

AD HOC INDEPENDENT AUDIT

Melbourne International RoRo & Auto Terminal Pty Ltd (MIRRAT) operates the Melbourne International RoRo & Automotive Terminal at Webb Dock West, Melbourne (Terminal).

This Ad hoc Independent Audit advise is intended to inform Terminal Users of their rights to an Independent Audit of MIRRAT's compliance with the ACCC Undertaking.

MIRRAT has committed to PoM and the ACCC to comply with the Open Access Conditions in the performance of its obligations under the Undertaking.

1. In addition to a Terminal User's rights under the Non-Price Dispute Resolution Process, a Terminal User who has a complaint about MIRRAT's compliance with this Undertaking may at any time, by providing notice in writing to MIRRAT and the ACCC, request the Approved Independent Auditor to undertake a compliance audit in accordance with clause 9 of the ACCC Undertaking in relation to that specific complaint and prepare an Audit Report in relation to that specific complaint (Ad Hoc Audit Notice).
2. To be valid, an Ad Hoc Audit Notice must contain:
 - (a) a description of the complaint and reasons why the Terminal User suspects that MIRRAT may have breached its obligations under this Undertaking; and
 - (b) an unconditional undertaking by the Terminal User to pay the costs of the Approved Independent Auditor in connection with the audit requested in the Ad Hoc Audit Notice, within 14 days of:
 - (i) withdrawal of an Ad Hoc Audit Notice by the Terminal User; or
 - (ii) completion of the audit, if the Approved Independent Auditor does not find or report that MIRRAT has breached its obligations under this Undertaking in relation to the matters set out in the Ad Hoc Audit Notice giving rise to the audit.
3. A Terminal User may at any time withdraw an Ad Hoc Audit Notice by notifying MIRRAT and the ACCC in writing, in which case the requirement for the Approved Independent Auditor to prepare an Audit Report under clauses 9.15 and 9.16 ceases

DEFINITIONS

In this advice, the following meanings will apply (unless the context otherwise indicates):

ACCC Undertaking means the Section 87B Undertaking

Approved Independent Auditor has the meaning given in the Section 87B Undertaking.

Section 87B Undertaking means the undertaking by MIRRAT to the Australian Competition and Consumer Commission as in force from time to time for the purposes of section 87B of the Competition and Consumer Act 2010 (Cth) concerning MIRRAT's operation of the Terminal.

Undertaking means the Section 87B Undertaking