASR advises that the notifying tracks hold a range of events relating to almost all recognised categories of speedway racing, including national/touring events for the high-powered categories of racing as well as events for lesser-powered categories. Smaller, regional tracks appear to hold the lesser-powered categories of racing. NASR advises that it is the track operator's discretion to determine the range of events held at their venue.
- 3.34 The type of events a track hosts is an individual business decision of the track. A track may decide to host events associated with a particular licensing organisation, in which case it is reasonable that a licence from that organisation is required to compete in the event.
- 3.35 NASR has developed a track rating system whereby NASR can formally assess the safety of tracks and approve tracks which satisfy certain criteria, that is NASR grades tracks according to its national track rating system and approves the track to hold events for certain categories of racing, and certifies that the track holds appropriate public liability insurance. Only tracks rated 3 stars or above can host a full field sprintcar race.
- 3.36 NASR offers a group public liability insurance policy to tracks. Approximately 83 tracks throughout Australia hold NASR's public liability insurance. NASR advises that holding NASR's 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. Further, a track holding NASR's public liability insurance will not have its insurance voided if a non-NASR licensed driver races at the track. However, a track that holds NASR public liability insurance through NASR is not able to hold events for racing categories not recognised by NASR.

- 3.37 NASR advises that it does not require its licensees to only participate in race events which are held at tracks and venues that are formally approved by NASR, or which hold NASR public liability insurance.

4. Statutory test

- 4.1 Section 93 of the Act provides that a corporation that engages or proposes to engage in conduct of a kind referred to in subsections 47(6) and (7) may give to the ACCC notice, as prescribed, setting out particulars of the conduct or proposed conduct.
- 4.2 Under subsection 93(3A), if a corporation has notified the ACCC of conduct or proposed conduct of the type described in subsections 47(6) and 47(7) and the ACCC is satisfied that the likely benefit to the public from the conduct or proposed conduct will not outweigh the likely detriment to the public from the conduct or proposed conduct, the ACCC may, through the process described in Attachment A, give the corporation a written notice stating that the ACCC is so satisfied. The effect of giving such a notice is to revoke the immunity from the Act afforded by the lodging of the notification.
- 4.3 Prior to issuing a notice to revoke a notification, the ACCC must issue a draft notice setting out its reasons for proposing to revoke the notification. On 13 May 2010 the ACCC issued draft notices proposing to revoke notifications N93304-N93305.

5. Submissions

- 5.1. Following the issue of the draft notices with respect to notifications N94032-N94034 lodged by Brisbane Speedway and others (see paragraph 1.9), the ACCC wrote to Perth Motorplex, Avalon Raceway and NASR foreshadowing that the ACCC may take similar action with respect to the notifications. The notifying parties were given an opportunity to respond to the issues raised in the draft notices in the context of their own notifications. A summary of their response follows.

Perth Motorplex

- 5.2. Perth Motorplex submits that the notifications should not be revoked. Perth Motorplex submits that:
- Participants are not able to race under the NASR day licences for high-powered categories of racing. Under a day licence the participant is not required to undergo a medical examination. Perth Motorplex notes the change to the day licence is a result of safety and risk management policies to ensure that all drivers participating in high-powered race events hold a full licence and have had the requisite medical examination.
 - There are approximately 15 alternate speedway venues located within 400km of Perth and competitors are free to race at these venues. Many of these tracks are capable of holding a full range of racing categories.

- NASR provides the highest level of racing regulations, risk assessment procedures and public risk insurance and judicial systems. NASR also provides a venue and event risk assessment and inspection as part of the sanctioning program.
- It is not viable to have competitors race under various licences in an event. If various licensed drivers were racing in the same event it would create confusion about what rules and regulations would be followed.

