



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2010/635-02  
Contact Officer: Gareth Jamieson  
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30 September 2010

*A copy of this letter  
was sent to attached  
list of interested parties*

Dear

**DP World Australia Limited and Patrick Stevedores Operations Pty Ltd applications  
for authorisation A91238, A91239 and A91240  
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for authorisation lodged by DP World Australia Limited and Patrick Stevedores Operations Pty Ltd (**the Applicants**) on 2 July 2010. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The Applicants are seeking authorisation to give preferential treatment to truck carriers engaging in dual runs (where a truck both delivers and picks up a container on the same trip) at the Port of Fremantle.

**Draft determination**

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for five years.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **15 October 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 October 2010**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

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

<b>02 July 2010</b>	Lodgement of application and supporting submission.
<b>06 July 2010</b>	Public consultation process begins.
<b>28 July 2010</b>	ACCC decision regarding interim authorisation.
<b>30 September 2010</b>	Draft determination issued.
<b>October/November 2010</b>	Public consultation on draft determination including any conference if called.
<b>November/December 2010</b>	Final determination.

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 Gareth Jamieson on (02) 6243 4980.

Yours sincerely



for

David Hatfield  
Acting General Manager  
Adjudication Branch

**DP World Australia Limited and Patrick Stevedores Operations Pty Ltd applications  
for authorisation A91238, A91239 and A91240  
- draft determination**

**List of interested parties 30 September 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 Inc.  
Department of Foreign Affairs and Trade  
Department of Infrastructure Transport & Regional Development  
Federal Chamber of Automotive Industries  
Fremantle Ports  
Jayde Transport  
Freight and Logistics Council of Western Australia  
Maritime Union of Australia  
Ports Australia  
Shipping Australia Ltd  
Transport Forum WA Inc  
Transport Workers Union  
Victorian Transport Association  
Western Australian Port Operation Task Force  
1-Stop Connections Pty Ltd  
Mr Gary Davies  
The Hon. Simon O'Brien MLC WA Minister for Transport