



AgForce Queensland Farmers Limited

ABN 57 611 736 700

Second Floor, 110 Mary Street, Brisbane, Qld, 4000
PO Box 13186, North Bank Plaza, cnr Ann & George Sts, Brisbane Qld 4003

Ph: (07) 3236 3100
Fax: (07) 3236 3077
Email: agforce@agforceqld.org.au
Web: www.agforceqld.org.au

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Australian Competition & Consumer Commission
Transport Department

Email: transport@acc.gov.au

Dear Sirs

Re: Feedback on ACCC Draft Determinations regarding Pinkenba Port Terminal Facilities

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$8.4 billion in on-farm value of production in 2020-21. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,400 farmers, individuals and businesses provide support to AgForce through membership. Queensland producers provide high-quality food and fibre to Australian and overseas consumers and contribute significantly to the social fabric of regional, rural and remote communities as well as stewardship of the state's natural environment.

Thank you for the opportunity for AgForce to provide feedback on the draft determinations regarding Pinkenba port terminal facilities and the proposed exception to grant Bulk Cargo Services Pty Ltd (BCS) and Wagner Corporation Pty Ltd (Wagner Corp) exempt service provider status.

AgForce's Grain Board endorse the exemption proposed. Competition and alternative options for getting Queensland produced grains and pulses into markets is welcomed. We share the view of the ACCC that:

- *The Applicants are subject to a high level of competitive constraint, primarily from the GrainCorp and Queensland Bulk Terminals (QBT) port terminal facilities at the Port of Brisbane. This competition provides the Applicants with incentives to provide exporters with fair and transparent access to their services, which will continue to exist if the Applicants are granted exemption from Parts 3 to 6 of the Code.*
- *Granting the Applicants exemptions will provide them greater control over how they provide their port terminal services. This may allow them to better tailor their services to the needs of specific exporters and respond more flexibly to requests for services (or changes to services).*
- *Providing the Applicants with greater operational flexibility where they have competition-driven incentives to provide exporters fair and transparent access to their services is:*
 - *in the Applicants' legitimate business interests*
 - *likely to be in the public interest, including the public interest in having competition in markets, and may promote competition in upstream and downstream markets*
 - *likely to be in the interests of exporters who may require access to the Applicants' port terminal services*
 - *likely to promote the efficient operation of the Applicants' facilities and may promote efficient investment in port terminal facilities.*

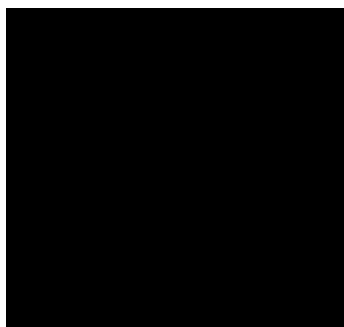
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- *Granting the Applicants exemptions will likely allow these 2 smaller-scale new entrant Port Terminal Service Providers (PTSPs) to compete more effectively in the market for bulk grain export port terminal services in the Pinkenba grain catchment area. The ACCC considers the entry of the Applicants as a pro-competitive development that should provide more choice to grain exporters and growers.*

For further information or to discuss this submission in more detail please contact Ruth Thompson, Grains Policy Director, via email thompsonr@agforceqld.org.au or by phone 0427 472 467.

Yours faithfully



Michael Guerin
Chief Executive Officer