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The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
P.O. Box 1199  
Dickson ACT 2602

FILE No:
DOC:
MARS/PRISM:

**Re: Geelong Port Pty. Limited exclusive dealing notification N92776**

Dear Sir / Madam

I have for reference and reply your letter dated the 1<sup>st</sup> of February, 2007 in which you solicit comment on the issues relating to the above mentioned subject.

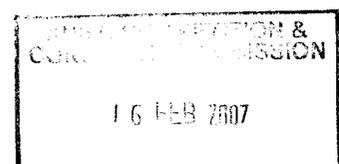
Interfert Australia currently imports fertilizer using the facilities provided by the Geelong Port at the Lascelles Wharf area.

In relation to the above notification we are strongly not in favor of the proposal to enforce the use of the figee cranes as a precursory condition to using Lascelles Wharf at Geelong Port based on the following:

1. Interfert would be forced into using the figee cranes instead of either ships gear or self discharging vessels no matter what the cost.
2. If this proposal is approved there is no provision for competition and as such Geelong Port's could increase costs without notice and without scrutiny.
2. Currently, if there are three vessels occupying berths at Lascelles Wharf, one ship has to use ships gear or wait for the figee crane to become available. Should the proposal be approved, the last vessel to arrive will incur substantial demurrage costs awaiting availability of the figee cranes and the non ability to use ships gear.

In relation to the purported benefits as claimed by Geelong Port's, I would add the following:

1. We agree the figee cranes reduces unloading times at the berth, however, the cranes are not always available to all customers when berth congestion occurs and as such other means of discharge have to be instituted (e.g. ship's gear) or incur substantial increased costs.
2. The figee cranes use clam shell grabs to discharge vessels as do conventional bulk carriers ships gear and as such the environmental impact of dust created by the drop into the wharf hopper is almost the same in both cases. When a self discharge vessel is in use the dust is dependent on the distance of drop from the discharge arm to the hopper which is controlled by the stevedore to minimize impact on the environment.
3. Investment in the port should not be dependent upon limiting the use of the wharf to users who are forced into using equipment over which they have little cost control.

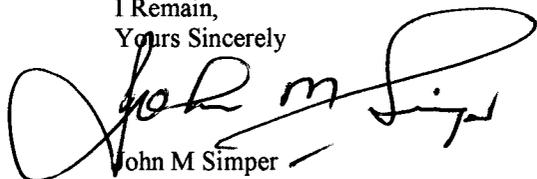


After reading the Form G attached to your letter, I find it rather amazing that Incitec Pivot Limited is not included in item 3 (b) as persons or companies to which this conduct relates. Incitec Pivot are, by far, the biggest importers and users of the Lascelles Wharf and yet they are omitted. This could be by error or perhaps by design as they are the major users of the figee cranes and in all possibility already have an agreement with the Geelong Port on the use of the figee cranes.

I also find it amazing that based on lodgment of this notification; Geelong Port is granted immediate immunity and may institute procedures in relation to vessel unloading services unless the ACCC acts to remove the immunity. It almost seems being found guilty then trying to prove innocence which I find is against all Australian standards of protocol.

In closing I would add that I am happy to discuss this letter and its contents with whomever an am contactable on the numbers or email as quoted below.

I Remain,  
Yours Sincerely

A handwritten signature in black ink, appearing to read 'John M Simper', written over a horizontal line.

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