



**Australian
Competition &
Consumer
Commission**

Our Ref: A30236-A30238
Contact Officer: Jaime Norton
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15 April 2005

Mr Dave Poddar
Partner
Mallesons Stephen Jaques
Level 60
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Poddar

**Re: Port Waratah Coal Services applications for authorisation A30236 – A30238
- final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination granting conditional authorisation in respect of the applications for authorisation lodged by Port Waratah Coal Services on 1 October 2004.

A copy of the ACCC's determination is attached. For the reasons set out in its determination, the ACCC has decided to grant authorisation, subject to a condition, until 31 December 2007.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 6 May 2005. If no application to review is lodged by this date, the ACCC's determination will come into force on **7 May 2005**.

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 Norton on (03) 9290 1885.

Yours sincerely

Scott Gregson
A/g General Manager
Adjudication Branch

