



**FEDERAL CHAMBER  
OF AUTOMOTIVE  
INDUSTRIES**

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17 July 2009

Mr Paul Bilyk  
Rail and Ports Director  
Queensland Competition Authority  
GPO Box 2257  
BRISBANE QLD 4001

Dear Paul

The Federal Chamber of Automotive Industries (FCAI) makes application to the Queensland Competition Authority for a recommendation that the vehicle import services provided by the Fisherman Islands cargo terminal and operated by Australian Amalgamated Terminals (AAT) be declared under s77 of Part 5 of the *Queensland Competition Authority Act 1997*.

The FCAI is the peak industry body, representing vehicle manufacturers and importers of passenger cars, sports utility vehicles, light commercial vehicles and motorcycles in Australia. It is our members' view that AAT, as the sole facility operator in Brisbane, has exercised its monopoly market power by unilaterally and without any restraint, setting unreasonable and non-negotiable terms and conditions for use of the facility, introduced new charges, applied excessive increases to the facility access charge, threatened to impound cargo and prevent stevedores discharging vessels. AAT has refused to engage in any meaningful discussions to satisfactorily resolve issues and disputes with the FCAI or its members.

Further, on 3 July 2009 the Federal Court of Australia found that certain shareholders of AAT had breached the *Trade Practices Act* by making and giving effect to an agreement to share automotive terminals and create AAT which had the likely effect of substantially lessening competition in the Brisbane terminal. The anticompetitive

