



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91072 - A91074
Contact Officer: David Hatfield
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5 December 2007

The Hon. Joseph Tripodi MP
Minister for Ports and Waterways
Level 31, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

By email: joe@tripodi.minister.nsw.gov.au

Dear Minister

Port Waratah Coal Services Limited, Pacific National (NSW) Pty Limited and QR Limited – applications for authorisation A91068 - A91070

Newcastle Port Corporation – applications for authorisation A91072 - A91074

Thank you for your letter dated 3 December 2007 to the Chairman of the Australian Competition and Consumer Commission (the ACCC), Mr Graeme Samuel.

As you are aware, on 16 November 2007, Port Waratah Coal Services Limited (Port Waratah), Pacific National (NSW) Pty Limited (Pacific National) and QR Limited (QR) lodged an application for authorisation with the ACCC for a Vessel Queue Management System (VQMS). On 4 December 2007, Newcastle Port Corporation lodged an application for authorisation for a capacity balancing system (CBS). In both cases, the proposed arrangements are designed to address the imbalance between the demand for coal loading services at the Port of Newcastle and the capacity of the Hunter Valley coal chain for 2008.

Copies of the applications for authorisation and supporting submissions are available on the ACCC's website <www.accc.gov.au>.

Interested party consultation

The ACCC is conducting an interested party consultation process in relation to the applications for authorisation of the VQMS and the CBS. Interested parties are invited to

make submissions in relation to the proposed arrangements, to indicate whether they support the applications, and to provide reasons for their views.

Unless otherwise advised, the ACCC intends to treat your letter of 3 December 2007 as a submission regarding the application for authorisation lodged by Port Waratah, Pacific National and QR, and also for the application lodged by Newcastle Port Corporation. Accordingly, your letter will be placed on the ACCC's public register for both of these matters.

If you would like to make further submissions in relation to the application for authorisation lodged by Port Waratah, Pacific National and QR, please do so by **12 December 2007**.

If you would like to make further submissions in relation to the application for authorisation lodged by Newcastle Port Corporation, please do so by **21 December 2007**. I note that Newcastle Port Corporation has applied for interim authorisation. Submissions regarding interim authorisation should be provided by **11 December 2007**.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached). Submissions may be addressed to:

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Alternatively, submissions may be lodged by email to adjudication@acc.gov.au.

A copy of this letter has been placed on the public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact David Hatfield on (02) 6243 1266.

Yours sincerely



Scott Gregson
General Manager
Adjudication Branch