NASR

5.3. NASR submits that it is the governing body of speedway racing in Australia. NASR considers that the public benefits associated with the notified conduct continue to outweigh the public detriments. NASR further submits that:

- A NASR day licence is now only available to race for the lower powered vehicles. A NASR day licence is still available for access to pit facilities for all categories of racing. In the interest of public safety, a day licence is not available to race in high powered vehicles.
- The notified conduct requires drivers and pit visitors to hold a NASR licence in order to access the tracks. Alternate licensing bodies and clubs aligned with these organisations are free to host race events at the notifying tracks provided that participants hold a NASR licence in addition to any other licence or accreditation required by the club/alternative licensing body. For example, Avalon Raceway allows VSC categories, such as SDAV Hot Rods, to race at its track provided that participants hold a NASR licence.
- In order to maintain a cohesive, organised and safe environment for the sport of speedway racing on a national level there should (and can) only be a single body responsible for overseeing the sport on a national level, otherwise there would be disorganisation.
- The notified conduct represents the most effective means for achieving acceptable safety standards and risk management procedures at the relevant tracks.

5.4. NASR also provided details of alternate tracks in Victoria and Western Australia which are rated 3 star or above and are able to hold a full range of events for high powered categories of racing and which may not require a NASR licence in order to access the tracks facilities.

Interested parties

5.5. Following the draft notices, a pre-decision conference was requested to discuss the draft notices proposing to revoke notifications N93304-N93305. The pre-decision conference was held in Melbourne on 17 June 2010 with participants also attending via video link from ACCC offices in Adelaide and Perth. The views of interested parties expressed at the pre-decision conference have been taken into account in the assessment of the

notifications. A copy of the conference minutes is available from the ACCC's notifications register on the website.

5.6. The following additional written submissions were also made in response to the draft notices.

- **NASR** considers the balance of public benefits and public detriments has not changed since the notifications were allowed to stand in 2008 and considers that the notifications should not be revoked.

NASR confirms that alternate licensing bodies may compete at the notifying tracks provided that participants hold a NASR licence in addition to any other licence or accreditation required by the club or alternative licensing body.

NASR acknowledges there may be other means by which the operators of the notifying tracks could attempt to ensure the safety of drivers and pit crew when accessing the tracks facilities, however it considers that the notifying track operators do not have the necessary expertise or facilities to ensure that any alternative events held at the notifying tracks meet safety requirements.

NASR requests that the ACCC take note of the role and objectives of NASR as the governing body for speedway racing in its consideration of the notifications. NASR's role and objective is to provide and implement the kind of safety, infrastructure and member experience that, in NASR's opinion, the majority of other national bodies governing mainstream sport in Australia already provide.

NASR submits that the notifying tracks have had success in streamlining their risk management processes over the past 2 years and achieving organisational efficiencies. Revocation of the notifications would result in a public detriment.

- **Perth Motorplex** supports the notifications and submits that the notified conduct allows the venue to ensure that it delivers an exciting but dangerous sport while considering the OH&S issues for all involved.

Perth Motorplex wants the sport of speedway to have a common set of safety regulations, racing rules and a disciplinary judicial system that protects the sport and the public interest.

Perth Motorplex accepts there may be ways for it to accept licences issued by alternate licensing bodies, however this would require each licence and its insurance provider to be reviewed by a consultant. This is likely to be costly and the costs of such a process would be passed on to drivers.

Perth Motorplex is also concerned that if multiple licences are accepted, it will introduce different racing rules and driver standards among competitors.

- **West Coast Speedcars** supports revocation of the notifications. West Coast Speedcars submits that since becoming affiliated with NASR, costs to club members have increased significantly which has prevented some people from racing with the club. West Coast Speedcars submits that NASR has had a detrimental impact on the viability of smaller tracks through increased costs to drivers and the costs to volunteers because of the requirement to hold NASR insurance.
- **Mr Glenn Lawless** supports revocation of the notifications and submits that sport should not be controlled by private companies, rather it is best managed by elected governors with stewardship over the assets and revenues of the sport.

Mr Lawless advises that a newly formed alternate body intends to apply for CAMS delegation during 2010.

- **Mr Trevor Reakes** supports revocation of the notifications and submits that it costs him a significant amount of money to take out the required memberships in order to race at Perth Motorplex.

