

**QUEENSLAND
COMPETITION
AUTHORITY**

Our Ref: Paul Bilyk
Direct Line: 3222 0506
File Ref: 8-17-01 / 75614

9 January 2006

Mr Jeff Pollock
Chief Operating Officer
BBI (DBCT) Management Pty Ltd
Level 25
Waterfront Place
Brisbane Qld 4000

Dear Mr Pollock

**Notice of Investigation
Dalrymple Bay Coal Terminal - Draft Access Undertaking**

On 4 January 2006, the Queensland Competition Authority ("the Authority") received a draft access undertaking for the coal handling services at the Dalrymple Bay Coal Terminal ("the 2006 draft access undertaking").

The 2006 draft access undertaking was submitted by BBI (DBCT) Management Pty Limited ("BBI") in its own right as the operator of the Terminal (refer to Division 7 of the *Queensland Competition Authority Act 1997* - "the Act").

The 2006 draft access undertaking was submitted in response to an initial undertaking notice issued by the Authority on 21 October 2005 in accordance with s.133 of the Act. This follows the Authority's decision in April 2005 in relation to its refusal to approve the draft access undertaking previously submitted by Prime Infrastructure (DBCT) Management Pty Ltd (now BBI) on 20 June 2003.

In accordance with s.146 of the Act, the Authority advises you that it will be conducting an investigation into access to the coal handling services at the Dalrymple Bay Coal Terminal. The purpose of this investigation is to assist the Authority in deciding whether to approve, or refuse to approve, the 2006 draft access undertaking.

As part of its investigation of the 2006 draft access undertaking, the Authority invites written submissions from interested parties.

Copies of the draft access undertaking and the accompanying submission are available from the Authority and for download from the Authority's web site: <http://www.qca.org.au>.

Submissions or comments regarding the Authority's investigation of this matter should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane QLD 4001
Telephone: (07) 3222 0555
Fax: (07) 3222 0599
Email: ports.submissions@qca.org.au

The closing date for submissions is Tuesday 31 January 2006.

Inquiries regarding this matter should be directed to Mr Paul Bilyk on (07) 3222 0506.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'B. Parmenter', written over a horizontal line.

Brian Parmenter
Chairperson

SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). Therefore submissions are invited from interested parties concerning its assessment of the 2006 DBCT draft access undertaking. The Authority will take account of all submissions received.

Written submissions should be sent to the address below. While the Authority does not necessarily require submissions in any particular format, it would be appreciated if two printed copies are provided together with an electronic version on disk (Microsoft Word format) or by e-mail. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane QLD 4001
Telephone: (07) 3222 0506
Fax: (07) 3222 0599
Email: ports.submissions@qca.org.au

The **closing date** for submissions is Tuesday 31 January 2006.

Confidentiality

In the interests of transparency and to promote informed discussion, the Authority would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should claim confidentiality in respect of the document (or any part of the document). Claims for confidentiality should be clearly noted on the front page of the submission and the relevant sections of the submission should be marked as confidential, so that the remainder of the document can be made publicly available. It would also be appreciated if two copies of each version of these submissions (ie the complete version and another excising confidential information) could be provided. Again, it would be appreciated if each version could be provided on disk. Where it is unclear why a submission has been marked "confidential", the status of the submission will be discussed with the person making the submission.

While the Authority will endeavour to identify and protect material claimed as confidential as well as exempt documents (within the meaning of the *Freedom of Information (FOI) Act 1989*), it cannot guarantee that submissions will not be made publicly available. As stated in s187 of the *Queensland Competition Authority Act 1997* (the QCA Act), the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority is satisfied that the person's belief is justified and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the Authority may be required to reveal confidential information as a result of an FOI request.

Public access to submissions

Subject to any confidentiality constraints, submissions will be available for public inspection at the Brisbane office of the Authority, or on its website at www.qca.org.au. If you experience any difficulty gaining access to documents please contact the office (07) 3222 0555.

Information about the role and current activities of the Authority, including copies of reports, papers and submissions can also be found on the Authority's website.