

**WHEAT EXPORT MARKETING BILL 2008
(Exposure Draft)**

SUPPLEMENTARY SUBMISSION TO:

Department of Agriculture, Fisheries and Forestry
Attention: Russell Phillips

Inquiry into the Wheat Export Marketing Bill 2008 and Wheat Export Marketing
(Repeal and Consequential Amendments) Bill 2008
Attention: Committee Secretary
Senate Rural and Regional Affairs and Transport Committee

FROM: CBH Group
Gayfer House
30 Delhi Street
WEST PERTH WA 6005

DATE: 2 April 2008

Following is a supplementary submission presented for consideration by Co-operative Bulk Handling Limited (**CBH**) and Grain Pool Pty Ltd (**GPPL**) (collectively the “**CBH Group**”) in response to the request for public comments on the Exposure Draft (5/3/2008) of the Wheat Export Marketing Bill 2008 (the “**WEM Bill**”). This submission should be read in conjunction with the CBH Group’s 28 March 2008 submission.

1. PORT ACCESS

(a) Background

The CBH Group is grateful that the Senate Committee into Rural and Regional Affairs and Transport Committee (“**Senate Committee**”) gave the CBH Group an opportunity to discuss issues arising from the WEM Bill within the context of the Inquiry into the Wheat Export Marketing Bill 2008 and Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008 (“**Inquiry**”).

As a result of matters raised at the Inquiry hearing in Perth on 31 March 2008 the CBH Group would like add to its submissions on Port Access and considers that this Supplementary Submission may be of value to the Senate Committee and DAFF in their consideration of the WEM Bill and in ensuring that the deregulation of export wheat marketing is appropriately handled.

(b) Alternative Access Regimes

As outlined to the Senate Committee, CBH has been required to provide access to its port facilities to all third parties under section 19 of the Bulk Handling Act 1967 (WA) for many years. This access arrangement ensures that CBH will not unfairly and unreasonably lock out users from CBH’s port terminals.

In order to avoid unnecessary regulation, it is submitted that the Government should rely on these existing access rights when considering the issue of port access.

Submission

If the submission set out in the CBH Group’s 28 March 2008 submission regarding port access is not adopted and the access test under section 20 of the WEM Bill were to remain then it is further submitted that sections 20(1) and 20(2) of the WEM Bill may be amended by adding a third option (c) so that the access test may also be satisfied by there being in force an access regime under State or Territory legislation for access to port terminal services.

(c) *at that time there is in force a regime established by a State or Territory for access to the port terminal service and that regime is legislatively enshrined.*