Mr Reakes submits that the WA Speedway Commission (Speedwaywest) could provide tracks with a list of recognised speedway licensing bodies so that tracks were not burdened with making extra checks on alternate licences.

- 5.7. The views of the notifying tracks and interested parties are outlined in the assessment of the notifications in chapter 6 of these notices. Copies of all public submissions, including a copy of the conference minutes, may be obtained from the ACCC's website's notifications register (www.accc.gov.au/ExclusiveDealingRegister).

6. ACCC Assessment

- 6.1. Under the notified conduct, only persons who hold a NASR licence will be able to access the track and pit facilities at the notifying tracks. Alternate licensing bodies, and clubs aligned with these organisations, may therefore only host race events at the notifying tracks provided that participants also hold a NASR licence. In examining the benefits and detriments flowing from the notified conduct, the ACCC has considered all of the information provided by both the notifying tracks and interested parties.

Area of competition

- 6.2. Defining the area of competition affected by the notified conduct assists in assessing the public benefits and detriments flowing from the arrangements. However, depending on the circumstances, the ACCC may not need to comprehensively define the relevant markets as it may be apparent that a net public benefit will or will not arise regardless of this definition.
- 6.3. The notifying tracks submit that the relevant market is the market for speedway drivers and, in the case of racing pit area access, may include

spectators, within Australia. CAMS and NASR submit this market is too narrow, and should be a market for all categories of motorsport in Australia, or possibly all sporting and entertainment activities in Australia.

- 6.4. The ACCC notes that the notifying tracks provide speedway racing facilities to clubs and bodies who organise events, and host speedway events (as opposed to other forms of motor racing) to drivers.

The provision of track facilities for speedway racing bodies to host speedway racing events

- 6.5. There are approximately 110 tracks which hold speedway events throughout Australia. The tracks vary in the size and quality of the facilities for spectators and drivers, the location (close to the city or regional) and the type and size of the events they host.
- 6.6. NASR submits that the notifying tracks hold a range of events relating to almost all recognised categories of speedway racing during the race season. NASR advises that ultimately, the types of events a track hosts depends upon the track itself, that is, its facilities may be suited to some categories of racing and not others.
- 6.7. The types of events a track may host may range from:

- national or touring events, where a series of separate races are held at different tracks around Australia. National or touring events may draw larger crowds and attract drivers from all over Australia and even internationally. The prize money at national events may be larger than that generated at the smaller regional events.

A track may tender to host a round of the event. NASR advises that it owns and controls a number of national/touring events, such as the National Super Sedans and the World Sprintcar Series, for which a NASR licence is required to participate. Not all of the 110 tracks currently operating in Australia are suitable venues for national touring events.

- regional or club events, where local clubs organise events.

All tracks are able to hold club events. Many regional tracks are owned and operated by the local racing club, and that club will predominately host the races held at the track.

Club events are more likely to attract drivers who live in proximity to the track. Club events tend not to have as large prize monies or attract as large crowds to the event as national events.

Track substitutability

- 6.8. The notifying tracks submit there are a number of alternative tracks in each state which are available for race events (not all of which are NASR approved tracks):
- Perth Motorplex is the sole track located in the Perth metropolitan area, however there are approximately 15 speedways in Western Australia, with three alternatives within 250 km of Kwinana Beach. Each alternate track host different events to that of Perth Motorplex and vary in size and capacity.
 - In Victoria there are 23 tracks. Avalon Raceway is the sole track in Lara/Geelong however is located near a number of alternate tracks of different sizes. The ACCC understands that tracks in the surrounding areas to Avalon Raceway host the majority of VSC affiliated events, such as Hamilton, Drouin and Mortlake.
- 6.9. NASR has provided details of alternate tracks which have been rated 3 stars or above meaning they are entitled to hold full field events for high-powered categories of racing. NASR advises that the types of races held at a track is a business decision for the track operator.
- 6.10. The ACCC recognises that not all tracks are perfect substitutes for one another. Some tracks are larger and have the capacity to hold large crowds and offer high-powered race events whereas smaller regional tracks may have limited crowd capacity and offer limited racing categories.

