



**Australian
Competition &
Consumer
Commission**

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19 December 2013

Mr Kevin Stewart
Lavan Legal

By email: kevin.stewart@lavanlegal.com.au

Dear Mr Stewart

Port Hedland Port Authority – N96171 – third line forcing notification

The Australian Competition and Consumer Commission (the ACCC) has issued a statement of reasons in respect of the above notification lodged by Port Hedland Port Authority (PHPA) on 24 September 2012.

Legal protection conferred by the notification commenced on 8 October 2012.

The ACCC has conducted an extensive public consultation process regarding the notification. At this time, the ACCC has decided to allow the notification to stand for the reasons set out in the attached statement.

Specifically, the ACCC welcomes the commitment from the PHPA to a timeline by which it will complete specific steps to facilitate entry by an additional provider of towage services at the Port of Port Hedland.

The PHPA has committed to keep the ACCC informed as to the progress of the various steps in this process. Subject to any claims of confidentiality, the ACCC will publish these updates on the relevant public register entry for this notification on its website.

The ACCC expects the PHPA to conduct the process in a genuine, transparent and timely way, and to engage with interested parties in a constructive manner throughout the process.

As with any notification, please note that the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

The ACCC notes that it has encouraged interested parties to contact the ACCC should they have any concerns regarding the process conducted by the PHPA.

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 Hayley Parkes on 03 9290 6926.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch