

Annexure A

4 Term and variation

4.1 Commencement Date

The Commencement Date for the purposes of section 24 of the WEMA is 1 October 2009.

4.2 Expiry

This Undertaking expires on the earlier of:

- (a) 30 September 2011; or
- (b) the day the ACCC consents to the Port Operator withdrawing this Undertaking in accordance with Part IIIA of the TPA.

4.3 Variation of existing Access Agreements

A User may seek a variation to the provisions of its existing Access Agreement relating to the supply of Port Terminal Services by following the process in **clause 7** for applying and negotiating for access to the Port Terminal Services.