



**Australian
Competition &
Consumer
Commission**

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Our Ref: Trackit 37246
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22 April 2009

Dear Madam/Sir

**Woodside Energy Ltd and Benaris International Pty Ltd application for authorisation
A91135 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Woodside Energy Ltd and Benaris International Pty Ltd. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Woodside and Benaris are two of the four partners in the Otway Gas Project unincorporated joint venture. The joint venture, operated by Woodside, extracts Liquefied Petroleum Gas (specifically propane and butane for such applications as residential heating and transport) from offshore fields south of Port Campbell, Victoria. Woodside and Benaris seek authorisation for arrangements relating to the common terms and conditions (including price) on which LPG produced by the project for and on behalf of Woodside and Benaris is offered for sale and to jointly market and sell that LPG to a common customer or common customers.

A copy of the application for authorisation is attached. The application is also available on the ACCC's website <www.accc.gov.au>.

Interim authorisation

Woodside and Benaris have also requested interim authorisation for the arrangements.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim 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 state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to the applicants' application for authorisation, please do so by **15 May 2009**.

Submissions in relation to interim authorisation should be provided by **30 April 2009**.

Alternatively, if you would like to provide comments orally, please contact John Rouw on (03) 9290 1402 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

16 April 2009	Lodgement of application and supporting submission.
23 April 2009	Public consultation process begins.
30 April 2009	Closing date for submissions on interim authorisation.
Early May 2009	ACCC decision regarding interim authorisation.
15 May 2009	Closing date for submissions from interested parties.
30 May 2009	Applicant responds to issues raised in the public consultation process.
June 2009	Draft determination.
June/July 2009	Public consultation on draft determination including any conference if called.
July/August 2009	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also 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 John Rouw on (03) 9290 1402.

Yours sincerely

A handwritten signature in black ink, appearing to be 'GJ' or similar initials, written in a cursive style.

Gavin Jones
Director
Adjudication Branch

List of potentially interested parties

BHP Billiton
BOC Australia
BP Australia
CalEnergy Gas (Australia)
Caltex Australia
Consumer Action Law Centre
Department of Primary Industries Victoria
Department of Resources, Energy and Tourism Australia
Elgas
Energy Users Association of Australia
Essential Services Commission Victoria
ExxonMobil Corporation Australia
Kleenheat
LPG Australia
Origin
Power Gas
Royal Automobile Club of Victoria
Santos
Shell Company of Australia
United Petroleum
Woolworths