

9 September 2013

Mr David Salisbury
Deputy General Manager
Fuel Transport and Prices Oversight
Australian Competition and Consumer Commission
GPO Box 520
Melbourne VIC 3001

Dear Mr Salisbury

Re: Emerald Bulk Wheat Port Access Undertaking 2013/14

On 23 March 2013, Emerald Logistics Pty Ltd ("Emerald"), (formerly Australian Bulk Alliance Pty Ltd or ABA, formerly Emerald Logistics Services Pty Ltd) lodged with the Commission a proposed port access Undertaking ("**First Proposed Undertaking**") for consideration under Division 6 of Part 111A of the Competition and Consumer Act 2010 (Cth) ("**CCA**").

The proposed undertaking has a term commencing 1 October 2013 and expiring on 30 September 2014, anticipating that a new industry code of conduct will be introduced at that time.

Based on market feedback on the First Proposed Undertaking provided to the Commission, Emerald later submitted a revised proposed Undertaking, on 31 July 2013, ("**Revised Undertaking**") for consideration by the Commission.

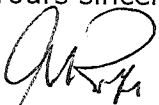
On 14 August 2013, the Commission issued its Draft Decision. The Commission's draft decision was that the First Proposed Undertaking was not appropriate having regard to the matters in s44ZZA(3) of the CCA. The Commission's preliminary view was that an undertaking consistent with the Revised Undertaking would be likely to be appropriate.

In the absence of any further market feedback, on the Commission's Draft Decision or the Revised Undertaking, by the due date of Wednesday 28 August 2013, Emerald now hereby withdraws its First Proposed Undertaking and submits the attached amended undertaking for the Commission's consideration and final decision.

The attached Undertaking is in the same form as the Revised Undertaking save that there have been very minor formatting changes and incorporation of the new name of the Port Operator.

Emerald looks forward to the Commission's final decision prior to expiry of the existing Undertaking on 30 September 2013.

Yours sincerely



Ashley Roff
Company Secretary

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