The provision of speedway administration and organisation services by speedway racing bodies to drivers

- 6.11. As noted above, there are a number of organisations which provide speedway racing services such as organising speedway competitions, licensing of drivers and other participants and administering rules of racing for speedway in Australia. Such bodies include NASR, the VSC and the NDRA.
- 6.12. NASR submits that this is an irrelevant market given that the operations of the NDRA and the VSC are not equivalent or substitutable to the operations of NASR as the peak body of speedway racing in Australia.
- 6.13. Each body recognises certain racing categories to which its licence may apply. NASR recognises the largest number of categories of racing, recognising approximately 110 racing categories. The VSC recognises 13 categories of speedway racing.
- 6.14. In order to participate in an event organised or sponsored by a particular racing body, drivers must obtain a licence from that body. In general, events sponsored/hosted by competing licensing bodies may not be substitutable. While drivers may hold multiple licences, the level of substitutability between licences is limited given that a particular licence is required in order to compete in that body's event.

- 6.15. The ACCC considers that restricting the type of licence accepted at a track further limits the level of substitutability.

Conclusion

- 6.16. On the basis of the factors outlined above, the ACCC considers the following areas of competition are relevant to its assessment of the notified conduct:
- The provision of track facilities for speedway racing organisations to host speedway events
 - The provision of speedway administration and organisation services by speedway racing bodies to drivers.

Public benefit

- 6.17. The ACCC's assessment of the likely public benefits from the notified conduct follows.

Efficient risk management processes

- 6.18. NASR licence holders are provided with personal accident insurance as a member benefit of the NASR licence. As a result, the notifying tracks submit that NASR licence holders are guaranteed to have appropriate personal accident insurance and this is important for their risk management processes.
- 6.19. NASR licences are provided only once a suitable medical examination has been passed, therefore track operators, event coordinators, competitors and the public in general can be assured that drivers are medically fit for participation in race events.
- 6.20. NASR submits the notified conduct is the most efficient, streamlined and practical manner for the track operators to ensure their risk management procedures are met. Tracks can have peace of mind that NASR licence holders hold personal accident insurance and are fit for participation.
- 6.21. Perth Motorplex considers that NASR, as the governing body of speedway racing, provides the highest level of risk management systems. Perth Motorplex submits that speedway is extremely dangerous and its directors and employees are charged with incredible responsibility relating to the safety of its volunteers, competitors and the public. Perth Motorplex considers the NASR system for speedway venues that wish to participate is the best way to maximise sustainable cost reductions.
- 6.22. Avalon Raceway submits that it has had experience dealing with multiple licensing bodies and prefers dealing with one body.
- 6.23. NASR submits that the notifying tracks have had success in streamlining their risk management processes over the past two years and achieving organisational efficiencies. NASR submits while, in theory, there may be ways for track operators to ensure the safety of drivers and pit crew, track

operators generally do not have the expertise to ensure such. NASR submits that revocation of the notifications will result in inconvenience to the track operators which may be reflected in the operation of the tracks and the safety of race events in the future.

- 6.24. The ACCC accepts that speedway racing is an inherently dangerous activity and understands the risks involved when participating in the sport. The ACCC recognises the importance for the notifying tracks, and indeed all tracks, to have adequate risk management practices in place. Among this would be ensuring that drivers and pit crew accessing their venues hold appropriate personal accident insurance.
- 6.25. The ACCC notes that holding an appropriate licence and personal accident insurance is a requirement of other licensing bodies such as the VSC. The VSC advise that it will not issue a licence unless the competitor has demonstrated that they hold personal accident insurance. VSC drivers are able to choose where they obtain insurance as it provides its licence separately to insurance. The NDRA operates in a similar way, such that its licensed drivers may choose to obtain insurance through an organised group insurance policy or separately.
- 6.26. The ACCC understands that it can be difficult for a track to determine whether a driver's personal accident cover is appropriate and that the competitor complies with particular standards relating to health and safety, and accepts that a track can be assured of this if the driver holds a NASR licence.
- 6.27. The ACCC accepts that by restricting access to only NASR licence holders, the notifying tracks can very easily be assured that all drivers and pit crew have adequate insurance.
- 6.28. However, the ACCC notes that this certainty to the notifying tracks needs to be balanced with the public detriments arising from the notified conduct which are addressed at paragraphs 6.37 to 6.60.

