

Effective from 01/07/2017

A. OVERVIEW

Viterra Operations Pty Ltd (ABN 88 007 556 256) (**Viterra**) is a Regulated Operator providing Regulated Services under the *Maritime Services (Access) Act 2000* (SA) (**MSA Act**). The MSA Act requires a Regulated Operator to provide certain information, including certain price information, to an Intending Proponent.

The Essential Services Commission of South Australia (**Commission**) administers the access regime set out in Part 3 of the MSA Act (**Ports Access Regime**). The Ports Access Regime provides a legal framework that seeks to ensure fair commercial terms for access to Proclaimed Ports.

The Commission published the *Ports Industry Guideline No. 1 (Access Price Information)* (**Pricing Guideline**) in accordance with section 12(1)(b) of the MSA Act to oblige a Regulated Operator to provide price information to an Intending Proponent that:

- facilitates the negotiation of access on fair commercial terms;
- informs Intending Proponents of their right to price information under the Ports Access Regime;
- is available in a timely manner; and
- is detailed, to a practical degree.

Further information about port regulation, the MSA Act, the Ports Access Regime and the Pricing Guideline is available on the Commission's website: <http://www.escosa.sa.gov.au/ports-overview.aspx>.

B. PRICE INFORMATION KIT

Viterra provides this Price Information Kit to Intending Proponents in accordance with its obligations under the MSA Act and the Pricing Guideline. Where applicable, capitalised terms in this document have the same meaning as under the MSA Act.

C. PROCLAIMED PORTS AND REGULATED SERVICES

The Ports Access Regime applies to Regulated Services at Proclaimed Ports. Proclaimed Ports are those ports declared by proclamation by the Governor of South Australia to be subject to the MSA Act. By proclamation dated 25 October 2001 (*South Australian Government Gazette* page 4686 paragraph 1) the following Ports were proclaimed:

- Port Adelaide;
- Port Giles;
- Wallaroo;
- Port Pirie;
- Port Lincoln; and
- Thevenard.

Regulated Services are those maritime services declared by the Governor of South Australia by proclamation to be regulated services under the MSA Act. By proclamation dated 25 October 2001 (*South Australian Government Gazette* page 4686, paragraph 2), the following maritime services are Regulated Services applicable to Viterra:

- Bulk loader services provided at each Proclaimed Port set out above.

D. REGULATED SERVICE CHARGES

The charges for Regulated Services at each Proclaimed Port (categorised by Port and commodity) are:

Bulk Cargo	Grain (\$/tonne fixed)			
	Ex GST		Inc. GST	
Outer Harbor	3.65	3.93	4.02	4.32
Port Adelaide	2.65	10.75	2.92	11.83
Port Giles	2.65	9.40	2.92	10.34
Wallaroo	2.65	12.75	2.92	14.03
Port Lincoln	2.65	5.50	2.92	6.05
Port Pirie	2.65	2.95	2.92	3.25
Bulk Cargo	Grain (\$/tonne fixed)			
	Ex GST		Inc. GST	
Thevenard	2.82	7.75	3.10	8.53
Bulk Cargo	Mineral Sands (\$/tonne)			
	Ex GST		Inc. GST	
Thevenard	3.85	14.00	4.24	15.40
Bulk Cargo	Gypsum (\$/tonne)			
	Ex GST		Inc. GST	
Thevenard	3.50	12.20	3.85	13.42
Bulk Cargo	Salt (\$/tonne)			
	Ex GST		Inc. GST	
Thevenard	3.40	7.65	3.74	8.42

E. INFORMATION FROM VITERRA

Viterra will provide an Intending Proponent with information in addition to the pricing information in this Price Information Kit to assist it formulate a proposal regarding a Regulated Service, namely:

- information about the extent to which Viterra's port facilities subject to the Ports Access Regime are currently being utilised in the provision of Regulated Services;
- technical requirements that have to be complied with by an Intending Proponent to receive the Regulated Services; and
- any rules which you would be required to comply with.

A fee of \$1000 may be charged by Viterra for the provision of this information.

Viterra retains the right to provide an Intending Proponent with any other information relevant to it accessing Regulated Services provided that information is not inconsistent with this Price Information Kit.

F. NEGOTIATION OF ACCESS – INTENDING PROPONENT

If an Intending Proponent wishes to negotiate access terms to receive a Regulated Service, it may make a written proposal to Viterra setting out the proposed terms and conditions for the provision of the Regulated Service.

Section 13(2) of the MSA Act allows a proposal to provide for the modification of port facilities on land occupied by Viterra for the purpose of providing the relevant service or the establishment of additional port facilities on land occupied by Viterra for the purpose of providing the relevant service. An access request that requires Viterra to undertake new capital investment may necessitate a review of the current level of charges applied. If this is the case, Viterra will negotiate the investment and any applicable price adjustments in good faith.

If Viterra requires, an Intending Proponent must provide further information about its proposal so that Viterra may in turn give the information which the Intending Proponent has asked.

Viterra will, within one month after receiving the written access proposal (or any further information requested by Viterra):

- (a) give written notice of the access proposal to:
 - the Commission;
 - any person (an **affected third party**) whose rights would be affected by implementation of the proposal; and
- (b) notify the Intending Proponent of the name and address of any affected third party and give the Intending Proponent preliminary information about:
 - whether Viterra is prepared to provide the Regulated Service sought in the proposal and if so on what terms and conditions; and
 - if some alteration or addition to existing facilities would be necessary to provide the Regulated Services, whether Viterra would agree to the alteration or addition, and, if so, on what terms.
- (c) Notice of an access proposal under (b) above may be given to affected third parties by publishing a notice in a newspaper circulating generally in South Australia stating:
 - the name of the Intending proponent and an address at which the Intending Proponent may be contacted;
 - Viterra's contact details; and
 - the general nature of the access proposal.

Viterra may recover the reasonable costs of giving notice from the Intending Proponent.

G. CONTACT

For more information or inquiries regarding Viterra's services please contact Viterra's Client Relations Manager (Zsolt Szilassy) on 08 8304 1384.

This Price Information Kit has been prepared in good faith pursuant to the MSA Act and Pricing Guideline. If an Intending Proponent believes that the information provided does not comply with MSA Act or the Pricing Guideline, you should contact Viterra in the first instance, or failing that the Commission on 08 8463 4444.