

**NOTICE OF LODGMENT**  
**AUSTRALIAN COMPETITION TRIBUNAL**

This document was lodged electronically in the AUSTRALIAN COMPETITION TRIBUNAL on 13/04/2016 at 3:25pm AEST and has been accepted for lodgment under the Interim Practice Direction dated 21 August 2015. Filing details follow and important additional information about these are set out below.

**Lodgment and Details**

Document Lodged: APP – Statement of Simon Bishop - PUBLIC

File Number: ACT 2 of 2016

File Title: Application by Sea Swift Pty Ltd under s 95AU of the *Competition and Consumer Act 2010* (Cth) for an authorisation under s 95AT(1) to acquire shares in the capital of a body corporate or to acquire assets of another person

Registry: NEW SOUTH WALES – AUSTRALIAN COMPETITION TRIBUNAL

Dated: 13/04/2016 at 3:25pm AEST



Deputy Registrar

**Important Information**

As required by the Interim Practice Direction dated 21 August 2015, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Tribunal and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Tribunal. Under the Tribunal's Interim Practice Direction the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4:30 pm local time at that Registry) or otherwise the next working day for that Registry.

IN THE AUSTRALIAN COMPETITION TRIBUNAL

File No 2 ACT of 2016

Sea Swift Pty Limited (Applicant)



Proposed acquisition of certain assets of Toll Marine Logistics Australia's marine freight operations in the Northern Territory and Far North Queensland

STATEMENT OF SIMON BISHOP

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## STATEMENT OF SIMON BISHOP

I, Simon Leslie Bishop of 199 Bishopsgate, London, in the United Kingdom, say as follows:

### QUALIFICATIONS AND EXPERIENCE

- 1 I am a Partner and the co-founder of RBB Economics LLP (**RBB Economics**), an economics consulting firm. I have held this position since 2002.
- 2 I have worked as an economic consultant for over twenty-four years and have experience both within Australia and internationally. I have worked extensively on the analysis of mergers before the EC Commission and various national competition authorities, including in Australia.
- 3 I have advised on major competition law investigations in a wide range of industries including television broadcasting (in particular, in the pay-TV sector), telecommunications, newspapers, airlines, banking, pharmaceuticals, sports, brewing, numerous industries with branded consumer products, mining, steel, pharmaceuticals, medical equipment and devices, recorded music, electricity and water.
- 4 I have a First Class (Hons) degree in Applied Mathematics from Reading University and a M.Phil in Economics from Oxford University.
- 5 I have published widely on the application of economics in competition law, including several reports for competition agencies and the text book, *The Economics of EC Competition Law: Concepts, Application and Measurement*, 3<sup>rd</sup> Edition 2009, Sweet & Maxwell. I am also co-editor of the *European Competition Journal*.
- 6 Set out at Annexure "**SLB-1**" is a copy of my current curriculum vitae.

### MY REPORT

- 7 I have been engaged by Gilbert + Tobin, lawyers for Sea Swift Pty Limited (**Sea Swift**), and Minter Ellison, lawyers for the Toll Group including Perkins Shipping Pty Ltd, trading as Toll Marine Logistics Australia (**TML**), to provide an expert report in relation to this matter.
- 8 On 1 October 2015, I finalised an expert report and I understand that it was subsequently filed in the Australian Competition Tribunal (**Tribunal**) in support of Sea Swift's application filed on 21 September 2015 (**Original Application**).
- 9 I am aware that on 16 November 2015 Sea Swift withdrew its Original Application and that on 4 April 2016 Sea Swift filed a new application with the Tribunal seeking authorisation to acquire certain assets of TML (**New Application**).

- 10 I have been instructed by Gilbert + Tobin to prepare a further report for the purposes of the New Application. Set out in Annexure “**SLB-2**” are copies of the letters which set out my instructions.
- 11 Set out at Confidential Annexure “**SLB-3**” is a copy of my further report dated 12 April 2016.
- 12 I have been provided with and have read Practice Note CM7 “Guidelines for Expert Witnesses in Proceedings in the Federal Court of Australia” and confirm that I have complied with the terms of the Practice Note in the preparation of this report.
- 13 I acknowledge that the opinions I express in my report are based wholly or substantially on the specialised knowledge I have as a result of the qualifications and experience set out above.
- 14 I have made all of the inquiries that I believe are desirable and appropriate for the purpose of preparing the report. No matters of significance that I regard as relevant have, to my knowledge, been withheld from the Australian Competition Tribunal.

#### **ANNEXURES**

- 15 Set out in Schedule “**A**” of my statement is a table of annexures that I refer to in my statement, and the confidentiality claims made in respect of each.



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Signature

Simon Bishop, Partner, RBB Economics LLP

Date: 12 April 2016

**SCHEDULE A**  
**TABLE OF ANNEXURES REFERRED TO IN MY STATEMENT**

<b>Annexure</b>	<b>Description</b>	<b>Confidentiality claim</b>
SLB-1	Curriculum vitae of Simon Bishop	
SLB-2	Letter of instruction dated 12 April 2016 (enclosing letter of instruction dated 1 October 2015)	
SLB-3	Report of Simon Bishop dated 12 April 2016	Part