



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: C2010/1092
Contact Officer: Ian Lawrence
Contact Phone: 02 6243 1058

14 July 2011

Liza Carver
Gilbert + Tobin
Level 37, 2 Park Street
SYDNEY NSW 2000

By email: lcarver@gtlaw.com.au

Dear Ms Carver

**Pozzolanic Enterprises Pty Ltd application for authorisation A91261
- final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation A91261 lodged by Pozzolanic Enterprises Pty Ltd (Pozzolanic) on 7 December 2010.

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 Pozzolanic to make and give effect to the proposed fly ash supply agreement between Pozzolanic, Stanwell Corporation Limited and Tarong North Pty Ltd until 1 March 2014. The ACCC's assessment is set out in Chapter 4 and the conditions of authorisation, in Chapter 5 of its determination.

Application for review


Pursuant to section 101 of the *Competition and Consumer Act 2010*, 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 4 August 2011. If no application to review is lodged by this date, the ACCC's determination will come into force on 5 August 2011.

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 do not hesitate to contact Mr Ian Lawrence on 02 6243 1058.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch