



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91241
Contact Officer: Jaime Martin
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4 August 2010

Vishal Ahuja
Partner
Mallesons Stephen Jaques
Level 61, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Via email: vishal.ahuja@mallesons.com; kim.dekock@mallesons.com

Dear Mr Ahuja

Application for authorisation A91241 lodged by various Wiggins Island Coal Export Terminal producers – request for interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has decided to grant conditional interim authorisation in respect of the application for authorisation lodged by the various Wiggins Island Coal Export Terminal producers (the Applicants) on 7 July 2010.

In particular, the interim authorisation is granted to the Applicants to enable them to commence collective negotiations with QR Network in relation to below-rail access to transport coal to the Wiggins Island Terminal.

Interim authorisation is granted in relation to Stage 1 negotiations only and is conditional upon any access agreement entered into containing a condition precedent that final authorisation be granted by the ACCC.

A copy of the ACCC's interim decision is attached.

Interim authorisation commences immediately and protects the arrangements from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

Interim authorisation will remain in place until the date the ACCC's final determination comes into effect or unless revoked.

The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Jaime Martin on (03) 9290 1477 or via email at jaime.martin@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch