



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91311
Contact Officer: Jaime Martin
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20 September 2012

Sent via email

Dear Sir / Madam

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

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

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 authorisation for 22 years, until 12 October 2034. The ACCC's assessment is set out in Chapter 3 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 11 October 2012. If no application to review is lodged by this date, the ACCC's determination will come into force on 12 October 2012.

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

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch

Application for authorisation A91311 lodged by Cockatoo Coal and Stanmore Coal
List of interested parties – final determination
20 September 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