



Our ref: AA100538  
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16/12/2020

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## By email

Dear Sir or Madam

### **Vintage Energy Ltd – application for authorisation AA100538—interested party consultation**

The Australian Competition and Consumer Commission (the **ACCC**) is currently conducting a consultation process on an application for authorisation received from Vintage Energy Ltd (**Vintage**) on 10 December 2020.

This letter is to invite you to comment on the application.

#### **Application for authorisation**

Vintage, Metgasco Ltd, Bridgeport (Cooper Basin) Pty Ltd (collectively, the **Applicants**) seek authorisation to jointly market and give effect to supply agreements with customers with common terms and conditions (including price) for gas developed from the new Vali gas field in the Queensland Cooper/Eromanga Basin. The Vali gas field development project is owned by the Applicants pursuant to a joint venture agreement between them (Vintage 50%, Metgasco 25% and Bridgeport 25%).

The Applicants seek authorisation for a period of 5 years to give effect to supply agreements with customers which may have gas supply terms of up to 15 years (i.e. up to and including 2041).

A copy of the application for authorisation is available on the ACCC's website [www.acc.gov.au/AuthorisationsRegister](http://www.acc.gov.au/AuthorisationsRegister).

#### **Interim authorisation**

The Applicants also seek interim authorisation to negotiate and enter into:

- long term gas supply agreements with customers (conditional on final authorisation being granted); and
- binding short term gas supply agreements with customers for interruptible supply of gas (until 31 December 2021).

The ACCC decides whether to grant interim authorisation on a case by case basis. In doing so, the ACCC will usually consider a range of factors, including: harm to the applicants and other parties if interim authorisation 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 authorisation state if the ACCC should later deny authorisation.

## The authorisation process

Authorisation provides protection from legal action for conduct that may otherwise breach the competition provisions of the Competition and Consumer Act 2010 (Cth).

Broadly, the ACCC may grant authorisation if it is satisfied that the benefit to the public from the conduct outweighs any public detriment, including from a lessening of competition. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit.

## Request for submissions

The ACCC invites you to make a submission on the application for authorisation and/or the application for interim authorisation. In making your submission, please provide information and evidence about the likely public benefits, effects on competition and any public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission on the substantive application and/or the interim authorisation, please do so by **18 January 2021**.

Submissions should be emailed to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au) with the subject 'AA1000538 – Vintage Energy Ltd – submission'. Alternatively, if you would like to provide comments orally, please contact Connie Wu via the details at the end of this letter.

Your submission will be placed on the ACCC's public register unless you request and provide reasons for us to exclude part or all of the submission from the public register (see the [Guidelines](#)).

## Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below, and an updated version (including any changes) is posted on the public register.

<b>10 December 2020</b>	Lodgement of application and supporting submission.
<b>16 December 2020</b>	Public consultation process begins.
<b>18 January 2021</b>	Closing date for submissions on interim and substantive authorisation.
<b>January 2021</b>	ACCC decision regarding interim authorisation.
<b>February 2021</b>	Applicant responds to issues raised in the public consultation process.
<b>March 2021</b>	Draft determination.
<b>March/April 2021</b>	Public consultation on draft determination including any conference if called.
<b>April 2021</b>	Final determination.

You can 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 Connie Wu on (08) 9325 0637 or by email at [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is fluid and cursive, with a large loop at the end of the word.

Darrell Channing  
Director  
Competition Exemptions Branch

## **List of parties consulted**

Santos Ltd

Alinta energy Retail Sales Pty Ltd

Brickworks Ltd

AGL Energy Limited

Origin Energy Limited

Engie ANZ Group

Shell Australia

Adelaide Brighton Cement

APA Group

Epic Energy

Commonwealth Department of industry, Science, Energy and Resources

AEMO

AEMC

Australian Petroleum Production & Exploration Association

Australian Energy Council

Australian Gas Infrastructure Group