

Sent to attached
list of interested
parties 29-02-2008 *HA*



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2007/1781
Contact Officer: Hew Atkin
Contact Phone: (02) 6243 1363

29 February 2008

By email:

Dear Sir/Madam

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

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

DBCTPL sought re-authorisation of a queue management system designed to address the imbalance between the demand for coal loading services at the Terminal and the capacity of the Goonyella coal chain. The imbalance has led to a large queue of vessels forming off the coast at Dalrymple Bay.

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 to 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". The signature is written in a cursive, slightly slanted style.

David Hatfield
A/g General Manager
Adjudication Branch

Encl

Dalrymple Bay Coal Terminal Pty Ltd application for revocation and substitution (A91060-A91062) – interested party list

- Anglo Coal Pty Ltd
- Australian Coal Association
- Australian Government Department Resources Energy & Tourism
- Babcock & Brown Infrastructure
- BHP Mitsui Coal Pty Ltd
- Companhia Siderurgica Nacional
- CVRD Australia Holdings Pty Ltd
- Embassy of Japan
- Foxleigh Mining Pty Ltd
- Gerdau Acominas
- Kobe Steel Ltd
- Macarthur Coal Pty Ltd
- McCullough Robertson
- Pacific National Pty Ltd
- Peabody Energy Australia Coal Pty Ltd
- Ports Corporation of Queensland
- QR National
- QR Network Access
- Queensland Competition Authority
- Queensland Department of Infrastructure
- Queensland Department of Natural Resources & Mines
- Queensland Department of Transport
- Queensland Environmental Protection Agency
- Queensland Resources Council
- Rio Tinto Coal Australia Pty Ltd
- The Institute of Energy Economics Japan
- The Maritime Union of Australia
- Twenty-three Nineteen Pty Ltd
- Xstrata Coal Queensland Pty Limited