



CORRECTIVE NOTICE TO SMALL BUSINESS CUSTOMERS
Hutchison Ports Australia Pty Ltd

If you are a small business (20 FTE employees or less) and you entered into a terminal carrier access agreement (**TCA**) with Hutchison Ports Australia Pty Ltd (**Hutchison**) after 12 November 2016, your contract has been amended.

Hutchison included certain clauses in its TCA that allowed it to:

1. unilaterally vary the terms of the Hutchison including the fees payable by small business customers to access and use Hutchison's terminals in circumstances where there is no requirement to give notice to small business customers of the variation (**Variation Clause**);
2. restrict its liability to small business customers in circumstances where small business customers' liability to Hutchison was not similarly limited (**Liability Clause**).

The Australian Competition and Consumer Commission (**ACCC**) considers that, for TCAs entered since 12 November 2016, the commencement date of the unfair contract terms provisions in the Australian Consumer Law (**ACL**), these clauses were unfair contract terms as defined under the ACL.

Hutchison has provided the ACCC with an undertaking in which Hutchison admits that the Variation Clause and the Liability Clause were unfair and void and that they will not be enforced against you for any reason.

If you have any concerns regarding this corrective notice and your TCA, please contact us on

Feedback.Sydney@hutchisonports.com.au

or

Feedback.Brisbane@hutchisonports.com.au

