



**Australian
Competition &
Consumer
Commission**

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6 March 2014

Dear Sir/Madam

RG Tanna Coal Export Terminal Producers application for authorisation A91405 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the RG Tanna Coal Export Terminal Producers (the Applicants) on 10 January 2014.

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.

The Applicants seek authorisation to:

- collectively discuss and negotiate with Gladstone Ports Corporation Limited (GPC) the terms and conditions, including price, of coal handling agreements and port services agreements which relate to the RG Tanna and Barney Point coal export terminals, the shipping channels and associated infrastructure at the Port of Gladstone and any facilities owned by GPC which are necessary for GPC to operate and manage the Port of Gladstone
- enter into and give effect to contracts, arrangements or understandings regarding the agreements with GPC.

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 15 years. The ACCC has also varied the existing interim authorisation to allow the Applicants to collectively negotiate with GPC and enter into agreements, provided however that the Applicants do not give effect to any such agreement.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **21 March 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91405 – RG Tanna Coal Export Terminal Producers – submission".

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 **21 March 2014**.

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 this application.

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
10 January 2014	Lodgement of application and supporting submission.
16 January 2014	Public consultation process begins.
6 February 2014	ACCC decision regarding interim authorisation.
6 March 2014	Draft determination.
March 2014	Public consultation on draft determination including any conference if called.
April 2014	Final determination.

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 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch