

Our Ref: 53634  
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**Australian  
Competition &  
Consumer  
Commission**

6 February 2014

Mr Matthew Bull  
Partner  
Herbert Smith Freehills

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Dear Mr Bull

**RG Tanna Coal Export Terminal Producers application for authorisation A91405 - interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation lodged by the RG Tanna Coal Export Terminal Producers (the Applicants) on 10 January 2014. A copy of the ACCC decision is attached.

Interim authorisation is granted to enable the Applicants to commence collective negotiations with Gladstone Ports Corporation Limited in relation to the terms and conditions of the coal handling agreement and the port services agreement. Interim authorisation does not extend to the making of, or giving effect to, any agreements.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

**Next steps**

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the Applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the Applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. In this regard the ACCC will reconsider this decision at the time of issuing its draft determination. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Tess Macrae on (03) 9290 1835.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick'.

Dr Richard Chadwick  
General Manager  
Adjudication Branch