



Australian
Competition &
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Commission

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NEWS RELEASE

ACCC PROPOSES TO AUTHORISE COLLECTIVE BARGAINING BY DUDGEON POINT COAL

The Australian Competition and Consumer Commission proposes to authorise miners to collectively bargain with Dudgeon Point Project Management (DPPM) and QR Network to export coal from Bowen Basin mines through the proposed DPPM terminal at Dudgeon Point.

The draft determination proposes to authorise collective bargaining between coal miners and DPPM on the terms and conditions of access to its terminal. The second draft determination proposes to authorise collective bargaining with QR Network for access to its below rail infrastructure in order to service the DPPM terminal.

"The ACCC considers that these arrangements will result in significant savings and help avoid delays in both the construction of DPPM's terminal and new coal export earnings," ACCC chairman Rod Sims said.

"The ACCC is satisfied that the voluntary nature of the arrangements, the limited composition of the collective bargaining group and the limited scope of the negotiations will mean that any potential detriment is minimal."

The first authorisation is sought by Carabella Resources Limited, Macarthur Coal Limited, Middlemount Coal Pty Limited, New Hope Corporation Limited, Peabody Energy Australia Pty Limited in relation to collective bargaining with DPPM. Dudgeon Point is located in the Port of Hay Point approximately 40 kilometres south of Mackay.

These coal miners and Rio Tinto Coal Australia Pty Limited are seeking a second authorisation for collective bargaining with QR Network.

The ACCC is proposing to authorise both arrangements for 15 years. This will allow collective negotiations with DPPM and QR Network during development of the DPPM terminal and for the applicants to give effect to any agreements entered into for an initial ten year term.

Authorisation provides statutory protection from court action for conduct that might otherwise raise concerns under the competition provisions of the *Competition and Consumer Act 2010*. Broadly, the ACCC may grant an authorisation when it is satisfied that the public benefit from the conduct outweighs any public detriment.

More information about the application for authorisation, including a copy of the ACCC's draft determination, will be available on the ACCC website at:

Collective bargaining with DPPM:

<http://www.accc.gov.au/content/index.phtml/itemId/1010647/fromItemId/278039>

Collective bargaining with QR Network:

<http://www.accc.gov.au/content/index.phtml/itemId/1010645/fromItemId/278039>

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