

7 May 2014

Port Window Allocation Rules

Purpose

GeelongPort Pty Ltd (**GeelongPort**) has developed these rules for the allocation and use of berth, storage and laydown facilities at Corio Quay in the Port of Geelong (**Corio Port Facilities**). The purpose of these rules is to promote the economically efficient operation of, use of and investment in the Corio Port Facilities.

GeelongPort will manage the allocation, and use, of the Corio Port Facilities with the aim of achieving this purpose and in accordance with its obligations under the Competition and Consumer Act 2010 (**CCA**) and the undertaking provided by Ports Pty Limited (**Ports**) to the Australian Competition and Consumer Commission pursuant to section 87B of the CCA on 21 May 1999.

Allocation Rules

1. (**Principles**) GeelongPort will allocate access to the Corio Port Facilities (**Port Windows**) on non-discriminatory and reasonable commercial terms having regard to the following matters:
 - a. the legitimate business interests of Ports Pty Ltd and GeelongPort, their operation and use of, and their investment in, the Corio Port Facilities, including that:
 - i. access prices be set so as to generate a return that is at least sufficient to meet the efficient costs of providing access to the Corio Port Facilities and a return on investment commensurate with the risks involved in doing so;
 - ii. access terms may allow discrimination which aids efficiency and allow GeelongPort to discriminate to the extent that the cost and/or risk of providing access to an access seeker is higher than the cost and/or risk of providing access to another access seeker; and
 - iii. access terms will take into account GeelongPort's contractual obligations and the operational and technical requirements necessary for the safe and reliable operation of the Port of Geelong facilities.
 - b. the public interest, including the public interest in promoting competition and the efficient operation of, use of and investment in the facilities used to provide services to them;

- c. the costs to Ports Pty Ltd and GeelongPort of providing access, including any costs of any further investment (but excluding any costs associated with losses arising from increased competition in upstream or downstream markets);
- d. the economic value to Ports Pty Ltd and GeelongPort of any additional investment that the person seeking access, Ports Pty Ltd or GeelongPort has agreed to undertake;
- e. the interests of all persons holding contracts for use of any part of the Corio Port Facilities;
- f. contractual obligations of Ports Pty Ltd, GeelongPort or other persons already using the Corio Port Facilities;
- g. the economically efficient operation of the Corio Port Facilities;
- h. the legitimate business interests of the person seeking access to a Port Window, including:
 - i. the benefit that person or its cargo is likely to provide in contributing to the efficient operation of, use of; and investment in the Corio Port Facilities;
 - ii. to extent to which the access seeker is a regular and consistent user of the Corio Port Facilities;
 - iii. the potential alignment of the access requested by the access seeker with other operations at the Port of Geelong;
- i. the potential for the relevant cargo to add new business to the Port of Geelong;
- j. the period of access to Corio Port Facilities requested by the port user,
- k. the actual and reasonably forecast utilisation of the Corio Port Facilities by area and time alongside berth during the period to which the application relates;
- l. the actual and reasonably forecast requirements of existing customers of GeelongPort during the period to which the application relates; and
- m. any other matter GeelongPort considers is relevant, acting reasonably.

2. (Process)

- a. A request for access to the Corio Port Facilities must include estimated time of arrival, estimated time to discharge the cargo, product type, expected tonnages, requested berth, preferred/required storage location, area required and date and time of required access and use, as shown in the Application for Use of Storage or Laydown Area form.

