



3 September 2009

Mr Anthony Wing
General Manager
Transport and General Prices Oversight
ACCC
GPO Box 520
Melbourne Vic. 3001

Dear Sir,

Please find attached the submission from the Pastoralists & Graziers Association of WA (Inc.) Western Graingrowers Committee (PGA) on the Draft Decision by the Australian Competition and Consumer Commission (ACCC) on the Port Terminal Services Undertaking by Co-operative Bulk Handling Ltd.

The PGA agrees with the ACCC's Draft Decision that in relation to the access Undertaking provided by CBH on 14 April 2009, and in particular to the matters listed in s.44ZZA(3) of the TPA, that it is not appropriate to accept the Undertaking.

The PGA does consider that CBH's proposed undertaking would be acceptable if the recommendations proposed by the ACCC in the Draft Decision were incorporated into a revised Undertaking.

However the PGA does not consider that any revised Undertaking would be acceptable if it contained the current proposed standard terms and conditions contained within the proposed Indicative Access Agreement, and the Port Terminal Rules were not further revised to ensure certainty, clarity, transparency and fairness for all access seekers.

In our view it is essential that the Western Australian grain logistics sector become an attractive destination for external investment. Our experience of last season under Grain Express, and the review of CBH's proposed submission suggest that this is unlikely to occur if CBH does not satisfactorily incorporate the recommendations put forward by the ACCC into a revised Undertaking.

In conclusion we believe that the proposed recommendations by the ACCC in their Draft Decision should be incorporated by CBH into a revised Undertaking, which if acceptable, would assist in the permitting competition in the Western Australian marketplace.

Yours faithfully,

Sheldon Mumby – Policy Director
On behalf of
Rick Wilson, Chairman
PGA Western Graingrowers Committee