



**Australian
Competition &
Consumer
Commission**

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16 April 2014

Dear Sir/Madam

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

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

The Applicants sought 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 (or any future owner or operator of the channel infrastructure or the terminals).

A copy of the ACCC's determination and summary of its reasons is attached.

For the reasons set out in its determination, the ACCC has decided to grant authorisation until 8 May 2030.

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 (the Tribunal) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 7 May 2014. If no application for a review is lodged by this date, the ACCC's determination will come into force on 8 May 2014.

An application for a review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at 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 Tess Macrae on (03) 9290 1835.

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