



**Australian
Competition &
Consumer
Commission**

Our Ref: A91147–A91149 & A91168–A91169
Contact Officer: Jaime Martin
Contact Phone: (03) 9290 1477

GPO Box 3131
Canberra ACT 2601

9 December 2009

23 Marcus Clarke Street
Canberra ACT 2601

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

www.accc.gov.au

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

*Via email: dave.poddar@mallesons.com; lcarver@gtlaw.com.au;
peter.armitage@blakedawson.com*

Dear Mr Poddar

**Applications for authorisation [A91147–A91149 and A91168–A91169] lodged by Port
Waratah Coal Services, Newcastle Coal Infrastructure Group and Newcastle Port
Corporation — final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a final determination in respect of the above mentioned applications for authorisation lodged with the ACCC on 29 June 2009.

A copy of the ACCC's determination is attached. For the reasons set out in its determination, the ACCC has decided to grant authorisation until 31 December 2024. The ACCC's assessment is set out in Chapter 5 of its determination.

Application for review

As you are aware, 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 30 December 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 31 December 2009.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact David Hatfield on (02) 6243 1266 (david.hatfield@accc.gov.au) or Jaime Martin on (03) 9290 1477 (jaimemartin@accc.gov.au).

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch