



# The Maritime Union Of Australia

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2 November 2009

Dr Richard Chadwick  
General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Dear Dr Chadwick

**Re: MUA Comment on ACCC's draft determination on AAT application for authorisation (A91141-42 & A91181-82)**

Thank you for your letter dated on 19 October 2009 to the Maritime Union of Australia (MUA) inviting the union to make a submission addressing the operation of the proposed conditions in the draft determination by ACCC on the Australian Amalgamated Terminal Pty Ltd (AAT) application for authorisation A91141-42 & A91181-82.

As the MUA represents workers in the stevedoring, port services and shipping industries, it has a vital interest in the development of Australian port facilities. In particular, the MUA has a strong concern about decisions impacting on terminal services in various ports around Australia that might have a direct or indirect impact on the welfare and job security of Australian stevedores.

The MUA appreciates the measures that the ACCC has taken to balance likely public detriments arising from the authorizations in terms of the two proposed conditions. However, we consider the scope of the proposed access condition is too broad in that it makes no reference to maintaining legitimate labour standards and conditions by the Stevedore License Application published by the AAT.

Although Clause 4.84 of the draft determination contains reference to an AAT condition which it claims safeguards certain labour conditions, which specifies that 'in order to qualify for a Stevedore License, the stevedore must complete an application form and meet certain insurance, credit rating and occupational health and safety requirements', Clause 1.2 (c) and (d) of the detailed proposed access conditions set out in the Attachment D of the draft determination effectively makes the measure meaningless. This is because these two clauses clearly state that there is nothing preventing AAT and any applicant from negotiating and varying the terms of the Stevedore Application Form, which contains the labour conditions, from time to time.

For the reason stated above, the MUA proposes that it is in the interests of the stevedoring industry to add a new clause 1.2 (e) to ensure that Clause 1.2 (c) and (d) are effective in requiring any third party seeking access under the terms of AAT Stevedore License to maintain labour standards and conditions according to Australian industrial law and industry conventions, such as the Modernised Award and prevailing enterprise agreements for the relevant occupational classifications.

Yours sincerely



**Paddy Crumlin**  
**National Secretary**