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**From:** Louise Klamka [REDACTED]  
**Sent:** Tuesday, 16 June 2020 2:52 PM  
**To:** Staltari, Danielle; Griffin, Luke; Jones, Gavin  
**Cc:** Rebecca Dollisson; Stephanie Choong  
**Subject:** Boral - application for authorisation in relation to Tarong Power Station

Dear Danielle

We confirm that Boral Cement is seeking authorisation to give effect to its Offtake, Operation & Maintenance Agreement (OOMA), with Stanwell Corporation Limited.

The primary provisions of the OOMA in relation to which Boral seeks authorisation are clauses 4.1 (exclusive right to take fly ash) and 4.2 (obligation to take fly ash), which establishes the take or pay obligation. As set out in the submission supporting Boral's application, Boral does not consider that either of these provisions have the effect or likely effect of substantially lessening competition in any market. The terms of the OOMA require Boral to obtain ACCC authorisation as a condition precedent to its implementation. As such, Boral is seeking authorisation of the OOMA on the basis that these provisions may attract sections 47 and 45(1)(b) of the CCA.

Kind regards,  
Louise

**LOUISE KLAMKA**  
**SPECIAL COUNSEL | GILBERT + TOBIN**

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**T** [REDACTED] | **M** [REDACTED]  
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[Gilbert + Tobin supports the BCA #goodtogo initiative](#)