



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2009/1097  
Contact Officer: Sharon Clancy  
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3 December 2009

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*This letter, with enclosure,  
was sent to the  
attached list of  
interested parties.*

*SC*

*4/12/09*

Dear

**Australian Amalgamated Terminals Pty Limited (AAT) - applications for authorisation  
A91141-2 & A91181-2 - final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by AAT on 10 June 2009 and 5 August 2009.

A copy of the ACCC's determination is enclosed, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation to AAT, P&O Wharf Management Pty Limited and Plzen Pty Limited to give effect to section 2 of the Shareholders Agreement, together with the other provisions of the Shareholders Agreement and the Constitution of AAT, being provisions that establish and constitute the AAT joint venture, but only to the extent that those provisions allow the parties to engage in certain conduct at AAT's terminals. Authorisation is granted until 31 December 2019. Broadly the conditions:

- provide a mechanism for stevedores to seek access to AAT's terminals
- impose a process for independent review of AAT's price increases to end-users
- require AAT to provide end-users with a dispute resolution process for non-price disputes.

**Application for review**

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 24 December 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 25 December 2009.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Sharon Clancy on (02) 6243 1217.

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch

**Applications for authorisation lodged by AAT A91141-2 & A91181-2  
Interested parties 3 December 2009**

AAL  
Anglo Ports Pty Ltd  
ANL  
ARC Strang Pty Ltd  
Asiaworld Shipping  
Australian Container Freight Services  
Australian Customs and Border Protection Service  
Australian International Container Terminals Ltd  
Australian Maritime Safety Authority  
Australian National Stevedores  
Australian Peak Shippers Association  
Australian Quarantine Inspection Service  
Australian Steel Association Inc  
AutoNexus  
BKC Distribution and Haulage  
BlueScope Steel Ltd  
BMW  
Boat Transport  
Brailey's Transport  
Bureau of Infrastructure, Transport and Regional Economics  
Capital P&O Logistics Pty Ltd  
Caterpillar  
Century Customs Services Pty Ltd  
Ceva Logistics  
CEVA Logistics  
Chalmers  
CMC (Australia) Pty Limited  
Complete Global  
Cridland Katte  
Darryl Dickenson Transport  
Darwin Port Corp  
Department for Transport, Energy and Infrastructure SA  
Department of Infrastructure, Energy and Resources  
Department of Transport VIC  
Dept Infrastructure Transport & Regional Devel  
Federal Chamber of Automobile Industry  
Flinders Ports  
Ford  
Freightplus  
Gearbulk Australasia  
George Turner Customs  
GH Holden Ltd  
Hetherington Kingsbury  
Hoegh Autoliners  
Hogan's Heavy Haulage  
Honda  
Hunt Specialised Transport  
Hutchinson Port Holdings  
Hyundai Motor Company Australia Pty Ltd  
Interport  
Isuzu  
John Deere  
K Line  
Kia Motors Australia  
Kuehne- Nagel  
Maritime Union of Australia  
Massey Ferguson/AGCO Australia Limited - Head Office  
Megalift Pty Ltd  
Mercedes-Benz Australia/Pacific Pty Ltd  
Milne Dunkley  
Mitsubishi Motors Australia  
Mitsui OSK Lines  
Nationwide Transport Solutions  
Neptune Shipping  
Newcastle Stevedores  
Nissan Motor Co  
NSW Maritime  
NYK Line  
OneSteel Limited Head Office  
P&O Automotive & General Stevedoring  
P&O Wharf Management Pty Limited  
Pacific Asia Express  
Pacific Orient Sea Transport Pty Limited  
Patrick Autocare  
Patrick Port Services  
Patrick Stevedoring  
Port Kembla Gateway Pty Ltd  
Port Kembla Port Corp  
Port of Brisbane Corp  
Port of Melbourne  
Ports Australia  
POST  
Prix Car  
Prixcar  
Puegeot  
Queensland Competition Authority  
Queensland Transport  
Russells Transport  
Seaway  
Sherbourne International Freight  
Shipping Australia  
Skelton  
Sofrana  
SOFRANA Unilines  
Stemcor Australia Pty Ltd  
Strang Stevedoring Australia P/L  
Subaru  
Swire Shipping  
Sydney Ports Corporation  
T J Clark and Sons  
Tasmanian Ports  
The Institute of Arbitrators & Mediators Australia  
Toll Logistics  
Toll Shipping  
Toll Transport  
Toyofuji Shipping  
Toyota  
UD Trucks Australia  
Wallenius Wilhelmsen  
Wymess Transport