

22 March 2017

Mr Matthew Schroder
General Manager, Infrastructure & Transport – Access & Pricing Branch
Australian Competition and Consumer Commission
GPO Box 520
Melbourne VIC 3001

Email: transport@acc.gov.au

Copy: Grant Kari
grant.kari@acc.gov.au

Kristopher Morey
kristopher.morey@acc.gov.au

Dear Mr Schroder

HRATF response to late supplementary submission from ARTC on remaining mine life

I refer to the recent supplementary submission lodged on 7 March 2017 by ARTC in the current 2017 HVAU process (**late ARTC submission**) and to our recent conversation with ACCC staff.

As you are aware, the ACCC published a consultation paper in relation to the 2017 HVAU on 15 December 2017 and the closing date for submissions in response to that paper was 3 February 2017.

At the time of its consultation paper, the ACCC expected to publish a draft decision during March (although we understand this may have moved out slightly to early April). In either case, the late ARTC submission has been filed almost a month after the consultation closed and potentially within days of the ACCC finalising a draft decision, for approval by Commissioners.

Within this context, the HRATF strongly objects to the submission of such late material by ARTC.

The late ARTC submission appears to be based on a “desktop review” of the production and reserve information, based on publicly available information. The nature of the material in the late ARTC submission is information which, evidently, the producers are best placed to provide. Indeed, the HRTAF has provided updated JORC-certified production and reserve data as part of its submissions. To the extent that the ACCC wishes to test or validate any of the material provided by producers in relation to their production or reserves – or requires any additional material – the producers are ready and willing to assist.

HRATF therefore considers that it would be inappropriate and unfair for the ACCC to take into account the material in the late ARTC submission, including because:

- the extreme lateness of the 15-page ‘report’ does not provide producers with a fair opportunity to consider or respond to it and, if such an opportunity was given, this would put at further risk the timetable (which is already challenging) for finalising the HVAU process prior to 30 June 2017; and

- this is in the context of the report containing a 'desktop review' of matters which are directly known to the producers themselves and in circumstances where HRATF has already provided detailed and fully referenced JORC data in support of its RML calculations.

For these reasons, the HRATF does not intend to respond substantively to the late ARTC submission, at this time. We look forward to receiving the ACCC's draft decision so that this matter can be progressed in a timely way, in the interests of all stakeholders.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AS' or similar initials, written in a cursive style.

Alex Sundakov
Convenor – Hunter Rail Access Taskforce