



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/171
Contact Officer: Lauren Roy
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29 April 2010

[Address]

Dear [salutation]

**North West Iron Ore Alliance application for authorisation A91212
– final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a final determination granting authorisation in respect of the above mentioned application lodged by the North West Iron Ore Alliance on 4 February 2010.

The NWIOA sought authorisation to collectively negotiate with BHP Billiton, Rio Tinto, Fortescue Metals Group and any similar provider in future in relation to the terms and conditions, including price, under which above rail haulage services and/or below rail access will be acquired in the Pilbara region.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its final determination, the ACCC has decided to grant authorisation to the arrangements for fifteen years.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the Tribunal) for its review. Any application for review must be made within 21 days of the date of this determination; that is, on or before 20 May 2010. If no application to review is lodged by this date, the ACCC's determination will come into force on 21 May 2010.

An application for review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia. For further information about the process involved in reviewing decisions in the Tribunal please refer to the Tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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

A handwritten signature in black ink that reads "DChanning". The signature is written in a cursive style with a large, looping initial "D" and a trailing flourish.

Darrell Channing
Director
Adjudication Branch