Compliance with unified competitor standards

- 6.29. The notifying tracks submit that NASR licence holders are required to comply with NASR's Speedway Racing Rules and Regulations which deal with mandatory competitor conduct, technical requirements, and race procedures. NASR's regime also includes a drug and alcohol policy, and implements a disciplinary system whereby competitors engaging in misconduct can be suspended and are restricted from racing under the NASR licence.
- 6.30. The notifying tracks also submit that NASR licence holders have access to NASR's training programs and safety seminars which support the overall safety framework of speedway racing.
- 6.31. NASR advises that traditionally speedway racing administration was fragmented across various category groups and was regionally based. NASR

advises that it has been working to develop unified standards in safety, training, presentation and performance with the aim of improving the profile of speedway racing.

- 6.32. NASR submits that the requirement that participants hold a NASR licence assists in the development of the sport by creating consistent expectations regarding both the standard of driver participation and safety in the sport at a national level. NASR advises that, over time, it would like to see the notified arrangements rolled out across the industry. NASR submits that, as in other sports, the more tracks that operate under the auspices of one body the better.
- 6.33. Perth Motorplex is concerned that revocation of the notifications may result in confusion about what rules and regulations of racing should be followed if multiple licences are accepted at the venue. Perth Motorplex submits it will be faced with different racing rules, driver standards and judicial systems for different licence holders. The ACCC does not accept that revocation of the notifications will necessarily change the current practice of racing according to the rules of the body which is sponsoring/hosting the event.
- 6.34. The ACCC does not consider that the notifications under consideration impose or create *national* safety and related racing standards for speedway racing. Rather, the notified conduct requires that a certain licence, that is a NASR licence, be held in order to participate at particular tracks.
- 6.35. The ACCC considers that considerable anti-competitive detriment could result from an attempt to establish and enforce safety and related racing standards by means of a series of exclusive dealing arrangements whereby access to speedway racing tracks by drivers and pit crew is restricted to the holders of a NASR licence, as discussed below.
- 6.36. The ACCC recognises that there may be some benefit from having a single national organisation overseeing and representing the broad interests of the sport. The ACCC also accepts that the speedway racing industry may benefit if there was a minimum set of national safety and related racing standards which allowed competing licensing bodies to demonstrate that they meet those standards. Rather than tracks engaging in exclusive dealing conduct, the speedway industry should consider alternate ways to achieve consistent standards (see paragraph 7.9).

Public detriment

- 6.37. The ACCC's assessment of the likely public detriments from the notified conduct follows.

Reduced competition among licensing organisations

- 6.38. Under the notified conduct, where an alternate licensing body, such as the VSC or the NDRA, or clubs aligned with alternate licensing bodies, wishes to host a race at the notifying tracks, its participants will be required to obtain a NASR licence in addition to any licence they may hold with the alternate licensing body to compete in the event.

