

Our Ref: C2010/171
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**Australian
Competition &
Consumer
Commission**

4 March 2010

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By email: murray.deakin@middletons.com

Dear Mr Deakin

**North West Iron Ore Alliance application for authorisation A91212
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the NWIOA Ops Pty Ltd (the NWIOA) on 4 February 2010.

Draft determination

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to authorise the collective bargaining arrangements, subject to conditions, for 15 years.

Interim authorisation

The ACCC has granted interim authorisation to allow the NWIOA to engage in collective negotiations with the service providers while the ACCC finalises its assessment of the application. Interim authorisation does not extend to the making or giving effect to any contract between the NWIOA or members of the collective bargaining group and a service provider.

Interim authorisation will remain in place until the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

Next steps

Once the ACCC issues a draft determination, the applicant or any interested party 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 **19 March 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **19 March 2010**.

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).

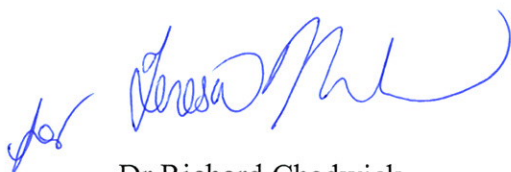
Timetable

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.

4 February 2010	Lodgement of application and supporting submission.
5 February 2010	Public consultation process begins.
19 February 2010	Applicant responds to issues raised in the public consultation process.
4 March 2010	ACCC grants interim authorisation.
4 March 2010	Draft determination.
19 March 2010	Deadline to request a conference and for providing further written submissions.
April/May 2010	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 Lauren Roy on (03) 9290 1823.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch