



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: Trackit 42669  
Contact Officer: Sharon Clancy  
Contact Phone: (02) 6243 1217

6 July 2010

*This letter, with  
enclosures, was posted  
to the attached list  
of interested parties.*

*SC  
6/7/10*

Dear

**Applications for authorisation lodged by DP World Australia Limited and Patrick Stevedores Operations Pty Ltd - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from DP World Australia Limited (DP World Australia) and Patrick Stevedores Operations Pty Ltd (Patrick). The ACCC invites you to comment on the applications. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The applications for authorisation concern a proposed arrangement involving DP World Australia and Patrick agreeing to make available preferential treatment to truck carriers engaged in 'dual runs' (i.e. where a truck both delivers a container and collects a container during the same run) at their container terminals at the Port of Fremantle and to agree some of the terms on which such preferential treatment would occur.

A copy of the applications for authorisation and the accompanying supporting submission is enclosed. A copy of the attachments to the supporting submissions is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>.

**Interim authorisation**

DP World Australia and Patrick have requested interim authorisation for the proposed arrangement.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

### **Request for submissions**

The ACCC invites you to make a submission in response to the applications from DP World Australia and Patrick, including the request for interim authorisation.

DP World Australia and Patrick claim that the arrangements will lead to the following public benefits, with no likely public detriments:

- increased truck utilisation
- a reduction in the traffic and an improvement in community amenity around the Port of Fremantle
- environmental benefits
- lower costs and increased convenience for industry participants
- a more optimal method of allowing the Port of Fremantle to handle larger throughput.

The ACCC would appreciate your views on the claims made by DP World Australia and Patrick.

If you intend to provide a submission in relation to interim authorisation, please do so by **16 July 2010**.

Submissions concerning the substantive applications for authorisation should be provided by **6 August 2010**.

Alternatively, if you would like to provide comments orally, please contact Sharon Clancy on (02) 6243 1217 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are enclosed).

### **Timetable**

The ACCC will progress its assessment of the applications in a timely manner. An indicative timetable is set out below for your information.

|                                 |   |
|---------------------------------|---|
| <b>2 July 2010</b>              | Lodgement of applications and supporting submission.                                  |
| <b>6 July 2010</b>              | Public consultation process begins.   |
| <b>16 July 2010</b>             | Closing date for submissions from interested parties on interim authorisation.        |
| <b>July 2010</b>                | ACCC decision regarding interim authorisation.  |
| <b>6 August 2010</b>            | Closing date for submissions from interested parties on the substantive applications. |
| <b>27 August 2010</b>           | Applicants respond to issues raised in the public consultation process.               |
| <b>September / October 2010</b> | Draft determination.  |
| <b>October / November 2010</b>  | Public consultation on draft determination including any conference if called.        |
| <b>November / December 2010</b> | Final determination.  |

Please advise of any corrections to your address details or if you do not wish to receive further correspondence from the ACCC about this matter. You may forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely

Darrell Channing  
A/g General Manager  
Adjudication Branch

## **Applications for authorisation lodged by DP World Australia and Patrick**

### **List of interested parties 6 July 2010**

Australian Centre for Integrated Freight Systems Management  
Australian Chamber of Commerce and Industry  
Australian Customs and Border Protection Service  
Australian Maritime Safety Authority  
Australian Peak Shippers Association  
Australian Quarantine Inspection Service  
Australian Steel Association Inc  
Australian Transport Council  
Australian Trucking Association  
Bureau of Infrastructure, Transport and Regional Economics  
Chamber of Commerce and Industry of Western Australia  
City of Fremantle  
Customs Brokers and Forwarders Council of Australia  
Department of Foreign Affairs and Trade  
Department of Infrastructure Transport & Regional Development  
Direct Selling Association of Australia Inc  
Federal Chamber of Automotive Industries  
Fremantle Ports  
Jayde Transport  
Land and Sea Freight Councils of WA  
Maritime Union of Australia  
Ports Australia  
Shipping Australia Ltd  
Transport Forum WA  
Transport Workers Union  
1-Stop Connections Pty Ltd