



**Australian
Competition &
Consumer
Commission**

Our Ref: A91277 and A91278
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15 December 2011

Mr Paul McLachlan
Partner
McCullough Robertson Lawyers

Mr Matthew Bull
Senior Associate
Freehills

Mr Luke Woodward
Partner
Gilbert + Tobin

Dear Mr McLachlan, Mr Bull and Mr Woodward

Applications for authorisation A91277 and A91278 lodged by various Dudgeon Point coal exporters - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued draft determinations in respect of the applications for authorisation lodged by various Dudgeon Point coal exporters on 28 September 2011.

Draft determinations

Copies of the ACCC's draft determinations are attached, including summaries of its reasons. For the reasons set out in its draft determinations, the ACCC proposes to grant authorisation for both applications for 15 years.

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 either of the draft determinations, you must notify the ACCC in writing by **10 January 2012**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determinations. Submissions should be lodged by **25 January 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release final determinations 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 these applications in a timely manner. An updated indicative timetable is set out below for your information.

28 September 2011	Lodgement of applications A91277 and A91278 and supporting submissions.
5 October 2011	Public consultation process begins on both applications.
27 October 2011	Interim authorisation granted for A91277 regarding collective bargaining with DPPM.
4 November 2011	Parties amended application A91278 regarding collective bargaining with QR Network, to add Rio Tinto to the list of applicants.
15 December 2011	Draft determinations issued in relation to both applications.
January/February 2012	Public consultation on draft determinations including any conference if called.
February/March 2012	Final determinations.

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 Tanya Hobbs on 02 6243 1029.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch