



**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: A91311
Contact Officer: Jaime Martin
Contact Phone: (03) 9290 1477

16 August 2012

Sent via email

Dear Sir / Madam

**Cockatoo Coal Limited and Stanmore Coal Limited application for authorisation
A91311 – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Cockatoo Coal Limited and Stanmore Coal Limited (the Applicants) on 23 May 2012.

As you may recall, the Applicants are seeking authorisation to collectively negotiate terms and conditions of access, including price, to Surat Basin Rail's below rail infrastructure for the purpose of transporting coal to the Wiggins Island Coal Export Terminal at the Port of Gladstone.

Draft determination

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination the ACCC proposes to grant authorisation for 22 years, commencing from the date the ACCC's final determination comes into effect.

Next steps

The Applicants or any interested party are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **Friday, 31 August 2012**.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Alternatively, you 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 **Thursday, 30 August 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 a final determination in relation to these applications.

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.

23 May 2012	Lodgement of application and supporting submission, including request for interim authorisation.
31 May 2012	Public consultation process begins.
20 June 2012	ACCC decision regarding interim authorisation.
August 2012	Draft determination.
August/September 2012	Public consultation on draft determination including any conference if called.
September/October 2012	Final determination.

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 Jaime Martin on (03) 9290 1477 (or at jaime.martin@accc.gov.au) or David Hatfield on (03) 9290 1477 (or at david.hatfield@accc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

Application for authorisation A91311 lodged by Cockatoo Coal and Stanmore Coal
List of interested parties – draft determination
16 August 2012

Metrocoal Limited
Yancoal Limited
Coll Randall & Associates (representing Allegiance Coal))
Blackwood Corporation
Xstrata Coal
Department of State Development, Infrastructure and Planning (QLD)
The Coordinator General, Queensland Government
Department of Natural Resources and Mines (QLD)
Department of Transport and Main Roads (Qld)
Department of Resources, Energy and Tourism
Department of Infrastructure
Queensland Competition Authority
Surat Basin Rail Pty Ltd
Australian Rail Track Corporation
QR National
Asciano
Minerals Council of Australia
Queensland Resources Council
Ports Corporation of Queensland
Wiggins Island Coal Export Terminal Pty Ltd
Gladstone Port Corporation
Gladstone Industry Leadership Group