- 6.39. NASR advises that the notifying tracks are not seeking to impose a restriction on the licensing organisations whose licensees will be entitled to access the facilities, and do not propose to restrict the range of alternative licences which these drivers and visitors may wish to acquire. Neither do the notifying tracks restrict the alternative licensing bodies which compete with NASR from hosting race events at the tracks.
- 6.40. Further, the notifying tracks submit that there are over 100 alternative tracks in Australia which host various speedway racing events (see paragraph 6.8). NASR advises that there are 75 alternate tracks across Australia that do not impose a requirement that participants hold a NASR licence.⁸
- 6.41. NASR requests the ACCC to consider its role as the peak body for speedway racing, in light of the operations of other developed professional sports, which provide insurance for its members and operate under one governing body.
- 6.42. NASR submits that it strives to provide and implement the kind of safety, infrastructure and member experience that the majority of other national bodies governing mainstream sport in Australia already provide. It is NASR's view that if the ACCC revokes these notifications the ACCC must consider that the standard practice of all other national sports bodies is also wrong.
- 6.43. The ACCC accepts that the notifying tracks do not propose to prevent NASR licensees who access their tracks from holding alternate licences. Further, the ACCC accepts that alternate licensing bodies are able to host events at the notifying tracks, provided their drivers also hold a NASR licence.
- 6.44. The ACCC is concerned however that if alternate bodies are not able to host events at the notifying tracks without ensuring participants hold a NASR licence the attractiveness of the licenses issued by the alternate bodies, and their ability to expand their membership, is reduced.
- 6.45. The ACCC is concerned that in the longer term the competition provided by alternative licensing bodies such as the VSC and the NDRA will be lost. Competition can serve to limit increases in licence fees and provide choice for participants who may not wish to obtain a NASR licence.
- 6.46. The ACCC notes that NASR is the major speedway licensing organisation in Australia and is currently the only body with a truly national representation of licence holders. The ACCC notes that NASR may be in a position to guide the development of the sport nationally. However, as noted above, the notified conduct itself does not establish national safety and related racing standards. Rather, it requires that a NASR licence be held in order to participate at particular tracks.

⁸ ACCC, Pre-decision Conference Minutes, Notifications N93304-N93305 lodged by Placide Pty Ltd (Perth Motorplex) and Corio Park Pty Ltd (Avalon Raceway), 17 June 2010, p. 2.

- 6.47. There is a detriment to competition for the provision of speedway licences resulting from the manner in which NASR's position is being entrenched which must be taken into account in assessing the notified arrangements. Indeed, NASR has indicated that it would like to expand the requirement for participants to hold a NASR licence to more tracks in the future.
- 6.48. While the current notifications apply only to two tracks, the public detriment to alternate licensing bodies remains, particularly as the VSC licenses drivers in Victoria and the NDRA predominately licenses drivers in Western Australia. The NDRA advises that it has a strong interest in seeing its drivers able to participate in events at Perth Motorplex.
- 6.49. As noted, the ACCC accepts that a national governing body is likely to provide benefits for a sport in terms of providing unified standards for a sport. However, the ACCC is of the view that sporting bodies should not seek to achieve single governing status through a series of exclusive dealing arrangements.
- 6.50. In terms of speedway racing, the ACCC recognises that alternate licensing bodies exist and drivers want to be part of these bodies. Indeed the NDRA submits its membership has grown in the last two years.
- 6.51. Ultimately, the notified conduct is anti-competitive and a per se breach of the Act. Restricting access to tracks to particular licences entrenches NASR's position as a licence provider to the detriment of alternate licensing bodies.

Impact on non-NASR licence holders

- 6.52. The notifying tracks submit that the notified conduct will marginally affect speedway racing drivers and pit crew members as they will be required to purchase a licence from NASR in order to compete and/or access the pit areas at Perth Motorplex or Avalon Raceway. A person who does not wish to obtain a NASR licence will be prevented from racing or accessing the pit area at these tracks.
- 6.53. The VSC submits that requiring drivers who hold licences other than NASR's licence to acquire a NASR licence to access these tracks will impose a financial burden on these drivers as they will have to acquire another licence and undertake a further medical examination.
- 6.54. West Coast Speedcars submits that in order for its vehicles to be recognised by NASR, they are required to join the West Australian Speedcar Drivers Association so that they were eligible to obtain a NASR licence. West Coast Speedcars submits that the NASR affiliation has driven costs up considerably and a number of people have been prevented from racing with their club.
- 6.55. The ACCC notes that the cost of a NASR licence ranges from \$185 to \$280 for drivers, and from \$70 to \$115 for juniors, mechanics and pit entry. The ACCC accepts that there is therefore an additional cost to non-NASR licence holders who will be required to take out a NASR licence, including costs from potentially undergoing an additional medical exam, if they wish to

access the notifying tracks, although this cost does not appear to be prohibitive.

