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2 April 2020

Dave Poddar  
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Dear Mr Poddar

## **New South Wales Minerals Council & Ors collective bargaining application for authorisation AA1000473 — interim authorisation decision**

The Australian Competition and Consumer Commission (the **ACCC**) has decided to grant interim authorisation in respect of the collective bargaining application lodged by the NSW Minerals Council and coal producers (**the Applicants**) on 6 March 2020.

A copy of the ACCC's decision is enclosed.

Interim authorisation allows the Applicants to commence voluntary collective discussions amongst themselves and negotiations with Port of Newcastle Operations Pty Ltd (**PNO**) in relation to the terms and conditions of access, including price, to the Port of Newcastle.

Interim authorisation does not extend to entering into collectively negotiated agreements. Interim authorisation was not sought, and does not extend to, the members of the collective bargaining group sharing individual coal projection volumes, customer pricing information or marketing strategies.

As noted in the ACCC's decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

### **Next steps**

As you would recall, the ACCC invited interested parties to provide submissions on the comments substantive application for authorisation by **Friday, 3 April 2020**. We will provide copies of any further public submissions received in due course.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Jaime Martin on 03 9290 1477 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield', is positioned above the printed name.

David Hatfield  
Director  
Adjudication