



**Australian
Competition &
Consumer
Commission**

Our Ref: A91338
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19 December 2012

Sent via email

Dear Sir / Madam

**Surat Basin and Bowen Basin coal producers' application for authorisation A91338 -
draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of an application for authorisation lodged by various central Queensland coal producers on 18 October 2012.

As you may recall, the coal producers are seeking authorisation to collectively discuss and negotiate terms and conditions for water supply and the development of the proposed Nathan Dam Project with SunWater.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 23 years.

Next steps

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **Monday, 28 January 2012**.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Alternatively, the Applicant 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 the draft determination you must notify the ACCC in writing by **28 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 a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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.

Indicative date	Stage in assessment process
18 October 2012	Lodgement of application and supporting submission, including request for interim authorisation.
26 October 2012	Public consultation process begins.
November 2012	ACCC decision regarding interim authorisation.
December 2012	Draft determination.
January/February 2013	Public consultation on draft determination including any conference if called.
February/March 2013*	Final determination.

* This timeframe may be longer if a conference is requested in response to the ACCC's draft determination.

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



David Hatfield
Director
Adjudication Branch

Application for authorisation A91338 lodged by Cockatoo Coal and Ors

List of interested parties – draft determination

1. Yancoal Limited
2. Coll Randall & Associates (representing Allegance Coal)
3. Blackwood Corporation
4. Stanmore Coal
5. Xstrata Coal
6. BHP Billiton Mitsubishi Alliance
7. Rio Tinto Coal Australia Pty Ltd
8. Anglo Coal Australia Pty Ltd
9. Wesfarmers Curragh Pty Ltd
10. Foxleigh Mining Pty Ltd
11. Macarthur Coal
12. Qld Department of State Development, Infrastructure and Planning
13. The Coordinator General, Queensland Government
14. Qld Department of Natural Resources and Mines
15. Qld Treasury Office (Economic and Structural Policy)
16. Qld Department of Energy and Water Supply
17. Qld Department of Agriculture, Fisheries and Forestry
18. Department of Resources, Energy and Tourism
19. Department of Infrastructure
20. Queensland Competition Authority
21. SunWater
22. Minerals Council of Australia
23. Queensland Resources Council
24. Ports Corporation of Queensland
25. Wiggins Island Coal Export Terminal Pty Ltd
26. Gladstone Port Corporation
27. Gladstone Industry Leadership Group
28. Queensland Famers Federation
29. Gladstone Area Water Board