



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2009/1097  
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28 January 2010

Ms Elizabeth Avery  
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By email: [avery@gtlaw.com.au](mailto:avery@gtlaw.com.au), [craig.faulkner@aat.auz.biz](mailto:craig.faulkner@aat.auz.biz)

Dear Ms Avery

**Australian Amalgamated Terminals Pty Limited – authorisation A91141-2 & A91181-2**

I refer to your letter dated 27 January 2009 in which you advised that Australian Amalgamated Terminals Pty Limited (AAT) would be unable to notify the Australian Competition and Consumer Commission (ACCC) of a proposed independent price expert by 27 January 2009, as required by clause 2.2 of the conditions of authorisation. Your letter is accompanied by an application for minor variation from AAT. The minor variation sought is an extension of the time period for AAT to identify a prospective independent price expert in accordance with clause 2.2.1(a) of the conditions of authorisation.

The ACCC will consider AAT's application for minor variation in accordance with its usual procedures.

Of course, regardless of the lodgment of the application for minor variation, AAT has failed to comply with clause 2.2.1(a) of the conditions of authorisation and has breached the conditions of authorisation. As you are aware, s 91B(3)(b) of the *Trade Practices Act 1974* enables the ACCC, at any time after granting authorisation, to commence the process to revoke the authorisation. The ACCC obviously reserves its position in this respect.

Having said that, and having regard to the resources AAT has expended on the authorisation process and implementation of the conditions to date, the ACCC remains willing to assist AAT in the process to identify a suitable expert as required by the conditions of authorisation. The ACCC will endeavour to evaluate any prospective expert as quickly as possible.

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

A handwritten signature in black ink, appearing to be 'Richard Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch