



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2004/1474  
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17 December 2004

Mr GD Sefton  
Partner  
Hunt and Hunt Lawyers  
PO Box 492  
Newcastle NSW 2300

Dear Mr Sefton

**Applications for Authorisation (A30236-A30238) lodged by Port Waratah Coal Services  
– draft determination**

The Australian Competition and Consumer Commission (ACCC) has considered the above mentioned applications for authorisation.

The ACCC proposes to grant authorisation to Port Waratah Coal Services (PWCS) for the Medium Term CDS until 31 December 2007. A copy of the ACCC's draft determination is enclosed. A copy of the draft determination will also be available on the ACCC's website at [www.accc.gov.au](http://www.accc.gov.au) (follow the public registers link to the authorisations public register).

The ACCC has also granted interim authorisation to PWCS to:

- commence the tonnage tacking and management elements of the proposed Medium Term CDS and
- decline to load vessels that exceed the first (2005) quarter's allocation by producer.

The interim authorisation will commence on 1 January 2005 and will remain in place until the date the ACCC's final determination comes into effect.

In accordance with section 90A of the *Trade Practices Act 1974* (TPA), your client may notify the ACCC in writing within fourteen days of 10 January 2005, that is, by **24 January 2005** if it wishes the ACCC to hold a conference in relation to the draft determination. The TPA does not allow the ACCC to extend this deadline.



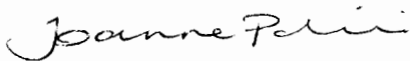
A pre-determination conference provides the opportunity for interested parties, particularly in the event they are dissatisfied with the ACCC's draft determination, to make an oral submission in response to the ACCC's draft determination. In the event of such a conference taking place it would be likely to be held in the week commencing **14 February 2005**. The Act requires that the conference be held no later than 23 February 2005.

PWCS may wish to lodge a written submission to the ACCC in response to the draft determination. We request that any submission be provided to the ACCC by **9 February 2005**. Submissions will be placed on the Public Register kept by the ACCC.

If you require further information please contact David Hatfield on (02) 6243 1266 or Jaime Norton on (02) 6243 1208.

A copy of this letter will be placed on the public register.

Yours sincerely



Joanne Palisi  
A/g General Manager  
Adjudication Branch

CC: Dave Poddar, Mallesons Stephen Jaques