



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2008/1889-05  
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13 May 2009

Dave Poddar  
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*Via email: [dave.poddar@mallesons.com](mailto:dave.poddar@mallesons.com)*

Dear Mr Poddar

**Port Waratah Coal Services and Newcastle Coal Infrastructure Group applications for  
authorisation A91110-A91112 – final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the above mentioned applications for authorisation.

A copy of the ACCC's determination is attached. For the reasons set out in its determination, the ACCC has decided to **grant authorisation** to the Stage 1 Allocation system until 30 June 2009, as requested.

**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 3 June 2009.

If no application to review is lodged by this date, the ACCC's determination will come into force on 4 June 2009. The interim authorisation of the Stage 1 Allocation system will remain in place until this date.

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 Jaime Martin on (03) 9290 1477 (or [jaime.martin@acc.gov.au](mailto:jaime.martin@acc.gov.au)).

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch