

Mr Michael Eady
Director, Fuel, Transport and Prices Oversight
Australian Competition & Consumer Commission
Level 35 360 Elizabeth Street
Melbourne VIC 3000
By Email: michael.eady@accc.gov.au
28 July 2014

Dear Mr Eady

GrainCorp Operations Limited – variation to Port Terminal Services Undertaking

GrainCorp seeks to vary its Port Terminal Services Undertaking dated 23 June 2011 (**Undertaking**) pursuant to subsection 44ZZA(7) of the *Competition and Consumer Act 2010* (**CCA**).

As the ACCC is aware, a mandatory code of conduct (**Mandatory Code**) intended to be prescribed under the CCA is currently being considered and is targeted to be in place by 1 October 2014. Submissions on the draft Code from interested parties were due on 24 June 2014. There is currently no visibility as to exactly when the Code will be finalised.

Until the Mandatory Code is prescribed, the Wheat Export Marketing Act 2008 (**WEMA**), as amended in 2012, requires GrainCorp and other bulk handlers to have in place an access undertaking approved under Division 3, Part III of the CCA in order to export bulk wheat. GrainCorp's current Undertaking expires on 30 September 2014.

GrainCorp is seeking to vary its Undertaking by extending its term by up to 1 year as a prudent measure in case the Mandatory Code is not prescribed by 1 October 2014. It is proposed that the Undertaking will come to an end as soon as the Mandatory Code comes into effect.

Enclosed in this letter is an amended version of the current Undertaking showing GrainCorp's proposed variations in mark up.

No other changes are proposed to the Undertaking at this time, from the ACCC's most recently approved variation to the Undertaking on 18 June 2014. Accordingly, GrainCorp considers the ACCC has power to accept the proposed variation under the statutory test set out in subsections 44ZZA(1) and (3) of the CCA.

If you require further information, please contact me on or Angus Trigg on 02 9325 9132 or atrigg@graincorp.com.au.

Yours sincerely



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Group General Manager S&L

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