



**Australian
Competition &
Consumer
Commission**

Our Ref: 53987
Contact Officer: Hannah Ransom
Contact Phone: (02) 6243 1255

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

19 June 2014

Mr Simon Muys
Partner
Gilbert + Tobin Lawyers

By email: smuys@gtlaw.com.au
CC: ccoorey@gtlaw.com.au

Dear Mr Muys

Rio Tinto, Peabody & Pacific National applications for authorisation A91410 & A91411 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for authorisation lodged by Rio Tinto, Peabody and Pacific National (the Applicants) on 25 February 2014.

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 up to five years.

Interim authorisation

The ACCC granted interim authorisation to the arrangements on 27 March 2014, allowing the three Applicants to commence a trial period of implementation of the coordination arrangements. The ACCC has decided to extend the existing interim authorisation to include any future members to the arrangements. This extension is effective immediately and will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

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 **10 July 2014**. Submissions should be emailed to

adjudication@acc.gov.au with the subject "A91410 & A91411 – Rio Tinto & Ors – 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 **10 July 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 these applications.

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* (attached).

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
25 February 2014	Lodgement of application and supporting submission.
27 February 2014	Public consultation process begins.
27 March 2014	ACCC decision regarding interim authorisation.
19 June 2014	Draft determination.
June – July 2014	Public consultation on draft determination including any conference if called.
August 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 Hannah Ransom on (02) 6243 1255.

Yours sincerely



David Hatfield
Director
Adjudication Branch