



**Australian
Competition &
Consumer
Commission**

Our Ref: C2007/362
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28 June 2007

Paul Gribble
Clayton Utz
GPO Box P1214
PERTH WA 6844

Dear Mr Gribble

**Exclusive dealing notification N92776 lodged by GeelongPort Pty Limited
- draft notice**

The Australian Competition and Consumer Commission (ACCC) has decided to issue a draft notice proposing to revoke the immunity provided by the exclusive dealing notification N92776 lodged by GeelongPort Pty Limited (GeelongPort) on 19 January 2007.

The reasons for the ACCC's decision are provided in the draft notice enclosed.

The draft notice will also be available from the ACCC's website www.accc.gov.au by following the *Public Registers* and *Authorisations and notifications* links.

The next steps

In accordance with section 93A of the *Trade Practices Act 1974* (the Act), GeelongPort or any interested party who may be dissatisfied with the ACCC's draft notice may request that a conference be held to discuss the draft notice. Conferences are conducted informally, without the participation of legal or other professional advisers.

If your client would like the ACCC to hold a conference in relation to the draft notice, you must notify the ACCC in writing by **cob Thursday, 12 July 2007**. Please note that the Act does not allow the ACCC to extend this deadline.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft notice. Written submissions should be lodged by **cob Friday**,



20 July 2007. In particular, the ACCC invites GeelongPort's views regarding whether the notified conduct has implications under clause 2.1.7 of the Essential Services Commission's *Price Monitoring Determination for the Victorian Ports*, 30 March 2005.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference in relation to the draft notices be called, in deciding whether or not to issue a final notice revoking GeelongPort's exclusive dealing notification.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact David Hatfield on (02) 6243 1266 or via email at David.Hatfield@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch