

Our Ref: 43889
Your Ref:
Contact Officer: Lyn Camilleri
Contact Phone: (03) 9290 1973



**Australian
Competition &
Consumer
Commission**

13 April 2011

GPO Box 520
Melbourne Vic 3001

Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000

tel: (03) 9290 1800
fax: (03) 9663 3699

www.accc.gov.au

Mr Simon McNair
Chief Executive Officer
Australian Bulk Alliance Pty Ltd
18-20 Enterprize Road
West Melbourne VIC 3003

By email: simon.mcnair@bulkalliance.com.au

cc Mr Michael Bradley
Managing Partner
Marque Lawyers Pty Ltd
Level 4, 343 George Street
Sydney NSW 2000

Dear Mr McNair

Request for information – Australian Bulk Alliance (ABA) Port Terminal Services Access Undertaking

I refer to the access undertaking for bulk wheat port terminal services (the **Proposed Undertaking**) submitted by ABA on 23 December 2010 for assessment by the ACCC under Part IIIA of the *Trade Practices Act 1974* (now the *Competition and Consumer Act 2010* (Cth)) (the **Act**). The purpose of this letter is to seek information on a number of issues the ACCC considers may be relevant to making its decision whether to accept ABA's Proposed Undertaking.

Please find attached at schedule 1 a notice pursuant to subsection 44ZZBCA(1) of the Act requesting information. A copy of this notice will be published on the ACCC's website on 14 April 2011. To assist the ACCC in its assessment of the Proposed Undertaking, please provide a response to the notice in writing to transport@acc.gov.au by 5:00pm on Friday 29 April 2011.

Unless information provided in response to this notice is marked confidential, it will be made available to any organisation or person on request. Any information that is confidential should be clearly identified. Section 44ZZBCA is attached for information at schedule 2.

Under section 44ZZBC of the Act, the ACCC must make a decision on an access undertaking application within 180 days of receipt of the Proposed Undertaking, plus any 'clock-stopper' periods such as consultation periods and requests for information. The ACCC is treating the request for information contained in this letter as a 'clock-

stopper' for the purposes of subsection 44ZZBC(2) of the Act. Accordingly, the 17 days from 13 April 2011 to 29 April 2011 will not count toward the 180 days within which the ACCC is required to make its decision on ABA's Proposed Undertaking.

If you have any questions in relation to the contents of either this letter, or the attached notice, please contact Lyn Camilleri at Lyn.Camilleri@accc.gov.au or on ph: (03) 9290 1973.

Thank you for your co-operation.

Yours sincerely



per

Anthony Wing
General Manager
Transport & General Prices Oversight Branch