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Mr John Howard
Operations Manager
Bulk Cargo Services Pty Ltd
80 Randle Road
PINKENBA, QUEENSLAND, 4008

Dear Mr Howard

ACCC final determination on exemption of Bulk Cargo Services Pty Ltd's port terminal facility at Pinkenba under the Port Terminal Access (Bulk Wheat) Code of Conduct (the Code)

This letter is to formally notify you that the ACCC, under subclause 5(2) of the Code, has determined Bulk Cargo Services Pty Ltd (BCS) to be an exempt service provider of port terminal services provided by means of its port terminal facility at Pinkenba, Queensland.

The ACCC is required by subparagraph 51AE(1D)(b)(i) of the *Competition and Consumer Act 2010* (Cth) to make exemption determinations under the Code by notifiable instrument if the exemption relates to a particular entity. The notifiable instrument by which BCS' exemption was made is available on the Federal Register of Legislation (FRL) at <https://www.legislation.gov.au/Details/F2022N00303>. BCS' exempt service provider status commenced on 9 December 2022, the day after the notifiable instrument was registered on the FRL.

As you are aware, exempt service providers are not required to comply with Parts 3 to 6 of the Code but are still required to comply with Part 2 of the Code. The obligations in Part 2 require BCS to deal with exporters in good faith, and to publish certain information on its website. This information includes BCS' port loading statement, policies and procedures for managing demand for port terminal services, standard terms and reference prices.

If you have any queries, please contact Warwick Donohoe on (03) 9290 6991 or Scott Sanderson (03) 9658 6527.

Yours sincerely

Matthew Schroder
General Manager
Infrastructure & Transport, Access, and Pricing Branch