



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/1708
Your Ref: **John Saunders** :251261
Contact Officer: Sarah Chubb
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8 December 2006

Mr John Saunders
Partner
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GPO Box 2486
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By facsimile: (07) 3307 4599

Dear Mr Saunders

Applications for authorisation A91009 and A91010

I refer to your letter of 4 December 2006 to the Australian Competition and Consumer Commission (ACCC) in which you make further submissions on behalf of International Gold Mining Limited (IGML) regarding authorisations A91009 and A91010.

As you are aware, following the release of a draft determination and any subsequent pre-decision conference, the ACCC invites applicants and interested parties to provide further submissions to the ACCC. The ACCC then makes its final determination, which may grant authorisation, grant authorisation subject to conditions, or deny authorisation.

A copy of the minutes from the pre-decision conference held on 27 November 2006 will be forwarded to you shortly.

Your letter of 4 December 2006 indicates that if the ACCC decides to grant authorisations A91009 and A91010, then IGML requires the ACCC to seek and obtain an undertaking from Tarong Energy Corporation Limited (**Tarong**) to the effect that Tarong will not use the authorisations in the Federal Court proceedings involving IGML and Tarong. IGML also requests that the ACCC inform IGML of its position in relation to the proposed undertaking prior to making a final determination.



IGML's submissions in relation to authorisations A91009 and A91010, including its request that the ACCC seek an undertaking from Tarong, will be addressed by the ACCC in its final determination on this matter. Once a final determination is made, a copy of the determination will be provided to you, together with advice regarding review rights that may be available.

Your letter of 4 December 2006 requests that the ACCC reconsider taking an active part in the Federal Court proceedings involving IGML and Tarong. I wish to advise you that the ACCC remains of the view that the Federal Court proceedings involving IGML and Tarong are not a matter in which the ACCC intends to participate. However, the ACCC would be pleased to receive advice of the outcome of the proceedings.

Please do not hesitate to contact Sarah Chubb on (02) 6243 1088 if you require any further information in relation to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Scott Gregson", written over a light grey rectangular background.

for Scott Gregson
General Manager
Adjudication Branch