

AUSTRALIAN COMPETITION & CONSUMER COMMISSION
FILE NOTE

OFFICE: Canberra
FILE REF.: C2002/1291
DATE: 29 October 2002

SUBJECT: OMG Kokkola Chemicals Applications for Authorisation

I spoke this afternoon, (3.10pm aest) to Mr Darren Grondal of Blake Dawson Waldron, lawyers for OMGK, nickel joint venture in Western Australia. Mr Grondal advised me that after receiving advice from his clients and in response to the Commission's letter to his clients (16 October 2002) that OMGK would be providing correspondence confirming that they wish to withdrawl their authorisation applications.

Mark Fitt

Fitt, Mark

From: Grondal Darren 8169 DDG [darren.grondal@bdw.com.au]
Sent: Tuesday, 29 October 2002 3:27 PM
To: 'sam.discerni@accc.gov.au'
Cc: 'mark.fitt@accc.gov.au'; 'tim.grimwade@accc.gov.au'; 'greg.outzen@accc.gov.au'; Edmands Philip 8091 PGE; Grondal Darren 8169 DDG
Subject: OMG Kokkola Chemicals Holding B.V. - Applications A70013 & A70014

Dear Sam

Please refer to our attached letter.

Kind regards

Darren Grondal

<<Letter to Sam Di Scerni.pdf>>

Libby Williams

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Our reference
PGE:DDG:13236321

Your reference
Mark Fitt

29 October 2002

Dear Sir

OMG Kokkola Chemicals Holding B.V. – Applications A70013 & A70014

We refer to our client's applications for authorisation in relation to certain provisions of its Alliance Agreement ("**Alliance Agreement**") with MPI Mines Ltd and MPI Nickel Pty Ltd.

As our client's application disclosed, despite being strongly of the view that those provisions do not contravene the provisions of the *Trade Practices Act 1974*, the parties to the Alliance Agreement determined that it was prudent to apply for a grant of authorisation while they obtained Senior Counsel's advice to confirm their view.

Our client has now received advice from Mr Craig Colvin SC. Based on that advice, our client hereby withdraws its applications for authorisation and requests that the Commission remove them from the public register.

We confirm that our client has noted applications for authorisation made on 4 September 2002 by BHP Billiton Minerals Pty Ltd in relation to the POSMAC Joint Venture.

If you have any queries regarding the applications, please telephone Philip Edmands or Darren Grondal.

Yours faithfully

Blake Dawson Waldron

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