



HOLDEN

ACCC Ref: C2009/1097

17 November 2009

BY POST

Dr Richard Chadwick
General Manager Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

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Dear Dr Chadwick

Australian Amalgamated Terminals Pty Limited – applications for authorisation A91141-2 & A91181-2 – draft determination

GM Holden supports the draft conclusions reached by the ACCC in its Draft Determination of 19 October 2009 and advocates the Federal Chamber of Automotive Industry's submission on this Draft Determination.

In particular, GM Holden agrees with the FCAI's submission that the conditions of Authorisation set out in the Draft Determination should:

1. Expressly require AAT to ensure that its terminal service tariffs only recover sufficient revenue to meet its efficient costs and provide an appropriate return on investment;
2. Enable Terminal end-users to enforce this obligation through the Authorisation's dispute resolution procedures;
3. Require AAT to substantiate, publicly, clearly and unequivocally, the basis for the calculation of its tariffs;
4. Require AAT to use its best endeavours to ensure that costs imposed by port authorities are kept as low as possible;
5. Only apply to the existing footprint of each port terminal; and
6. Enable the ACCC to intervene if the conditions of the Authorisation prove to be ineffective by requiring AAT to provide undertakings under Part IIIA of the Trade Practices Act.

We appreciate the opportunity to provide our views on AAT's applications and would be happy to participate in further discussions on this matter. If you have any questions, please contact me on (03) 9647 7710.

Yours sincerely

Trevor Boys
Logistics Manager
GM Holden Ltd

