

**C L I F F O R D
C H A N C E**

CLIFFORD CHANCE

LEVEL 16, NO. 1 O'CONNELL STREET
SYDNEY NSW 2000
AUSTRALIA

TEL +612 8922 8000
FAX +612 8922 8088

www.cliffordchance.com

For the public register

Our ref: 21-40554067
Direct Dial: +61 28922 8033
E-mail: dave.poddar@cliffordchance.com

Ms Kabita Prasad and Mr David Hatfield
Australian Competition & Consumer
Commission
23 Marcus Clarke Street
Canberra ACT 2601

30 November 2016

By email: kabita.prasad@accc.gov.au
david.hatfield@accc.gov.au

Dear Mr Hatfield and Ms Prasad

Port of Townsville – Authorisation Application A91545 – ACCC Draft Determination

Thank you for the invitation to Svitzer Australia Group Limited (**Svitzer**) to provide comments on the ACCC's draft determination), in respect of the application for authorisation dated 8 July 2016 (A91545) made by Port of Townsville Limited (**POTL**) and Far North Queensland Ports Corporation (**FNQPC**) (together the "**Applicants**").

As the Applicants have issued tender documentation pursuant to the ACCC's interim authorisation, it is not appropriate for Svitzer to add anything further at this time.

However, Svitzer simply wishes to continue to note that, in its view, careful assessment needs to be made whether exclusive licences are in the best interests of towage customers and that regulators should be mindful of not abrogating the rights of individual customers/consumers to enjoy the benefits of the competitive process.

Svitzer welcomes opportunities in the future to discuss the Productivity Commission's 2002 Report, the underlying metrics, and the change in market dynamics that have occurred over time.

Yours sincerely



Dave Poddar
Partner