

31 July 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 Grain Revised Port Access Undertaking 2013-14 – Revised

Further to market feedback and discussion with the Commission, we are prepared to submit a revised draft Undertaking as attached, incorporating changes to the Undertaking, Indicative Access Agreement (“IAA”) and Loading Protocol. For ease of reference we have provided copies marked up to show the changes from our original submission in March 2013, as well as clean copies of the draft documents.

Broadly, the changes fall in these categories:

- (a) update of entity name and payment details
- (b) changes to make it clear that the IAA relates only to Port Terminal Services for Bulk Wheat;
- (c) changes to clarify that the IAA is the standard minimum terms for access and that an agreement negotiated on different terms will be a “Port Terminal Storage & Handling Agreement”;
- (d) changes to tie the IAA into concepts in the Undertaking including Bulk Wheat, Reference Prices and Port Terminal Services;
- (e) deletion of confusing provisions that solely relate to up-country issues;
- (f) changes to some provisions to make them port terminal specific;
- (g) a change to clarify that stock swaps will require client agreement, on terms acceptable to the client (including ,for example, time-based swap terms);
- (h) a change to specify target rail usage of 50% in the cargo assembly plan;
- (i) changes to require publication of useful pre-allocation and updated monthly information on available capacity at MPT; and
- (j) a change, to reference the Outturn Standards to the document entitled “Outturn Protocols” on the Emerald Grain web-site, to avoid the potential for conflicting requirements in the IAA and Outturn Protocols.

We await the Commission’s decision on whether the draft Undertaking is in acceptable form.

Yours sincerely

Ashley Roff
Company Secretary

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