



**Australian
Competition &
Consumer
Commission**

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16 January 2014

Dear Sir/Madam

RG Tanna Coal Export Terminal Producers application for authorisation A91405 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for authorisation received from the RG Tanna Coal Export Terminal Producers on 10 January 2014.

The RG Tanna Coal Export Terminal Producers are Anglo American Australia Limited, BHP Billiton Mitsubishi Alliance, Cockatoo Coal Limited, Glencore Coal Investments Australia Pty Limited, Idemitsu Australia Resources Pty Ltd, Jellinbah Resources Pty Ltd, Rio Tinto Coal Australia Pty Ltd, Sojitz Coal Mining Pty Ltd, Wesfarmers Resources Ltd and Yancoal Australia Ltd.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. 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.

Application for authorisation

The RG Tanna Coal Export Terminal Producers 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.

A copy of the application is [attached](#) and is also available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Interim authorisation

The applicants also requested interim authorisation to commence collective negotiation.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation,

the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim is or is not granted
- possible benefit and detriment to the public
- the urgency of the matter and
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to the applicants' request for interim authorisation please do so by **28 January 2014** and submissions on the substantive application for authorisation should be provided by **6 February 2014**. Please email your submission to adjudication@acc.gov.au.

I understand that the deadline for submissions on interim authorisation is tight. If you would like to provide comments orally, please contact Tess Macrae on (03) 9290 1835 or via email adjudication@acc.gov.au to organise a suitable time.

Submissions, including oral 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 progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
10 January 2014	Lodgement of application and supporting submission, including request for interim authorisation.
16 January 2014	Public consultation process begins.
28 January 2014	Closing date for submissions on interim authorisation.
6 February 2014	Closing date for submissions from interested

Indicative date	Stage in assessment process
	parties.
February 2014	ACCC decision regarding interim authorisation.
February/March 2014	Applicant responds to issues raised in the public consultation process.
April 2014	Draft determination.
April 2014	Public consultation on draft determination including any conference if called.
May 2014	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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



Dr Richard Chadwick
General Manager
Adjudication Branch

**RG Tanna Coal Export Terminal Producers – application for authorisation
A91405**

Initial consultation with interested parties

16 January 2014

Adani Group
AMCI Australia Pty Ltd
Dalrymple Bay Coal Terminal Pty Ltd
Department of Employment, Economic Development and Innovation (QLD)
Department of Industry
Department of Infrastructure
Department of Local Government and Planning (QLD)
Department of Natural Resources and Mines (QLD)
Department of State Development, Infrastructure and Planning (QLD)
Department of Transport and Main Roads (QLD)
Gladstone Ports Corporation Limited
Glencore Xstrata
MacMines AustAsia Pty Ltd
Minerals Council of Australia
North Queensland Bulk Ports Corporation
Queensland Competition Authority
Queensland Resources Council
Queensland Treasury Office (Economic and Structural Policy)
Vale Australia
Waratah Coal Pty Ltd