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Dear Mr Rankin and Ms Avery

**Port of Brisbane Pty Ltd & Carnival application for authorisation AA1000399—request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has decided not to grant interim authorisation in respect of the application for authorisation lodged by Port of Brisbane and Carnival (the Applicants) on 11 October 2017. A copy of the ACCC's decision is attached.

Interim authorisation provides protection to engage in the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

In the submission supporting their application for authorisation, the Applicants requested interim authorisation in order to provide them with "some level of comfort" before commencing construction in November 2017, that the proposed development of the new cruise terminal will be supported by Carnival through the terms of the agreements.

As noted in the attached decision document, the ACCC's decision in relation to interim authorisation has not been influenced one way or the other by those issues and should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC. In considering this request for interim authorisation, the ACCC has not had the opportunity to fully consult on the arrangements and has not conducted a detailed analysis of any substantive issues raised by the proposed arrangements. Therefore a request for interim authorisation is not an appropriate vehicle by which the Applicants may seek comfort that their application will likely be granted final authorisation by the ACCC.

**Next steps**

The next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give the applicants and interested parties the opportunity to provide a further submission on the draft determination before it issues its final decision.

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.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Jones', with a stylized flourish at the end.

David Jones  
General Manager  
Adjudication