

GrainCorp Operations Limited Port Terminal Services Access Undertaking

24th September 2009

4. Scope

4.1 Application of Undertaking

- a) This Undertaking applies to:
 - i. the negotiation of new Access Agreements;
 - ii. the negotiation of access to Port Terminal Services in addition to Port Terminal Services already the subject of an executed Access Agreement;
 - iii. an Access Application lodged by an Applicant in the period from 1 October 2009 to 20 November 2009 requesting a variation to an Access Agreement executed between 1 August 2009 and 30 September 2009; and
 - iv. a decision by GrainCorp to unilaterally vary the prices at which Port Terminal Services are provided under an executed Access Agreement.
- b) This Undertaking does not apply to the negotiation of any Access Agreement which will have a commencement date after the expiry of this Undertaking.

4.2 Meaning of Port Terminal Services

- a) This Undertaking applies only to access to Port Terminal Services.
- b) **“Port Terminal Services”** means the services described in Schedule 2 in relation to Bulk Wheat provided by means of a Port Terminal Facility, and the use of a Port Terminal Facility and use of all other associated infrastructure owned, operated or controlled by GrainCorp at a Port Terminal which in each case is necessary to allow an Accredited Wheat Exporter to export Bulk Wheat through that Port Terminal.

4.3 Meaning of Port Terminal Facility

“Port Terminal Facility” means a ship loader that is:

- a) at a Port Terminal; and
- b) capable of handling Bulk Wheat;

and includes any of the following facilities:

- c) an intake/receival facility;
- d) a grain storage facility;
- e) a weighing facility;
- f) a shipping belt;

that is:

- g) at the Port Terminal; and
- h) associated with the ship loader; and
- i) capable of dealing with Bulk Wheat.

The Port Terminal Facilities at each Port Terminal are described in Schedule 1.

4.4 Nature of Port Terminal Services

The Port Terminal Services may include:

- a) intake and receival services;
- b) storage and handling services;
- c) ship nomination, acceptance, booking, cancellation and preparation of a Site Assembly Plan; and
- d) ship loading.

4.5 What this Undertaking does not cover

- a) The grain supply chain comprises the following activities:
 - i. intake and receival services (inland);
 - ii. grain storage and handling (inland);
 - iii. transportation (from inland facilities to at port facilities);
 - iv. services at port terminals (at port); and
 - v. shipping services (at port).
- b) To avoid doubt, this Undertaking does not apply:
 - i. to access to services not being Port Terminal Services provided by GrainCorp in relation to Bulk Wheat; or
 - ii. in relation to other facilities owned by GrainCorp which are part of the grain supply chain such as up country receival and accumulation facilities; or
 - iii. to the transportation of Bulk Wheat to port; or
 - iv. to grains which are not wheat; or
 - v. to wheat which is not Bulk Wheat.
- c) Nothing in this Undertaking prevents GrainCorp from agreeing with an Applicant or User to provide access to port terminal services for grains other than Bulk Wheat and other services related to Port Terminal Services.