



FILE NOTE			
Matter name:	North West Iron Ore Alliance application for authorisation A91212		
ACCC parties	Darrell Channing, Trent Glover (TG), Teresa Nowak (TN), Lauren Roy		
Other parties	Murray Deakin, Middletons (MD)		
		Date	8 April 2010

MD referred to the NWIOA's submission to the ACCC of 23 March 2010, expressing concern about the scope of condition C3 as outlined in the ACCC's draft determination.

MD explained that the NWIOA is a small company with very few staff and limited resources to respond to an ACCC request for further information. MD noted that the second limb of C3 suggests that information requested by the ACCC may not exist in the form required at the time of the request, which would put a strain on the NWIOA's resources.

TN explained that C3 is intended to operate in conjunction with C1 and C2. Where there are changes to the members of the collective bargaining group or the target service providers this may affect the ACCC's competition assessment.

TG noted that in some circumstances, the information gathered by the ACCC in accordance with conditions C1 and C2 may not be sufficient to enable the ACCC to conduct its competition assessment and determine whether the public benefits of the arrangement continue to outweigh the public detriments. C3 is designed to address this, and capture the kind of information that would not be readily attainable by the ACCC.

TG suggested MD might like to obtain instructions from NWIOA about this issue.

MD confirmed he would seek further instructions from the NWIOA and aim to provide the ACCC with another submission that includes the NWIOA's proposed changes to condition C3 early next week.