- 6.56. NASR submits the majority of drivers who access the notifying tracks already hold at least a NASR licence. Indeed, the conduct has been operating for two years.
- 6.57. The ACCC previously placed weight on the ability for competitors to obtain a NASR day licence to access track facilities for up to two events per season, as a mitigating factor reducing the impact of any public detriment resulting from the notified conduct. The NASR day licence provided participants who did not want to purchase a NASR licence, or who held a licence from an alternate racing body, with an option to access the tracks for all racing categories at a reduced cost.
- 6.58. NASR advises that participants may not compete under a day licence for high-powered race events, such as sprintcar and super sedan racing. NASR advises that the amendment to the operation of the day licence is a safety precaution because drivers are not required to undergo a medical examination to race under a day licence. NASR advises it will review the operation of its day licence if the ACCC considers it negatively impacts on the operation of the notified conduct.
- 6.59. While the amendments to the terms of the day licence means that participants wishing to access the notifying tracks will have no alternative but to purchase a full NASR licence, the mitigating effect of the day licence in any event was likely to be small.
- 6.60. The ACCC considers that the notified conduct has some impact on non-NASR licence holders which results in a small detriment.

7. Conclusion on public benefits and detriments

- 7.1. The ACCC considers that the balance of public benefits and public detriments has changed since its consideration of the notified conduct in 2008.
- 7.2. The ACCC accepts that the notified conduct allows the notifying tracks to efficiently streamline their risk management practices. By limiting access to NASR licence holders, the notifying tracks can be assured that all competitors and pit crew members have complied with NASR's licensing terms and hold adequate personal accident insurance.
- 7.3. The ACCC does not accept the claim that the notifications create a national set of safety and related racing standards for speedway racing. Rather, the notified conduct requires that a certain licence, that is a NASR licence, be held in order to participate at particular tracks.
- 7.4. The ACCC considers the notified conduct may reduce the attractiveness and long term viability of alternate licensing bodies as drivers question the cost

of obtaining multiple licences. The notified conduct entrenches NASR's position as a licensing body, to the detriment of alternate licensing bodies.

- 7.5. There is a public detriment to non-NASR licence holders in terms of the cost of accessing additional licences. Further, there is detriment from the removal of the ability for participants to race under a NASR day licence for high-powered racing categories at a reduced cost impacts participants who do not wish to hold a NASR licence or who hold a licence from an alternate licensing body.
- 7.6. Further, the ACCC notes that while a track operator can individually decide what events it hosts, there is a public detriment in restricting the type of licence it will accept.
- 7.7. Revocation of these notifications will not mean that an event organised and sanctioned by a particular body, for example NASR, is open to any licence holder. To participate in NASR events, drivers must obtain a NASR licence. Revocation of these notifications will mean that organisations other than NASR are able to approach these tracks to seek to host an event at the venue without requiring their licence holder to also have a NASR licence.
- 7.8. While the ACCC accepts that having a national governing organisation that represents the broad interests of the sport may be desirable, the ACCC does not consider that sporting bodies should seek to achieve this status through a series of exclusive dealing arrangements.
- 7.9. Rather than tracks engaging in exclusive dealing conduct, the speedway industry should consider alternate ways to achieve consistent safety standards. There may be a number of ways, for example, the development of a voluntary industry Code of Conduct outlining national minimum objective standards relating to health, safety and competitor conduct. Parties who wished to sign up to the Code, such as tracks and licensing bodies, could do so. Such a Code would allow licensing bodies to demonstrate that they comply with the minimum standards and could provide tracks with an effective risk management process. The ACCC notes that if such a Code were developed it may require authorisation.
- 7.10. On balance, the ACCC is not satisfied that the likely benefit to the public from the notified conduct will outweigh the likely detriment to the public.

