

# Member Update

No. 31 of 2023 • 28<sup>th</sup> September 2023

**TOPIC:** *GTA Storage & Handling Agreement (as amended Oct 2023).*

**DISTRIBUTION:** *GTA Members – primary contact list. Please circulate to all appropriate internal parties.*

## 1. Purpose

- Publication of the revised [GTA Storage and Handling Agreement](#).

## 2. Background

- The [GTA Storage and Handling Agreement](#) has been revised and amended in response to certain issues relating to comingling of physical grain and grain ownership that arose in the administration of Moulamein Grain Services insolvency.
- These issues have been previously detailed in in GTA [Member Update No. 13 of 22](#) and [Member Update No. 16 of 23](#). The primary issues related to:
  - a concept of “surplus grain” proposed by the Administrators. This “surplus grain” identified by the Administrator were grades of grain identified (by grade) that did not correspond with the grain/grade inventory records of the Co-Operative. This grain was identified as surplus and retained by the Administrator.
  - a decision by the Federal Court that based on the available Co-Operative records and the court’s understanding the grain owners had apparently “abandoned” their claims as ownership could not be established and the surplus grain could therefore be retained by the Administrators for the benefit of all creditors.

## 3. Amendments to the GTA Storage & Handling Agreement

- Given these issues GTA has considered how they may be addressed through modifications to the GTA Storage & Handling Agreement.
- A revised draft of the Storage & Handling agreement was circulated to members via [Member Update 23 of 23](#). This has now been endorsed by the GTA Commerce Committee and approved for publication by the GTA Board at its September 2023 meeting.
- The GTA Storage and Handling Agreement containing the (October) 2023 amendments is available on the GTA website [here](#).

## 4. GTA Member Considerations arising from the Moulamein case

- Members should ensure they have reviewed the information contained in [Member Update 16 of 23](#) in relation to similar scenarios regarding any potential future insolvency of a commercial grain storage operator.

## 5. For further Information

- Further information on this Member Update, please contact GTA at [admin@graintrade.org.au](mailto:admin@graintrade.org.au). END.