



**Australian
Competition &
Consumer
Commission**

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Our Ref: N92776
Contact Officer: Shane Chisholm
Contact Phone: (02) 6243 1252

4 February 2008

Paul Gribble
Partner
Clayton Utz
250 St George's Terrace
PERTH WA 6000

Dear Mr Gribble

Notice regarding exclusive dealing notification N92776 lodged by GeelongPort Pty Ltd

The Australian Competition and Consumer Commission (the ACCC) has concluded its consideration of the above exclusive dealing notification. Pursuant to subsection 93(3) of the *Trade Practices Act 1974* (the Act), the ACCC may revoke a notification for exclusive dealing if it is satisfied that the conduct has the purpose, effect or likely effect of substantially lessening competition and the likely benefit to the public will not outweigh the detriment to the public from the lessening of competition.

Based on an assessment of all the information currently before it, the ACCC is satisfied that the notification is likely to have the effect of substantially lessening competition and result in a net detriment.

Accordingly, the ACCC issues notice under subsection 93(3) of the Act revoking exclusive dealing notification N92776 lodged by GeelongPort Pty Ltd in January 2007.

The ACCC's reasons are set out in the attached document. A copy of the document will also be made available at the ACCC website www.accc.gov.au under the links 'Public registers', 'Authorisations and notifications registers' and 'Exclusive dealing notifications register'.

The notification will cease to be in force on **7 March 2008**.

Application for review

Pursuant to section 101A of the Act, a person dissatisfied with this notice may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of the notice; that is, on or before **25 February 2008**.

An application for review of the notice should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au>.

This letter has been placed on the ACCC's public register. Should you have any queries in relation to this matter, please do not hesitate to contact Shane Chisholm on (02) 6243 1252.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Hatfield', is written over a light grey rectangular background.

David Hatfield
Acting General Manager
Adjudication Branch