



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91072-A91074
Contact Officer: Shane Chisholm
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29 February 2008

Liza Carver
Partner
Gilbert + Tobin
GPO Box 3810
SYDNEY NSW 2001

Dear Ms Carver

**Newcastle Port Corporation application for authorisation A91072-A91074
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Newcastle Port Corporation (NPC) on 4 December 2007.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation until 31 December 2008. The ACCC's assessment is set out in Chapter 6 of the draft determination. This draft determination also contains the ACCC's assessment of the applications for authorisation made by Donaldson Coal Pty Limited (A91075-A91077) on 7 December 2007.

Next steps

Once the ACCC issues a draft determination, the applicants or any interested party who may be dissatisfied with the draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **14 March 2008**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **17 March 2008**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are available at www.accc.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 Shane Chisholm on (02) 6243 1252.

Yours sincerely

David Hatfield
Acting General Manager
Adjudication Branch