8. Notices

- 8.1. For the reasons identified, the ACCC is not satisfied that the likely benefits to the public from the conduct will outweigh the likely detriment to the public from the conduct.
- 8.2. Accordingly, the ACCC issues these notices under section 93(3A) of the Act revoking the immunity afforded by notifications N93304-N93305 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) (collectively referred to

as the notifying parties). If no application for review of these notices is made to the Australian Competition Tribunal, the immunity provided by the notifications ceases to be in force on 19 September 2010.

8.3. These notices are made on 19 August 2010.

Attachment A – The notification process

The Australian Competition and Consumer Commission (the ACCC) is the independent Australian Government agency responsible for administering the *Trade Practices Act 1974* (the Act). A key objective of the Act is to prevent anti-competitive arrangements or conduct, thereby encouraging competition and efficiency in business, resulting in greater choice for consumers in price, quality and service.

Section 47 of the Act prohibits conduct known as exclusive dealing where it has the purpose or effect of substantially lessening competition. Generally speaking, exclusive dealing involves one business trading with another, imposing restrictions on the other's freedom to choose with whom, or in what, it deals.

Sub-sections 47(6) and 47(7) of the Act specifically prohibit conduct known as 'third line forcing' which involves the supply of goods or services on condition that the customer also acquire goods or services from a third party. Third line forcing conduct is currently a per se provision, meaning that it amounts to a contravention of the Act regardless of its effect on competition.

Businesses may obtain protection in relation to conduct that might be at risk of breaching the exclusive dealing provisions of the Act by lodging a 'notification' with the ACCC. Once lodged, immunity for the notified conduct commences automatically, or in the case of third-line forcing, after 14 days.

The ACCC may revoke a third-line forcing notification if it is satisfied that the likely benefit to the public from the proposed conduct will not outweigh the likely detriment to the public from the proposed conduct. Revoking a notification removes the protection conferred by the lodging of the notification. The ACCC conducts a comprehensive public consultation process before making a decision to revoke a notification.

Prior to issuing a notice to revoke a notification, the ACCC must issue a draft notice setting out its reasons for proposing to revoke the notification.

Once a draft notice is released, the applicant or any interested party may request that the ACCC hold a conference. A conference provides all parties with the opportunity to put oral submissions to the ACCC in response to the draft notice. The ACCC will also invite the applicant and interested parties to lodge written submissions commenting on the draft notice.

The ACCC then reconsiders the notification, taking into account the comments made at the conference (if one is requested) and any further submissions received and if it is satisfied that the relevant public interest test is still not met it will issue a final notice. The protection afforded by the notification ceases on the 31st day after the ACCC revokes the notification.

Attachment B – Chronology

The following table provides a chronology of significant dates in the consideration of the notifications lodged by Perth Motorplex and Avalon Raceway.

DATE	ACTION
12 February 2008	Lodgement of notifications N93304-N93305.
26 February 2008	Immunity for the notified conduct comes into effect.
11 June 2008	The ACCC decides not to take any further action at that time with respect to notifications N93304-N93305.
28 January 2010	ACCC issues draft notices with respect to notifications N94032-N94034 lodged by Brisbane International Speedway Pty Ltd, Murray Bridge Sporting Car Club & Motorcycle Club Incorporated and Premier Speedway Club Warrnambool. Perth Motorplex and Avalon Raceway are provided with an opportunity to comment on notifications N93304-N93305 in light of the draft notices.
15 February 2010	Closing date for submissions regarding notifications N93304-N93305.
13 May 2010	Draft notices issued.
4 June 2010	Closing date for submissions from interested parties in relation to the draft notices.
17 June 2010	Pre-decision conference held in relation to the draft notices.
8 July 2010	Closing date for submissions following the pre-decision conference.
19 August 2010	Notices issued.
19 September 2010	Immunity provided by notifications N93304-N93305 ceases to be in force.