



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2007/1781
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29 February 2008

Mr Dave Poddar
Mallesons Stephen Jaques
Level 61, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Dear Mr Poddar

**Dalrymple Bay Coal Terminal Pty Ltd application for revocation and substitution
A91060-A91062 – determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for revocation and substitution lodged by Dalrymple Bay Coal Terminal Pty Ltd (DBCTPL) on 26 September 2007.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation until **31 December 2008** as a transition period, to enable a long term solution Goonyella coal chain issues to be developed and implemented. The ACCC's assessment is set out in Chapter 6 of its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 21 March 2008. If no application to review is lodged by this date, the ACCC's determination will come into force on 22 March 2008.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at:
<http://www.competitiontribunal.gov.au>.

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 Hew Atkin on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', is written over a light grey rectangular background.

David Hatfield
A/g General Manager
Adjudication Branch

Encl