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16/10/2017

By email

Dear Sir or Madam

Port of Brisbane & Carnival application for authorisation AA1000399— interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Port of Brisbane Pty Ltd (PBPL) and Carnival. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

PBPL and Carnival seek authorisation for arrangements to support the construction of a new cruise ship terminal by PBPL, whereby the parties will enter into an agreement under which Carnival will be bound by take or pay obligations for the new terminal, in exchange for which they will receive certain priority berthing rights from PBPL at the new terminal.

A full copy of the application for authorisation is available on the ACCC's website www.acc.gov.au/AuthorisationsRegister.

Interim authorisation

PBPL and Carnival have requested interim authorisation for the conduct.

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.

If you intend to provide a submission in relation to PBPL and Carnival's application for authorisation, please do so by **3 November 2017**. Submissions in relation to interim authorisation should be provided by **23 October 2017**. Submissions should be emailed to

adjudication@acc.gov.au with the subject AA1000399 – Port of Brisbane & Carnival – submission’.

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

Timetable

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

11 October 2017	Lodgement of application and supporting submission.
16 October 2017	Public consultation process begins.
23 October 2017	Closing date for submissions on interim authorisation.
November	ACCC decision regarding interim authorisation.
3 November 2017	Closing date for submissions on substantive application.
November 2017	Applicant responds to issues raised in the public consultation process.
January 2018	Draft determination.
January/ February 2018	Public consultation on draft determination including any conference if called.
February/March 2018	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 application 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 application.

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 Hannah Ransom on (02) 6243 1255 or adjudication@acc.gov.au.

Yours sincerely



David Hatfield
Director
Adjudication Branch

List of interested parties consulted

Australian Cruise Association
Australian Cruise Ports International
Australian Customs Services
Australian Quarantine and Inspection Services
Azamara Club Cruises
Captain Cook Cruises
Celebrity Cruises
Coral Expeditions
Costa Cruises
Cruise Lines International Association
Cruise Whitsundays Maritime Terminal
Crystal Cruises
Department of Immigration and Citizenship
Department of Resource Energy & Tourism (Commonwealth)
Disney Cruise Line
Fred Olsen Cruises
Gladstone Ports Corporation
Hapag Lloyd Cruises
Maritime Safety Queensland
Mooloolaba
MSC Cruises
National Geographic Orion Cruises
North Star Cruises
Norwegian Cruise Line
Ponant Cruises
Port Authority of NSW
Port of Townsville
Ports North
Portside Wharf and Brisbane Cruise Terminal
Pullmantur Cruises
Queensland Department of Employment, Economic Development and Innovation
Queensland Department of Infrastructure and Regional Development (Shipping Business Unit)
Queensland Department of Transport and Main Roads
Queensland Treasury
Regent Seven Seas Cruises
Royal Caribbean Cruises

Silversea Cruises

Star Clippers Cruises

TUI Cruises

Viking Ocean Cruises

Windstar Cruises