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Our ref: IRD201076
Contact officer: Brett Davidson
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11 May 2020

Mr Aaron Colley
Business Manager - Adelaide
LINX Cargo Care Group
Minnipa Road
Port Adelaide SA 5015

Dear Mr Colley

ACCC advice regarding LINX's Port Adelaide bulk wheat terminal exemption under the Port Terminal Access (Bulk Wheat) Code of Conduct (the Code)

This letter is to notify you of the status of the exemption to the Code with respect to LINX Cargo Care Group (LINX) as a port terminal service provider of port terminal services provided by means of the port terminal facility at Berth 29, Port Adelaide.

On 11 October 2017 the ACCC granted exempt service provider status to LINX at its Berth 29, Port Adelaide facility.

On 8 April 2020 LINX notified the ACCC that it has ceased providing port terminal services to bulk wheat exporters through its Berth 29, Port Adelaide facility with the date of LINX's last grain loading operation at its Berth 29, Port Adelaide facility being between 28 and 30 September 2018. On 8 April 2020, LINX requested in writing that the ACCC place 'on hold' LINX's exemption under the Code.

While LINX is not currently providing port terminal services at Berth 29, Port Adelaide, LINX has advised the ACCC that it could consider recommencing grain loading operations at Berth 29, Port Adelaide in the future.

The ACCC may revoke an exemption determination made under subclause 5(1) of the Code if the ACCC is satisfied that the reasons for granting the exemption no longer apply. Revoking the exemption would increase a service provider's level of compliance obligations, as the service provider would be required to comply with the entirety of the Code, including Parts 3 – 6. The ACCC will not be revoking the exemption granted to LINX at this time. The ACCC notes that the exemption granted to LINX only applies to LINX's operation at Berth 29, Port Adelaide. Should LINX commence operations at another berth or port, LINX would be required to comply with the Code in its entirety.

Please note that the Code requires all port terminal service providers, both exempt and non-exempt, to comply with Part 2 of the Code. The Code does not allow the ACCC to exempt LINX from having to comply with the obligations in Part 2. However, we advise that the ACCC is unlikely to take enforcement action against LINX for not complying with Part 2 of the Code while LINX is not providing port terminal services. Should LINX recommence

operations we advise that LINX would be obligated to comply with Part 2 of the Code prior to loading.

In the event that LINX intends to recommence bulk wheat exports at Berth 29, Port Adelaide in the future, we request that LINX notify the ACCC of that intention in writing one month prior to the first export.

Where LINX re-enters the port terminal services market, the ACCC will consider the market and the competitive dynamics at that time, to determine whether an exemption remains appropriate. The ACCC may consider revoking the exemption if conditions have changed such that the ACCC is satisfied that the reasons for granting the exemption no longer apply.

We also request that LINX keep the ACCC informed if LINX's circumstances change with respect to its port terminal facility, for example if the ship loader is removed from the Port or is no longer capable of handling bulk wheat.

If you have any queries, please contact Brett Davidson on [REDACTED].

Yours sincerely



Matthew Schroder
General Manager
Infrastructure & Transport, Access & Pricing Branch