



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: A91277 and A91278  
Contact Officer: Tanya Hobbs  
Contact Phone: 02 6243 1029

15 December 2011

Dear Sir/Madam

**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.

The Dudgeon Point coal exporters are seeking authorisation for collective bargaining negotiations with Dudgeon Point Project Management (DPPM) and (in addition with Rio Tinto) with QR Network.

**Draft determination**

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.

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

## **Interested Parties List**

1. Asciano Ltd
2. BHP Billiton
3. North Queensland Bulk Ports
4. QR National Limited
5. QR Network Pty Ltd