



Our ref: AA40211
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Dear Sir/Madam

Gladstone Power Station joint venture - application (AA40211) for minor variation of authorisations A91205 – A91207 - interested party consultation

On 20 September 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for minor variation from Rio Tinto on behalf of itself and the other participants in the Gladstone Power Station joint venture (the **Participants**). This letter is to invite you to comment on the application. You are welcome to pass this letter on to others who may wish to make a submission.

Rio Tinto is seeking minor variations under section 91A of the *Competition and Consumer Act 2010* (the **CCA**) to authorisations A91205-A91207 which authorised a number of electricity supply agreements involving the Boyne Island aluminium smelter.¹ The minor variations are proposed to allow amendments to the relevant authorised agreements in response to the change to a five minute settlement period under the National Electricity Rules.

When the ACCC receives an application proposing multiple variations to an authorisation, the ACCC can assess the variations as if they were a single minor variation under section 91A(7) of the CCA.

A full copy of the application for minor variation is available on the ACCC's [authorisations public register](#).

The minor variation process

After considering the application, any submissions received within the specified period, and any other information received, the ACCC will issue a written determination varying the authorisation or dismissing the application and give reasons for its decision. The determination will detail whether the variation applied for was, in the ACCC's view, minor and the nature of any change in the net benefits of the authorisation. Unlike applications for authorisations, the ACCC does not issue a draft determination when considering a minor variation.

Making a submission

The ACCC invites you to make a submission on the application for minor variation. In making your submission, please provide information, evidence and views about the likely

¹ For information about Authorisations, please see <https://www.acc.gov.au/business/exemptions/authorisation>.

public benefits, effects on competition and any other public detriment that you consider will result from the proposed variations.

If you intend to provide a submission, please do so by **8 October 2021**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please email your submission to exemptions@acc.gov.au, with the subject 'Application (AA40211) for minor variation to authorisations A91205-A91207 –Gladstone Power Station joint venture – submission'.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

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

Indicative date	Stage in assessment process
20 September 2021	Lodgement of application and supporting submission
28 September 2021	Public consultation process begins
8 October 2021	Closing date for submissions from interested parties
Late October 2021	Determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Tanya Hobbs on 02 6243 1029 or exemptions@acc.gov.au.



Yours sincerely
Jaime Martin
A/g Director
Competition Exemptions

Interested Party List

AGL

Arrow Energy

Alinta Energy

Australian Aluminium Council

Australian Government Department of Industry, Science, Energy and Resources

Australian Energy Market Commission

Australian Financial Markets Association

CS Energy

Energy Developments

Energy Supply Association of Australia

Energy Users Association of Australia

ERM Power (Shell Energy Australia)

Essential Energy

InterGen

Loy Yang B Power

Mitsui & Co (Australia)

Origin

Queensland Competition Authority

Queensland Department of Energy and Public Works

Ratch Australia

Rusal Australia

Santos