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1/03/2018

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Dear Mr Rankin

Port of Brisbane Pty Ltd & Carnival Application for authorisation AA1000399—draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Port of Brisbane and Carnival on 11 October 2017.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation subject to a condition for 18 years.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **16 March 2018**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. 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 determination you must notify the ACCC in writing by **16 March 2018**.

As indicated in its draft determination, the ACCC requires more information regarding issues raised by interested parties. In particular the ACCC has requested information regarding the concern raised by an interested party that Carnival's use of Foundation Berthing Days at a rate of up to 4 per week may prevent other cruise operators from being able to build

itineraries over the summer season. We intend to write to the Applicants soon regarding specific information required by the ACCC.

The ACCC will consider any submissions and information it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
11 October 2018	Lodgement of application and supporting submission.
16 October 2018	Public consultation process begins.
2 November 2018	ACCC decision regarding interim authorisation.
1 March 2018	Draft determination.
March 2018	Public consultation on draft determination including any conference if called.
11 April 2018	Date by which Final determination must be made (unless timeframe is extended).

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 Hannah Ransom on (02) 6243 1255.

Yours sincerely



David Hatfield
Director
Adjudication Branch