

13 February 2024

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Dear Ms Martin and Mr Hatfield

### **Hunter Valley Coal Chain Coordinator application for authorisation**

I refer to the ACCC's letter dated 23 January 2024, seeking submissions in relation to the application for authorisation submitted by Hunter Valley Coal Chain Coordinator Limited (**HVCCC**) on 19 December 2023 (**Application**).

As the ACCC is aware, Port Waratah operates the Kooragang and Carrington coal terminals at the Port of Newcastle and is a member of HVCCC.

Port Waratah supports HVCCC's application for authorisation.

Importantly, the Application does not involve any changes to the role or activities of HVCCC, or to the conduct which has been authorised by the ACCC since 2009. Although the Application provides greater clarity about the HVCCC's role and activities - and more clearly delineates the authorised conduct - in practice, it involves only an extension of the current authorisation (to the extent that authorisation relates to HVCCC).

Port Waratah considers that the Proposed Conduct (as defined in the Application) has delivered, and will continue to deliver, substantial public benefits. The coordination role undertaken by HVCCC is essential to the efficient operation of the Hunter Valley coal chain in circumstances where the coal chain infrastructure and assets are both owned and operated – and used - by multiple, separate parties.

Port Waratah also considers that the Proposed Conduct will not result in any harm to competition or other public detriments. In particular:

- The Proposed Conduct will not enable either HVCCC or its members to obtain access to competitively sensitive information about any other party's prices, export customers, customer negotiations and terms, or sales and marketing activities.



- To the extent that members need to disclose confidential information with HVCCC (e.g. forecast and/or scheduling information), HVCCC's information sharing protocols and internal practices will continue to ensure that this information is not provided to any competitor, and is only used by HVCCC to undertake its functions.

Port Waratah therefore considers that the public benefits arising from the Proposed Conduct will continue to outweigh any public detriments.

Given the need for certainty to facilitate long term investments in coal chain assets and infrastructure, Port Waratah supports the ACCC granting authorisation for a period of 10 years.

If the ACCC has any questions, Port Waratah would be pleased to assist.

Yours sincerely



**Hennie Du Plooy**  
Chief Executive Officer

