



New South Wales

Joseph Tripodi

Minister for Finance Minister for Infrastructure Minister for Regulatory Reform
Minister for Ports & Waterways

Mr Graeme Samuel
Chairman
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

Our Ref: G09/00915

Dear Mr Samuel

The NSW Government has held discussions with the Newcastle Coal Infrastructure Group (NCIG) over the past week to address outstanding commercial issues raised in their letter of 31 March 2009.

Discussions have been productive and revisions have been made to the Implementation Memorandum where appropriate to bring closure to these matters. I can confirm no producer or export terminal operator has sought further discussions or negotiations on the revised Implementation Memorandum.

In accordance with the timeline specified by the ACCC the NSW Government, through Newcastle Port Corporation (NPC), has submitted a signed copy of the revised Implementation Memorandum to progress the establishment of a long term framework for coal exports.

I am advised coal export terminal operator Port Waratah Coal Services (PWCS) has also signed the Implementation Memorandum. I am further advised five of the six NCIG member producers have endorsed the Implementation Memorandum and the remaining NCIG member producer is seeking internal approvals required.

Both Government and industry have made their best efforts to meet the timeframe specified by the ACCC. I am requesting the current ACCC Authorisation remain in place for a limited time for the remaining NCIG producer to complete its internal approval process.

Should your officers require further information please contact Ian McNamara on (02) 9228 5451.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe Tripodi'.

Joe Tripodi
Minister for Ports and Waterways

06 APR 2009