



Competition and Consumer (Industry Code— Port Terminal Access (Bulk Wheat)) (ADM Trading Australia Pty Ltd, Port Pirie) Determination 2021

The Australian Competition and Consumer Commission makes the following determination under subclause 5(2) of Schedule 1 to the *Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014* and subparagraph 51AE(1D)(b)(i) of the *Competition and Consumer Act 2010*.

Dated: 21 September 2021

[Signed]
Rodney Graham Sims
Chair
Australian Competition and Consumer Commission

Australian Competition and Consumer Commission

1 Name

This instrument is the *Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat))(ADM Trading Australia Pty Ltd, Port Pirie) Determination 2021*.

2 Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under subclause 5(2) of Schedule 1 to the *Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014* and subparagraph 51AE(1D)(b)(i) of the *Competition and Consumer Act 2010*.

4 Definitions

In this instrument:

ACCC means the Australian Competition and Consumer Commission.

bulk wheat means wheat to be loaded onto a ship for export but does not include wheat to be exported in a bag or container that is not capable of holding more than 50 tonnes of wheat.

Code means the *Port Terminal Access (Bulk Wheat) Code of Conduct* as set out in Schedule 1 to the *Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014*.

entity has the meaning given by section 64A of the *Corporations Act 2001*.

exempt service provider means a port terminal service provider exempted under clause 5 of the Code.

exporter means an entity seeking access to, or using, port terminal services for the purpose of exporting bulk wheat.

port terminal facility means a ship loader that is:

- (a) at a port; and
 - (b) capable of handling bulk wheat;
- and includes any of the following facilities, situated at the port and associated with the ship loader, that are capable of handling bulk wheat:
- (c) an intake/receival facility;
 - (d) a grain storage facility;
 - (e) a weighing facility;

(f) a shipping belt.

port terminal service means a service (within the meaning of Part IIIA of the *Competition and Consumer Act 2010*) provided by means of a port terminal facility, and includes the use of a port terminal facility.

port terminal service provider means the owner or operator of a port terminal facility that is used, or is to be used, to provide a port terminal service.

5 Determination

Under subclause 5(2) of the Code, the ACCC determines that ADM Trading Australia Pty Ltd (ABN 92 126 806 979) is an exempt service provider of port terminal services provided by means of its port terminal facility at Port Pirie, South Australia.