

22 November 2006

The General Manager
 Adjudication Branch
 Australia Competition & Consumer Commission
 DICKSON ACT 2602

Attention: Scott Gregson/Sharon Clancy

By Facsimile: (02) 6243 1211

Dear Mr Gregson/Ms Clancy

**APPLICATIONS FOR AUTHORISATION A91009 AND A91001
 DRAFT DETERMINATION ISSUED ON 2 NOVEMBER 2006
 PRE-DECISION CONFERENCE SCHEDULED FOR 27 NOVEMBER 2006**

We act for Metallica Minerals Limited ACN 076 696 092 and its wholly owned subsidiary SE QLD Energy Pty Ltd 112 045 708 ("SE QLD").

SE QLD is the holder of exploration permit EPC 882, which includes the Taabinga Coal Resource situated to the north of the Tarong power stations, in the Tarong Basin.

We refer to your letter to Mr John Saunders of Shand Taylor Lawyers dated 20 November 2006, a copy of which is on the ACCC's public register, in which you advise that the ACCC will be holding a pre-decision conference next Monday 27 November 2006.

We are instructed that:

- (a) SE Qld has previously been in preliminary discussions with Tarong in relation to the supply of coal from EPC882 to Tarong;
- (b) Tarong's materials submitted to ACCC, as far as SE Qld is aware, did not make reference to the above discussions; and
- (c) Given the proximity of EPC882 to the Tarong Power Station and these discussions both Metallica Minerals Limited and SE Qld is of the view that it is an interested party in respect of the above application.

PARTNERS

- Joe Ganim
- Paul Hopgood
- Tony Baldwin
- Grace Humphreys
- Dean Molloy
- Mart Peacock
- Paul Cullen
- Bruce Macsott
- James Boncomley
- Darrel Jardine
- Geoff Wilson
- Jon Battarck
- Susan Purdon
- Martin Klapper
- David Nichols
- Nicole Reddie
- Mery Snow
- Michael Smith
- Freda Wigan
- Michael Harvet

SENIOR ASSOCIATES

- Brett Gillion
- Artem Carbon-Smith
- Greg Cox
- Tracey Rundle
- Aileen Ross
- Robert Fitzguy
- Nadine Gervard
- James Ireland

ASSOCIATES

- Nuacha Pierce
- Luke Mountrie
- Rachael Murray
- Nichole Musillo
- Anthony Doga
- Lisa Lehey
- Emma Williams
- Justin Monahan
- Zita Smith
- Craig Millar
- Sarah Farsall
- Daniel Park

SPECIAL COUNSEL

- Neil Robert J. Lealey

CONSULTANTS

- Professor John Wade

Level 19, Westcorp Pty Ltd, 1 Exchange Street, Brisbane QLD 4000 PO Box 7661, Westport Place Qld 4003
 PHONE (0) 7 3004 0000 FACSIMILE (0) 7 3002 0500 EMAIL contact@hoggoodganim.com.au INTERNET www.hoggoodganim.com.au

Australians' Best Jobs Australia's Best Employer Firm - 2005 and 2006 (AIBP-AS) Georgia O'Leary (The) Awards

This e-mail and any attachments are intended only for the use of the individual or entity to which it is addressed and may contain information that is confidential, professional and/or exempt from disclosure under applicable law. If you are not the intended recipient, any disclosure, distribution or copying of the information contained herein is prohibited. If you have received this communication in error please notify the individual or organization to whom the original electronic transmission was sent by the above address by e-mail and delete or destroy any duplicate or copies and do not disseminate the information. Thank you.

