



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: A91241  
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1 October 2010

Vishal Ahuja  
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***Via email: [vishal.ahuja@mallesons.com.au](mailto:vishal.ahuja@mallesons.com.au); [kim.dekock@mallesons.com](mailto:kim.dekock@mallesons.com)***

Dear Mr Ahuja

**Application for authorisation A91241 lodged by Wiggins Island coal producers  
(the Applicants) - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the above mentioned application for authorisation.

**Draft determination**

For the reasons outlined in its draft determination, the ACCC proposes to grant conditional authorisation to the Applicants to collectively bargain with QR Network in relation to below rail access to transport coal to the Wiggins Island Coal Export Terminal. Authorisation is proposed to be granted for 13 years.

The ACCC also proposes to impose a condition which requires the Applicants to provide written notice to the ACCC of any change in ownership of the relevant below rail infrastructure during the proposed term of authorisation.

A copy of the ACCC's draft determination is attached. The ACCC's assessment of the proposed collective bargaining arrangements is set out in Chapter 5.

**Next steps**

Once the ACCC issues a draft determination, the Applicants 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 **15 October 2010**.

You are also invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 October 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.

<b>7 July 2010</b>	Lodgement of application and supporting submission.
<b>13 July 2010</b>	Public consultation process begins.
<b>4 August 2010</b>	ACCC decision regarding interim authorisation.
<b>1 October 2010</b>	Draft determination.
<b>October/November 2010</b>	Public consultation on draft determination including any conference if called.
<b>November/December 2010</b>	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact me on (02) 6243 1266 or at [david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au).

Yours sincerely



David Hatfield  
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