



**Australian
Competition &
Consumer
Commission**

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Our Ref: N92776
Contact Officer: David Hatfield
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28 June 2007

Michael Cunningham
Essential Services Commission
Level 2
35 Spring Street
MELBOURNE VIC 3000

Dear Mr Cunningham

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

As you are aware, the Australian Competition and Consumer Commission (ACCC) has been conducting a review of the exclusive dealing notification lodged by GeelongPort Pty Limited (GeelongPort) on 19 January 2007.

The notification involves GeelongPort providing access to Lascelles Wharf in Geelong Port on condition that potential port users use GeelongPort's figee cranes for the purpose of unloading fertiliser and other dry bulk cargoes.

The draft notice

The ACCC has decided to issue a draft notice proposing to revoke the immunity provided by GeelongPort's exclusive dealing notification. 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

Once the ACCC issues a draft notice proposing to revoke a notification, section 93A of the *Trade Practices Act 1974* (the Act) provides that the notifying party 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 you wish 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. In particular, the ACCC invites your 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. Written submissions should be lodged by **cob Friday, 20 July 2007** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

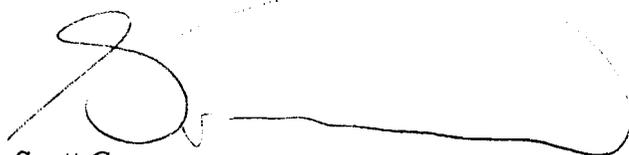
Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of a notification. Guidelines for seeking exclusion from the public register are available at www.acc.gov.au.

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



Scott Gregson
General Manager
Adjudication Branch