

# MALLESONS STEPHEN JAQUES

Mr Anthony Wing  
General Manager  
Transport & Prices Oversight, Wheat Access Section  
Australian Competition & Consumer Commission  
GPO Box 520  
Melbourne VIC 3001

15 June 2009

**Attention: Ms Sarah Sheppard**

Dear Mr Wing

## **Port Terminal Services Protocols**

We attach a revised version of GrainCorp's Port Terminal Services Protocols, that came into operation on 8<sup>th</sup> June 2009. The revised protocols are available publicly at <http://www.graincorp.com.au/prodserv/Ports/Pages/PortTerminalServiceProtocol.aspx>.

The Port Terminal Services Protocols were revised to provide port terminal services customers with greater clarity on operational matters relating to the nomination of cargos and the assessment of cargo nominations. The changes implemented to the port terminal protocols follow 6 months operational experience following the removal of the bulk wheat export monopoly, and consultation with customers during that time.

The key changes to the Port Terminal Services Protocols from those attached to the Access Undertaking lodged with the Commission are:

- the voluntary Intention to Nominate procedures have been removed;
- the time in which GrainCorp must complete a Risk Assessment of a Cargo Nomination Application was reduced from 7 days to 5 business days; and
- the ability for GrainCorp to reserve capacity at Port Terminals solely for the use of GrainCorp Trading has been removed.

In GrainCorp's view, the revised Port Terminal Services Protocols will further improve the standard and transparency of service offered by GrainCorp to its customers.

These Protocols currently apply to the handling of all grains, including regulated grain (bulk wheat).

It is GrainCorp's intention that:

- 1 these protocols will supersede the Initial Port Terminal Service Protocols attached to the Access Undertaking in due course, although applying only to bulk wheat to reflect the scope of the Undertaking; and
- 2 while the Access Undertaking will contain protocols for regulated grain exports (bulk wheat only), they will be consistent with protocols applying to all other non-regulated grains. It may be necessary for GrainCorp to vary the application of port protocols for non-regulated grain exports at terminals where these grains constitute the majority of grain handled.

The current Port Terminal Service Protocols will apply until 30 September 2009, whereupon they will be replaced with the protocols which will be appended to the 2009/10 Storage and Handling Agreement for non-regulated grain and the protocols which will be appended to the Wheat Port Terminal Services Agreement and the Access Undertaking for the provision of port terminal services for the handling of bulk wheat exports.

GrainCorp anticipates having the 2009/10 Storage and Handling Agreement, Wheat Port Terminal Services Agreement and related Protocols finalised and circulated to customers late July or early August.

## **Public register**

We confirm that this letter and the attached Port Terminal Services Protocols may be placed on the public register.

If you have any questions, or if we can be of further assistance, please contact either Stefanie Benson on (02) 9296 2435, or myself.

Yours sincerely

[Sgd] V Ahuja

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Encl.