



Level 20, 175 Pitt Street
Sydney NSW 2000

GPO Box 3648
Sydney NSW 2001

tel: (02) 9230 9133
fax: (02) 9223 1092

www.accc.gov.au

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Greg Cameron
29 Eddy Crescent
Florey ACT 2615

By email: gdc99@bigpond.com

Dear Mr Cameron

Correspondence regarding NSW Ports

I refer to your email to the Chairman of the ACCC dated 10 February 2016, in which you asked whether the ACCC considers that any cap on container numbers for the Port of Newcastle would conform to the *Competition and Consumer Act 2010*.

As previously stated in correspondence to you, the ACCC was provided with information by NSW Government officials on the basis that we would keep that information confidential. The ACCC reviewed and assessed the relevant information that was available at that time and decided not to pursue the matter by way of any enforcement action.

As a general statement, the CCA applies to the conduct of Commonwealth and State governments to the extent those governments are carrying on business. To the extent they are carrying on business, any restrictions imposed by them which have the purpose or effect of substantially lessening competition in a relevant market are likely to give rise to a contravention of the CCA and could be subject of enforcement action taken by the ACCC. The ACCC has communicated this position to the NSW Government.

If you would like to discuss any aspect of this letter, please feel free to give me a call on (02) 9230 9130.

Yours sincerely

Marcus Bezzi
Executive General Manager
Competition Enforcement