



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/656
Contact Officer: David Hatfield
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2 December 2010

Mr Stuart Ronan
Manager Access and Regulation
Asciano
Level 6/38 St Kilda Road
Melbourne VIC 3004

Dear Mr Ronan

**Various Queensland Coal Producers using Wiggins Island Coal Terminal (WICET)
application for authorisation A91241 – final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by WICET on 7 July 2010.

WICET sought authorisation to collectively negotiate terms and conditions of access to below-rail infrastructure associated with the Wiggins Island Coal Export Terminal in the Port of Gladstone, Queensland.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation for 15 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 for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 23 December 2010. If no application to review is lodged by this date, the ACCC's determination will come into force on 24 December 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition 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 Australian Competition 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 contact me on 02 6243 1266.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Hatfield', written in a cursive style.

David Hatfield
Director
Adjudication Branch