

Our Ref: 53987
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**Australian
Competition &
Consumer
Commission**

27 February 2014

Mr Simon Muys
Gilbert + Tobin

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Dear Mr Muys

Authorisation applications A91410 & A91411 submitted by Rio Tinto Coal Australia Pty Limited, Peabody Energy Australia Pty Ltd & Pacific National Pty Ltd – request for material to be excluded from the public register

I refer to the above application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 25 February 2014.

I have considered your client's request that parts of the Members' Agreement and Charter be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Competition and Consumer Act 2010* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the identified parts of the Members' Agreement and Charter will not be placed on the public register.

This letter has been placed on the ACCC's public register.

I note that you also provided a public version of these documents, as Attachment D to the submission in support of the application. This version will be placed on the public register in the form it was provided to the ACCC.

Should you have any queries in relation to this matter, please do not hesitate to contact Hannah Ransom on (02) 6243 1255.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch