



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2006/1708  
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20 November 2006

Mr John Saunders  
Partner  
Shand Taylor Lawyers  
GPO Box 2486  
Brisbane QLD 4001

Dear Mr Saunders

### **Applications for authorisation A91009 and A91010 – pre-decision conference**

Thank you for your letter of 14 November 2006 in which International Gold Mining Limited (IGML) (previously InterCOAL Limited) requests that the Australian Competition and Consumer Commission (the ACCC) convene a conference in relation to the draft determination issued by the ACCC on 2 November 2006 proposing to grant authorisation A91009 and A91010.

The draft determination follows applications by Tarong Energy Corporation Limited (Tarong), New Hope Corporation Limited (New Hope) and New Acland Coal Pty Ltd (New Acland) for authorisation of a coal supply agreement between Tarong, New Hope and New Acland (the Agreement). The Agreement limits the quantity of coal that new Acland can sell each year from the New Acland mine to parties other than Tarong and also imposes restrictions on Tarong's ability to o-sell coal purchased under the Agreement to third parties (together referred to as 'the restrictions'). The ACCC concluded in its draft determination that it was satisfied that the public benefit flowing from the restrictions was likely to outweigh any anti-competitive detriment and proposed to grant authorisation to the restrictions. A copy of the application and draft determination can be found on the ACCC's website <[www.accc.gov.au](http://www.accc.gov.au)>.

A pre-determination conference provides a valuable opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on 27 November 2006 at the ACCC's Brisbane office which is located at Level 3, AAMI Building, 500 Queen Street, Brisbane. The conference will commence at 9 am. ACCC Commissioner Ed Willett will chair the conference.



Under the *Trade Practices Act 1974* (the Act), the conference may be attended by the applicant and other interested parties. I understand that Mr Alan Phillips will represent IGML at the conference. If other representatives of IGML wish to attend, you must notify the ACCC by **cob 22 November 2006**. You should provide a list of attendees and their position titles, and indicate who will be the chief spokesperson. Notifications must be in writing and addressed to:

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

You can also notify the ACCC by e-mail to: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) or by facsimile on (02) 6243 1211.

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, the Act prohibits these advisers from participating in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference or wish to clarify whether you may be considered an 'interested person' within the terms of the Act, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely



 Scott Gregson  
General Manager  
Adjudication Branch