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Our ref: AA1000473  
Contact officer: Jaime Martin  
Contact phone: (03) 9290 1477

19 June 2020

***Sent by email***

Dear Madam/Sir

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

The Australian Competition and Consumer Commission (**ACCC**) has issued a draft determination in respect of the application for authorisation lodged by New South Wales Minerals Council & Ors on 6 March 2020.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation in this matter for ten years.

A copy of the ACCC's draft determination is enclosed, and also available on the ACCC's [public register](#).

#### **Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

#### **Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **Friday, 10 July 2020**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000473 – NSW Minerals Council & Ors – submission". If you prefer to make an oral submission, please contact Jaime Martin or Anna Pound via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

## Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **Friday, 3 July 2020** by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

## Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
6 March 2020	Lodgement of substantive and interim authorisation applications.
2 April	Interim authorisation decision.
19 June 2020	Draft determination
10 July 2020	Public consultation on draft determination including any conference if called.
August/September 2020	Final determination.

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, Anna Pound on 9290 6920, or by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



David Hatfield  
Director  
Adjudication

## **List of interested parties contacted by the ACCC**

Aurizon  
Australian Government Department of Infrastructure,  
Transport, Regional Development and Communications  
Australian Rail Track Corporation  
Bloomfield Collieries  
Centennial Coal Company  
Genesee & Wyoming  
Glencore Coal  
Hunter Valley Coal Chain Coordinator  
Hunter Valley Energy Coal  
Idemitsu  
Infrastructure Australia  
IPART  
MACH Energy Australia  
Malabar Coal  
National Competition Council  
Newcastle Coal Infrastructure Group  
NSW Treasury  
Pacific National  
Peabody Energy  
Port Authority of NSW  
Port of Newcastle Operations Pty Ltd  
Port Waratah Coal Services  
Southern Shorthaul Railroad  
The Treasury, Market Conduct Division  
Transport for NSW  
Whitehaven  
Yancoal Australia