



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

Our Ref: A91241
Contact Officer: Jaime Martin
Contact Phone: (03) 9290 1477

4 August 2010

Via email

Dear Sir / Madam

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

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 ACCC grants interim authorisation 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.

Please find attached a document outlining the reasons for the ACCC's decision.

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.

Next steps

The closing date for submissions in relation to the substantive application for authorisation is Wednesday, 11 August 2010.

After this, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the Applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the Applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

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@accc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Hatfield', is written over a light blue rectangular background.

David Hatfield
Director
Adjudication Branch

**Application for authorisation A91241 – Wiggins Island Coal Export Terminal
producers**

List of interested parties – interim authorisation decision

4 August 2010

QR Network

Queensland Competition Authority

Australian Rail Track Corporation

Queensland Government Department of Employment, Economic Development and
Innovation (Mines and Energy)

Queensland Government Department of Infrastructure and Planning

Queensland Government Department of Transport

Gladstone Port Corporation

Ports Corporation of Queensland

Infrastructure Australia

Australian Government Department of Resources, Energy and Tourism

Australian Government Department of Infrastructure, Transport, Regional
Development and Local Government (National Building – Infrastructure Investment)

Queensland Resources Council

QR National

Pacific National

Gladstone Industry Leadership Group

Minerals Council of Australia