



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 53987  
Contact Officer: Hannah Ransom  
Contact Phone: (02) 6243 1255

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](http://www.accc.gov.au)

21 August 2014

Mr Simon Muys  
Partner  
Gilbert + Tobin Lawyers

By email: [smuys@gtlaw.com.au](mailto:smuys@gtlaw.com.au)  
CC: [ccoorey@gtlaw.com.au](mailto:ccoorey@gtlaw.com.au)

Dear Mr Muys

### **Rio Tinto, Peabody & Pacific National applications for authorisation A91410 & A91411 - determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by Rio Tinto, Peabody and Pacific National (the Applicants) on 25 February 2014.

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 12 September 2019.

#### **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 September 2014. If no application to review is lodged by this date, the ACCC's determination will come into force on 12 September 2014.

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 do not hesitate to contact Hannah Ransom on (02) 6243 1255 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield', is positioned above the typed name.

David Hatfield  
Director  
Adjudication Branch