



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1889
Contact Officer: Jaime Martin
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17 December 2008

Via email

Dear Sir / Madam

**Port Waratah Coal Services Limited and Newcastle Coal Infrastructure Group
applications for authorisation A91110-A91112 – interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation until 31 March 2009 in respect of the application for authorisation lodged by Port Waratah Coal Services Limited and the Newcastle Coal Infrastructure Group (the Applicants) on 19 November 2008. Please find attached a document outlining the reasons for this decision.

Interim authorisation has been granted to the PWCS Tonnage Allocation Stage 1 and protects the arrangements from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

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 Mr David Hatfield on (02) 6243 1266 (david.hatfield@accc.gov.au) or Ms Jaime Martin on (03) 9290 1477 (jaimie.martin@accc.gov.au).

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch

**Port Waratah Coal Services Limited and Newcastle Coal Infrastructure Group –
applications for authorisation A91110 –A91112**

Interim decision – interested parties

1. Anglo Coal Australia Pty Ltd
 2. Austar Coal Mine Pty Limited
 3. BHP Billiton - Energy Coal
 4. Bloomfield Collieries Pty Limited
 5. Centennial Coal Company Limited
 6. Coal & Allied (Rio Tinto Coal Australia Pty Ltd)
 7. Donaldson Coal Pty Ltd
 8. Gloucester Coal Limited
 9. Idemitsu Australia Resources Pty Limited
 10. Integra Coal Operations Pty Ltd
 11. Resource Pacific Limited
 12. Peabody Pacific Pty Limited
 13. White Mining Limited
 14. Whitehaven Coal Ltd
 15. Xstrata Coal Australia Pty Ltd
 16. Werris Creek Coal Sales Pty Ltd
 17. Peabody Coal Trade Australia
 18. Ashton Coal Mines Limited
 19. NSW Minerals Council
 20. Australian Rail Track Corporation
 21. Hunter Valley Coal Chain Logistics Team
 22. SCT Logistics
 23. Asciano Limited
 24. QR National Coal
 25. Genesee & Wyoming Australia Pty Ltd (on behalf of Fenwick Elliot Grace)
 26. The Hon. Joseph Tripodi MP, NSW Minister for Ports and Waterways
 27. The Hon. Joel Fitzgibbon MP, Federal Member for Hunter
 28. The Hon. George Souris MP, NSW Member for Upper Hunter
 29. The Treasury (Energy, Transport and Communications Unit)
 30. Australian Government Department of Resources, Energy and Tourism (Minerals Branch)
 31. Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (Infrastructure Investment)
 32. Infrastructure Australia
 33. National Transport Commission
 34. Newcastle Port Corporation
 35. NSW Department of Planning (Major Project Assessments Division)
 36. NSW Department of Primary Industry (Mineral Resources Division)
 37. NSW Maritime
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38. Australian Transport Safety Bureau
39. Maritime Union of Australia
40. United Mine Workers Federation
41. The Hon Nick Greiner AC
42. Embassy of Japan
43. Rail Corporation NSW
44. NSW Ministry of Transport
45. Rail Infrastructure Corporation
46. Dr Joe Winsen
47. Mr Ian Wiskin
48. Freehills Lawyers