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13/07/2016

By email

Dear Sir / Madam

### **Port of Townsville Limited application for authorisation A91545— interested party consultation**

The Australian Competition and Consumer Commission (**the ACCC**) has received an application for authorisation from Port of Townsville Limited on behalf of itself and Far North Queensland Ports Corporation (**the Applicants**). The ACCC invites you to comment on the application.

Port of Townsville Limited is seeking authorisation until 30 June 2024 to jointly procure, negotiate and contract for towage services for the ports of Cairns, Mourilyan, Lucinda and Townsville (**Ports**). Port customers will be required to use the towage service provider(s) that are awarded exclusive licences for the relevant Ports following the joint tender process. Any exclusive dealing conduct that may arise as a result of the Applicants requiring port customers to exclusively use those towage service provider(s) is the subject of exclusive dealing notifications N99117& N99118 validly lodged by the Applicants with the ACCC on 25 May 2016.

A full copy of the application for authorisation is available on the ACCC's website [www.acc.gov.au/AuthorisationsRegister](http://www.acc.gov.au/AuthorisationsRegister). A full copy of exclusive dealing notifications N99117& N99118 are also available on the ACCC's website <http://registers.acc.gov.au/content/index.phtml/itemId/776499>

### **Interim authorisation**

Port of Townsville Limited has requested interim authorisation to issue a joint request for tender (including draft towage licence agreements and agreements to govern the use of berths by tug vessels), evaluate tender responses and negotiate with towage service providers. No new towage licence agreement(s) and/or tug berth licence agreement(s) will be entered into until the ACCC's final determination is made.

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 on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Submissions in relation to [interim authorisation](#) should be provided by **22 July 2016**.

If you intend to provide a submission in relation to the substantive application for authorisation, please do so by **5 August 2016**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91545 – Port of Townsville – submission."

Alternatively, if you would like to provide comments orally, please contact Kabita Prasad on (02) 6243 1187 or via email [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's [guidelines for excluding information from the public register](#).

## Timetable

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

Indicative date	Stage in assessment process
<b>8 July 2016</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>13 July 2016</b>	Public consultation process begins.
<b>22 July 2016</b>	Closing date for submissions on interim authorisation.
<b>August 2016</b>	ACCC decision regarding interim authorisation.
<b>5 August 2016</b>	Closing date for submissions from interested parties on substantive application for authorisation.
<b>August 2016</b>	Applicant responds to issues raised in the public consultation process.
<b>September/October 2016</b>	Draft determination.
<b>October 2016</b>	Public consultation on draft determination including any conference if called.
<b>November/December 2016</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the applications at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also 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 Kabita Prasad on (02) 6243 1187 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping loop at the end.

Darrell Channing  
Director  
Adjudication Branch