



Australian
Competition &
Consumer
Commission

Our Ref: C2005/583-05
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15 December 2005

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

Dear Mr Poddar

**Re: Applications authorisation (A30239 – A30241) lodged by Dalrymple Bay Coal
Terminal Pty Ltd - final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination granting authorisation in respect of the application for authorisation lodged by Dalrymple Bay Coal Terminal Pty Ltd on 5 April 2005.

A copy of the ACCC's determination is attached. The ACCC has decided to grant authorisation until 31 December 2008 for the reasons set out in its determination.

The ACCC notes DBCTPL's commitment to provide an annual report on the operation of the queue management system and ongoing and planned investment in the Goonyella coal chain more generally. Reports will be provided to the ACCC by 21 January each year during the period of authorisation, commencing in 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 5 January 2006. If no application to review is lodged by this date, the ACCC's determination will come into force on **6 January 2006**.

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

David Hatfield
A/g General Manager
Adjudication Branch

