

24 July 2026

Department of Agriculture, Fisheries and Forestry
GPO Box 858,
Canberra ACT 2601
Via email: wheatportcodereview@aff.gov.au

To Whom It May Concern,

RE: Exposure draft of the Competition and Consumer (Industry Code—Bulk Wheat) Regulations 2026

GrainGrowers welcomes the opportunity to provide a submission on the Exposure draft of the Competition and Consumer (Industry Code—Bulk Wheat) Regulations 2026.

GrainGrowers is a national organisation, driven by its vision: “Thriving Australian growers in vibrant communities.” Australian growers are at the heart of all that GrainGrowers does. Guided by grower insights and on-farm experience, GrainGrowers is delivering best practice, future-focused advocacy and development initiatives for the benefit of the grain industry and regional communities.

The Wheat Port Code plays an important role regulating the conduct of port terminal service providers to ensure exporters of bulk wheat have fair and transparent access to port terminal services.

Ensuring competition throughout the grain supply chain is fundamental to delivering better outcomes for Australian growers. As an export-oriented industry, the prices growers receive are influenced not only by global commodity markets, but also by the efficiency and competitiveness of the domestic supply chain that connects grain to international customers.

GrainGrowers urges that any regulatory oversight of the grain port terminals must incorporate the following four (4) principles:

1) Promote competition, transparency, and fair market outcomes

Although Australia's grain industry has evolved significantly since deregulation, substantial market concentration and vertical integration remain features of the bulk grain export supply chain.

Promoting effective competition is essential to ensuring efficient, transparent and competitive supply chains. As the National Competition Council observed in *Access to Monopoly Infrastructure in Australia*, "where services are available in a competitive market environment, access to those services can be expected to be provided efficiently and at an appropriate competitive price."

In many regions, there is only a single port terminal capable of providing the services required to export grain, and duplicating this infrastructure would be economically impractical, giving terminal operators significant market power, which is characteristic of monopoly infrastructure, reinforcing the need for appropriate regulatory oversight.

Maintaining transparent capacity allocation and port access arrangements helps ensure that market power cannot be misused, supporting fair, transparent and non-discriminatory access to port terminal services for all bulk grain exporters. This, in turn, promotes competition, encourages investment and innovation, and helps maximise returns throughout the grain supply chain for growers.

2) Ensure appropriate compliance and oversight arrangements

Effective regulation relies not only on clear obligations, but also on appropriate oversight arrangements that encourage and support compliance across industry participants.

The ACCC has previously observed that the absence of civil penalty provisions in the Bulk Wheat Code limits the range of regulatory tools available to address non-compliance. In particular, the ACCC cannot seek civil pecuniary penalties or issue infringement notices for breaches of the Code. It is vital that compliance arrangements, however, remain practical, proportionate and targeted, providing confidence in the framework without creating unnecessary regulatory burden.

A broader suite of compliance and enforcement mechanisms could assist in promoting adherence to the Code, strengthening confidence in the regulatory framework, and supporting fair and transparent outcomes for all market participants including growers.

3) Support a more contestable market by encouraging new entrants, reducing unnecessary barriers to competition, while fostering innovation and investment

GrainGrowers supports streamlined regulation to reduce unnecessary regulatory burden, particularly for new market entrants and encourage new investment, while maintaining appropriate safeguards to promote fair competition. A stable regulatory

environment encourages continued investment in export infrastructure and supply chain efficiency.

The regulatory framework should also encourage innovation by supporting the adoption of new technologies and operating models, such as mobile ship loaders, that can lower barriers to entry, increase contestability and improve the efficiency of Australia's grain export supply chain for growers.

4) Ensure growers receive the same level and protection regardless of the commodity they produce

The Code's current focus on bulk wheat is a legacy of the deregulation of Australia's former single-desk wheat marketing arrangements. As the ACCC has previously recognised, this commodity-specific approach reflects historical circumstances rather than the contemporary operation of Australia's grain export supply chain.

The fundamental purpose of the Code is to regulate access to port terminal infrastructure with monopoly characteristics. Where market power exists, the competition issues are not unique to wheat, they apply equally to all users of the relevant port terminal, regardless of the commodity being exported.

Limiting the Code to bulk wheat therefore creates an unnecessary anomaly that no longer reflects the commercial realities of the industry. Expanding its coverage to all bulk grain commodities would provide a more consistent, practical and competition-focused regulatory framework, ensuring that all exporters are afforded the same transparent and non-discriminatory access arrangements with minimal additional regulatory burden.

Modernising the Code in this way would allow the regulatory framework to evolve beyond its historical origins and better reflect the structure of today's grain export industry.

GrainGrowers welcomes the opportunity to discuss this issue further. Please contact GrainGrowers Policy Manager, Trade and Supply Chains, Annabel Mactier (Annabel.mactier@graingrowers.com.au) if you have any questions.

Yours sincerely,



Shona Gawel
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