



**Australian  
Competition &  
Consumer  
Commission**

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Dear Sir/Madam,

**Endocoal Ltd & Ors applications for authorisation A91350 & A91351  
– final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by five Queensland coal producers on 7 December 2012.

In A91351, Endocoal Ltd, Linc Energy Ltd, Whitehaven Coal Ltd, Yancoal Australia Ltd and QC Resource Investments Pty Ltd proposed to collectively bargain for access to below rail infrastructure with QR Network Pty Ltd. And in A91350, four of the same coal producers proposed to similarly collectively bargain with Adani Mining Pty Ltd for access to the coal export terminal being built at Dudgeon Point at the Port of Hay Point.

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 until 5 April 2028.

**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 4 April 2013. If no application to review is lodged by this date, the ACCC's determination will come into force on 5 April 2013.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal (Tribunal). The 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 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 do not hesitate to contact Michael Drake on (03) 9658 6517 or at [Michael.Drake@accc.gov.au](mailto:Michael.Drake@accc.gov.au).

Yours sincerely

David Hatfield  
Director  
Adjudication Branch