

**Form G**  
Commonwealth of Australia  
*Trade Practices Act 1974 subsection 93 (1)*  
**NOTIFICATION OF EXCLUSIVE DEALING**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

**1. Applicant**

(a) Name of person giving notice:

N93439     *Co-operative Bulk Handling Limited*

(b) Short description of business carried on by that person:

*Co-operative Bulk Handling Limited carries on the business of storing and handling grain in Western Australia, for both the domestic and export markets.*

(c) Address in Australia for service of documents on that person:

*Corrs Chambers Westgarth  
Att: Bill Keane  
Level 15  
240 St Georges Terrace  
Perth WA 6000*

**2. Notified arrangement**

(a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

*Storage, handling and transport of grain in Western Australia.*

(b) Description of the conduct or proposed conduct:

*We refer to the attached submission, which describes the notified conduct in detail.*

*In substance, CBH will offer to supply storage and handling services on the condition that Growers or Marketers acquire:*

- (i) supply chain coordination services from CBH; and*
- (ii) to the extent that grain remains in CBH's custody, that they acquire transport services from CBH (through its nominated carrier).*

**3. Persons, or classes of persons, affected or likely to be affected by the notified conduct**

- (a) Class or classes of persons to which the conduct relates:

*Growers and marketers of domestic and export grain in Western Australia.*

- (b) Number of those persons:

- (i) At present time:

*5,300 Growers (comprising 5,150 CBH shareholder-growers, and 150 non-shareholder growers)*

*60 Marketers*

- (ii) Estimated within the next year:

*5,300 Growers*

*70 Marketers*

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

*Not applicable*

**4. Public benefit claims**

- (a) Arguments in support of notification:

*We refer to the attached submission. The primary public benefits produced by the Grain Express proposal concern the increased efficiency of the grain supply chain. These efficiencies are likely to have a direct and beneficial impact on Australia's exports.*

*Other benefits flowing from the proposed conduct include:*

*(i) more efficient grain delivery and handling at Receival Points;*

*(ii) better coordination of storage and handling;*

*(iii) improved efficiency of the transport task;*

*(iv) enhanced port efficiency;*

*(v) dynamic efficiency gains, which improve the prospect of efficient investment in infrastructure in future; and*

*(vi) better marketing decisions for Growers and Marketers.*

- (b) Facts and evidence relied upon in support of these claims:

*We refer to the attached submission.*

**5. Market definition**

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

*We refer to the attached submission.*

**6. Public detriments**

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:

*None identified.*

- (b) Facts and evidence relevant to these detriments:

*We refer to the attached submission.*

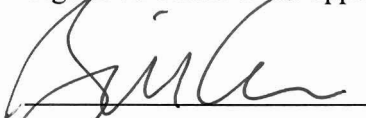
**7. Further information**

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

*Bill Keane  
Partner  
Corrs Chambers Westgarth  
Level 15  
240 St Georges Terrace  
Perth WA 6000  
Phone: (08) 9460 1600*

Dated 11 June 2008

Signed on behalf of the applicant:

  
*Bill Keane*

*Corrs Chambers Westgarth  
Partner*

## **DIRECTIONS**

- 1 In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.  
  
Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
- 2 If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
- 3 Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in section 47 of the Trade Practices Act 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
- 5 Describe the business or consumers likely to be affected by the conduct.
- 6 State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
- 7 Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
- 8 Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
- 9 Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.