



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2007/362  
Contact Officer: Jaime Norton  
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1 February 2007

Paul Gribble  
Partner  
Clayton Utz  
GPO Box P1214  
PERTH WA 6844

Dear Mr Gribble

**Re – Exclusive dealing notification (N92776) – GeelongPort Pty Limited**

I refer to the above exclusive dealing notification lodged with the Australian Competition and Consumer Commission (ACCC) on 19 January 2007.

GeelongPort Pty Limited (GeelongPort) has described the conduct as:

GeelongPort proposes to provide access to Lascelles Wharf at 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 ACCC is currently considering the notification, including seeking port users' views in relation to the notified conduct. In this regard, please find enclosed, for your information, a copy of the letter that the ACCC sent today to port users as part of its public consultation process.

All publicly available submissions will be posted on the ACCC internet site at [www.accc.gov.au](http://www.accc.gov.au). Alternatively, at the end of the consultation period the ACCC can arrange for you to receive a copy of all publicly available submissions received in relation to the notification.



To also assist the ACCC's consideration of this matter, I seek further background information in relation to the notified conduct. In particular, it would be appreciated if the following information could be provided:

1. I note the notified conduct only relates to 'unloading fertiliser and other dry bulk cargoes'.
  - (a) Please define 'other dry bulk cargoes'.
  - (b) Please outline whether any other types of cargo are handled through Lascelles Wharf?
2. On average, how many vessels move through Lascelles Wharf per year?
3. Are there other port facilities, in either Victoria or interstate, which are capable of unloading fertiliser and other dry bulk cargoes? If so, please provide the name and location of these facilities.
4. Prior to the notification, please explain how the relevant cargoes were unloaded at Lascelles Wharf.
5. The supporting submission states that the proposed conduct relates to unloading fertiliser and other dry bulk cargoes 'from vessels'. It would therefore appear that the requirement on port users only relates to such cargoes coming *into* the port. Please confirm whether this is correct?
6. The supporting submission also states that potential port users will be required to use GeelongPort's figee cranes 'if figee cranes are available for use'.
  - (a) Please explain under what circumstances figee cranes may not be available for use.
  - (b) Are figee cranes available for use at all three berths at Lascelles Wharf?
  - (c) Under the notified conduct, will port users be denied access to a berth if they wish to use onboard equipment to unload cargo at the wharf?
7. Please outline the relevant port charges for unloading vessels at Lascelles Wharf:
  - (a) prior to the notification
  - (b) where figee cranes are used in accordance with the notified conduct
  - (c) where a figee crane is not available for use and a port user elects to unload cargo using onboard equipment

- (d) where a figee crane is available but a port user elects to unload cargo using onboard equipment (assuming the port user is granted access to Lascelles Wharf).
8. GeelongPort submits that the use of purpose-built figee cranes reduces unloading and shipping time and therefore increases Geelong Port's operational efficiency. To the extent possible, please provide further detail on the claimed operational efficiencies, including:
- (a) the impact on volumes of cargo moved through Lascelles Wharf
  - (b) the percentage decrease in unloading times
  - (c) the impact on the numbers of vessels through Lascelles Wharf.

It would be appreciated if you could arrange for the ACCC to receive a response to the questions raised in this letter by **Monday, 19 February 2007**.

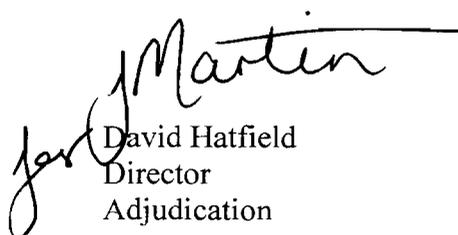
Finally, I would like to take this opportunity to draw your attention to recent amendments to the *Trade Practices Act* and Regulations that came into effect on 1 January 2007. The amendments to the regulations introduce new and revised authorisation and notification forms and fees.

While your notification, received by the ACCC on 19 January 2007 was submitted on an old form G, together with your attached submission, it would seem that all relevant information required under the revised form G has been provided.

More information, together with the revised forms, can be found on the ACCC website, [www.accc.gov.au](http://www.accc.gov.au) and should assist in lodging future notifications.

A copy of this letter has been placed on the ACCC's public register. Should you have any questions in relation to the issues raised in this letter please contact Ms Jaime Martin on (03) 9290 1477 or at [jaime.martin@acc.gov.au](mailto:jaime.martin@acc.gov.au).

Yours sincerely

  
David Hatfield  
Director  
Adjudication