

Melbourne International RoRo & Auto Terminal Pty Ltd

Berthing Allocation Rules

Berths 1,2 & 3 Webb Dock West, Melbourne

Preamble

1. Melbourne International RoRo & Auto Terminal Pty Ltd (MIR RAT) operates the automotive terminal at Webb Dock West, Melbourne (Terminal).
2. This document sets out the rules for managing berthing and berthing allocation at the Terminal (Berthing Allocation Rules). MIR RAT will allocate berths at the Terminal in accordance with these Berthing Allocation Rules.
3. In its application or interpretation of these Berthing Allocation Rules, MIR RAT will not discriminate between different shipping lines or in favour of its Related Bodies Corporate, or engage in conduct for the purpose of preventing or hindering access to the Terminal by any shipping line.
4. MIR RAT has also executed a Confidentiality Deed Poll in favour of Terminal Users which outlines how MIR RAT will handle Confidential Information provided under these Berthing Allocation Rules.

The Berthing Allocation Rules are:

- (a) Vessels equipped with ramps and that are purpose made for ocean transportation of self-propelled vehicles will have berthing priority at all times at the Terminal for loading and discharging of cargo.
- (b) Berthing allocation and priority will be based on the overriding principle of **"first come/ first served"** (measured from first to pilot boarding ground), and subject thereto, berthing allocations will be made having regard to the following:
 - (i) Optimal safety in operations as well as accommodating the fastest possible turn-around of vessels;
 - (ii) ETA Port Philip Bay pilot station based on 7day, 3 day, 2 day and 1 day notice; and
 - (iii) ETA Port Phillip Bay pilot station based on (1) 12 hours' notice, (2) stevedore commencement times and (3) best estimate of arrival time at the berth.
- (c) It will be the shipping line's local representative's responsibility to notify the Terminal through EDI on actual time of pilot boarding time and of expected arrival at the Terminal. If the stevedores have not been ordered to start work on arrival, priority will be given to the next vessel in line, and the vessel will be given priority according to when stevedores will commence working on that vessel.

- (d) Berthing will be allocated on the first available berth based upon estimated completion of operation and departure time. The stevedore and shipping line's representative have a responsibility to advise the Terminal of any changes.
- (e) Vessels that have been at anchor waiting berthing will be given berthing priority over vessels arriving Port Phillip Bay pilot station.
- (f) Vessels transferring from other berths within the port will only be given berthing priority if they depart (time of casting of last line) their last berth prior to other vessels taking on a pilot (time of pilot boarding). Each shipping line's local representative is responsible for notifying the Terminal of any changes and the time of these actions.
- (g) Any changes to announced times of a vessel that could affect the berthing priority of another vessel and are not notified to the Terminal, may lead to a change in allocation of berthing at the Terminal's discretion.

Complaints about berthing allocation:

- (a) must be submitted in writing to MIRRAT's Complaints Officer as soon as possible;
- (b) must be escalated to MIRRAT's Managing Director (or his/her representative) if the complaint cannot be resolved within 6 hours of it being submitted to the MIRRAT Complaints Officer; and
- (c) may be referred to Harbour Master at the Victorian Port Corporation for a final decision if MIRRAT cannot resolve the complaint within 8 hours of it being submitted to MIRRAT in accordance with clause (a).

Standard variation process:

Subject to clause 6.3 of MIRRAT's section 87B undertaking MIRRAT may vary the Berthing Allocation Rules from time to time provided that such variation is consistent with the objectives of the Undertaking and that before doing so MIRRAT;

- (a) Publishes a notice (Draft BAR Variation Notice) on it's website which;
 - (i) Informs the public of MIRRAT's intention to vary the Berthing Allocation Rules and the reasons for the proposed variation;
 - (ii) Attaches a copy of the Berth Allocation Rules with the proposed variations shown in mark-up;
 - (iii) Invites interested parties to provide written responses to MIRRAT on the proposed variation, including whether the respondent considers that the proposed variation will have material adverse effect on the

- Terminal User or is not consistent with MIRRAT's section 87B undertaking;
- (iv) includes a deadline for responses which is not earlier than 10 Business Days after the date of the publication of the Draft BAR Variation Notice;
 - (v) Include a contact name and address for written responses to be addressed to MIRRAT;
 - (vi) invites interested parties to request a meeting to discuss the proposed variation, such request to be submitted within 5 Business Days after the date of publication of the Draft BAR Variation Notice;
 - (vii) specifies the date on which the proposed variation will take effect, which must be less than 30 Business Days after the publication of the Draft BAR Variation Notice;
- (b) provides the Draft BAR Variation notice to the Approved Independent Auditor;
- (c) if requested to do so by any interested party in accordance with clause 6.4 (a)(vi) of the Undertaking conducts a meeting to discuss the proposed variation with the interested parties no later than 10 Business Days after publication of the Draft BAR Variation Notice. At MIRRAT's discretion, separate meetings may be held between MIRRAT and individual parties with confidential interests;
- (d) reviews and considers in good faith any;
- (i) written responses provided by the deadline specified in the Draft BAR Variation Notice; and
 - (ii) feedback provided during any meetings about the proposed variation conducted in accordance with clause 6.4 (c) of the Undertaking
- (e) obtains approval from Port of Melbourne and Harbour Master to the proposed variation to the Berth Allocation Rules;
- (f) publish a notice (Final BAR Variation Notice) on it's website which;
- (i) may withdraw, amend or confirm any variation proposed in the Draft BAR Variation Notice;
 - (ii) includes reasons for any withdraw or amendment of a variation proposed in the Draft BAR Variation Notice;

- (iii) attaches a copy of the Berthing Allocation Rules with the proposed variation shown in mark-up; and
- (iv) specifies the date on which the revised Berthing Allocation Rules will take effect, which must be no later than 20 Business Days after publication of the Final BAR Variation Notice which may differ from the date specified in the Draft BAR Variation Notice;
- (g) Provides the Final BAR Variation Notice to the Approved Independent Auditor within 5 Business Days of the Final BAR Variation Notice being published on its website.

Variations by the Harbour Master

MIRRAT may vary the Berthing Allocation Rules from time to time to the extent necessary to comply with written direction from the Harbour Master, in which case MIRRAT will provide Terminal Users with as much prior notice of the variation as is feasible in the circumstances by publishing a notice on its website describing the event and providing reasons for the variation.

Disputes about changes to the Berth Allocation Rules:

Any concerns relating to the variation or proposed variation to the Berthing Allocation Rules under clause 6.4 of the Undertaking (including MIRRAT's compliance with the process set out in clause 6 of the Undertaking) can be raised by interested parties under the Non-Price Dispute Resolution Process.