

## Clancy, Sharon

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**From:** Clancy, Sharon  
**Sent:** Tuesday, 28 July 2009 12:50 PM  
**To:** Craig Faulkner; eavery@gtlaw.com.au  
**Cc:** 'Greg Kneebone'; Palisi, Joanne; Bourke, Monica  
**Subject:** AAT's response to submissions from interested parties [SEC=UNCLASSIFIED]

**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

Dear Craig and Elizabeth

The ACCC has now received the majority of expected submissions from interested parties concerning AAT's applications for authorisation. If any further submissions are received, they will be forwarded to you.

The submissions received to date are available on the ACCC's website via the following link. Please note that submissions from Patrick Stevedoring, GM Holden and the Australian Steel Association will be available from the ACCC's website within the next day or so.

<http://www.accc.gov.au/content/index.phtml?itemId=876346&display=submission>

We invite your response to the issues raised by interested parties. In particular, you may wish to address the following issues raised by interested parties:

- While AAT has claimed that its arrangements lower the barriers to entry for stevedores, there has been no new entry by stevedores at any of the terminals operated by AAT.
- The terms and conditions of access to an AAT terminal are provided on a take it or leave it basis. There is no ability to negotiate or dispute the terms of access.
- Under AAT's arrangements it is stevedores, rather than shipping lines or importers/exporters, which contract with AAT. This makes it extremely difficult for shipping lines and importers/exporters to have any normal commercial interaction with AAT, including on issues such as damaged or missing cargo, anomalies in AAT charges and agent berth access.
- Since it commenced operations, AAT's charges have increased steadily and exceed charges at non-AAT terminals, including common user facilities. In the case of Port Kembla and Fisherman Islands, the increases have been significant.
- While AAT's policy for reviewing tariffs provides that three months notice will be given to relevant parties before any new tariff is implemented, in practice this does not always occur.
- In the event that authorisation is granted, conditions requiring independent regulation of AAT's terms and conditions of access and providing a dispute resolution procedure are necessary.

We would be grateful to receive your reply by **14 August 2009**.

This email will be placed on the public register. Should you have any queries, please do not hesitate to contact me on (02) 6243 1217 or Monica Bourke on (02) 6243 1351.

Regards

Sharon

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