



**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](http://www.accc.gov.au)

Our Ref: C2008/1862  
Contact Officer: Clare McGinness  
Contact Phone: (02) 6243 1049

23 February 2009

Dear Sir/Madam

**Anglo Coal Australia Pty Ltd and Others Application for authorisation A91107-  
A91109 - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Anglo Coal Australia Pty Ltd and Others on 14 November 2008.

The applicants are seeking authorisation for a maximum six month extension of the Authorisation granted by the ACCC in relation to the Queue Management System which expired on 31 December 2008. The arrangements were most recently authorised by the ACCC on 29 February 2008 (authorisations A91060-A91062).

**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 deny authorisation to the arrangements. The ACCC's assessment is set out in Chapter 6 of the draft determination.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference is a public meeting which provides the opportunity for all 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 **10 March 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **10 March 2009**.

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 **10 March 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **10 March 2009**.

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 attached).

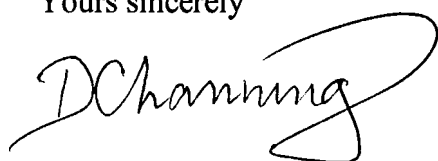
### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>14 November 2008</b>	Lodgement of application and supporting submission.
<b>10 December 2008</b>	ACCC decision regarding interim authorisation.
<b>23 February 2009</b>	Draft determination.
<b>February/March 2009</b>	Public consultation on draft determination including any conference if called.
<b>March/April 2009</b>	Final determination.

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 Clare McGinness on (02) 6243 1049.

Yours sincerely



Darrell Channing  
Director  
Adjudication Branch