May 2020

Dear Interested Party

The Minerals Council of Australia’s application for authorisation AA1000504 – interim authorisation decision and interested party consultation

On 23 April 2020, the Australian Competition and Consumer Commission (the ACCC) received an application for authorisation from the Minerals Council of Australia (MCA) (the application).

The purpose of this letter is to invite you to comment on the MCA’s application. You are welcome to pass this letter on to others who may wish to make submissions.

The application for authorisation

The application was lodged on behalf of the MCA, its members and seven other mining and exploration industry bodies and their members (together, the Applicants) to enable them to:

- reach agreements to collaborate to share inventories of and rationalise demand for critical supplies and services,
- to coordinate scheduling and supply chain activities of those supplies and services, and
- to share details of potential suppliers of PPE

To ensure that the mining industry can continue to operate safely and efficiently during the COVID-19 pandemic (the Proposed Conduct).

The authorisation is intended to cover the Applicants, entities who are full members of an Applicant and any other entities participating in the Australian mining industry provided the ACCC is notified in advance (collectively, the Participants). See Schedule of parties with protection for further detail.

The Applicants have sought interim authorisation for the Proposed Conduct, as well as authorisation for a period of 12 months from the date of the ACCC’s final determination on the application. A full copy of the application for authorisation is available on the ACCC’s authorisations public register.

Interim authorisation

On 24 April 2020, the ACCC granted conditional interim authorisation for the Proposed Conduct.

The interim authorisation is subject to conditions, including that:

1. the MCA must notify the ACCC of any material arrangements entered into by the Participants pursuant to the Proposed Conduct as soon as practicable. Material arrangements are arrangements that are:
a. likely to be of commercial or economic significance; and
b. may have a material impact on the supply of critical services and supplies.

2. the Applicants must provide any further information that the ACCC requests on a timely basis; and

3. the MCA must provide regular updates to the ACCC on the implementation of the Proposed Conduct, including any material developments and arrangements, at a frequency agreed with the ACCC.

The interim authorisation does not extend to any contracts, arrangements or understandings between Participants that limit or reduce production by any of them.

Submissions

The ACCC is now conducting a public consultation process on the Proposed Conduct and invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the Proposed Conduct.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason we are taking a flexible approach to receiving feedback on the Proposed Conduct. We will accept written submissions at any time up until 22 May 2020, however you may wish to contact us by phone to discuss your views before this deadline.

If you wish to provide a submission, please do so by email to adjudication@accc.gov.au with the subject ‘AA1000504 – MCA – submission’. Alternatively, if you would like to provide comments orally, please contact Joseph Chan on 02 6243 3022 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC’s public register subject to any request for exclusion (see the ACCC guidelines for more information).

Timetable

An indicative timetable is below. This timetable is subject to change. The most up to date indicative timetable is available on the ACCC’s public register.

<table>
<thead>
<tr>
<th>Indicative date</th>
<th>Stage in assessment process</th>
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<tbody>
<tr>
<td>23 April 2020</td>
<td>Lodgement of application, including request for interim authorisation and supporting submission.</td>
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<tr>
<td>24 April 2020</td>
<td>ACCC decision regarding interim authorisation.</td>
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<tr>
<td>1 May 2020</td>
<td>Consultation on the application and interim authorisation commences.</td>
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<tr>
<td>22 May 2020</td>
<td>Closing date for submissions from interested parties.</td>
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<tr>
<td>5 June 2020</td>
<td>Applicants respond to issues raised in the public consultation process.</td>
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<tr>
<td>July/August 2020</td>
<td>ACCC Draft determination.</td>
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<tr>
<td>August/September 2020</td>
<td>Public consultation on draft determination including any conference if called.</td>
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<tr>
<td>October 2020</td>
<td>Final determination.</td>
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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 Joseph Chan on 02 6243 3022 or adjudication@accc.gov.au.

Yours sincerely

Susan Philp
Director
Adjudication
Interested Parties

- 3M Australia
- Australian Transit Group
- Campbell Transport
- Department for Energy and Mining (SA)
- Department of Industry, Science, Energy and Resources (Cth)
- Department of Jobs, Precincts & Regions (Resources Branch) (Vic)
- Department of Mines, Industry Regulation & Safety (WA)
- Department of Natural Resources, Mines & Energy (QLD)
- Department of Planning, Industry and Environment (NSW)
- Department of Primary Industry & Resources (NT)
- Department of State Growth (Tas)
- Global Trade Logistics
- Hampton
- Industrial Workwear & Safety
- Maxisafe
- MSA Safety
- Orica
- Origin Energy
- Ranger
- Road Trains of Australia
- Seton Australia
- Total Lifting & Rigging Pty Ltd
- Uvex
- Wesfarmers