



**Australian  
Competition &  
Consumer  
Commission**

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*Sent by email*

Dear Sir / Madam

### **Application for minor variation by Australian Amalgamated Terminals Pty Limited – Authorisations A91141–A91142 and A91181–A91182 – determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination varying Authorisations A91141–A91142 and A91181–A91182.

#### **The Authorisations**

The AAT joint venture was established in 2002, and operates automotive and general cargo terminals at various ports around Australia.

The Authorisations allow AAT and the joint venture participants to give effect to provisions in the identified agreements and related arrangements that establish and constitute the AAT joint venture, but only to the extent that those provisions allow the parties to engage in certain conduct set out at clause 5.9 of the ACCC's final determination, at AAT's terminals in existence at the time the Authorisations were granted. A copy of the final determination granting the Authorisations is available on the ACCC's website.

The terminals located at Port Adelaide, Port of Bell Bay, Port of Brisbane, Port Kembla and Port of Melbourne are covered by the Authorisation. The Authorisation does not extend to new terminals established and operated by AAT.

#### **Variation to Authorisations A91141-A91142 and A91181-A91182**

AAT sought a minor variation to enable it to engage in the conditionally authorised conduct at a new terminal, namely, Appleton Dock at the Port of Melbourne, for a transitional period only.

The transitional period will begin on or before 1 April 2014 and end on 31 December 2017.

The transitional period relates to the port capacity project being undertaken by the Port of Melbourne Corporation (**POMC**) (**the project**). As part of the project, Webb Dock East will be closed for redevelopment and it is proposed that cargo usually directed through Webb Dock East will be redirected to Webb Dock West and Appleton Dock during this transitional period. The POMC approached AAT to act as the single terminal operator to operate Webb Dock West and Appleton Dock during this transitional period.

A copy of the ACCC's determination is attached.

## **Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the Tribunal) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 26 December 2013. If no application for a review is lodged by this date, the ACCC's determination will come into force on 27 December 2013.

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

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at [www.competitiontribunal.gov.au](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 Luke Griffin on 02 6243 1114.

Yours sincerely

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

Dr Richard Chadwick  
General Manager  
Adjudication Branch