



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/800
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6 May 2009

Dear Madam/Sir

**Woodside Energy Ltd and Benaris International Pty Ltd application for authorisation
A91135 - interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation lodged by Woodside Energy Limited and Benaris International Pty Ltd on 16 April 2009. A copy of the ACCC decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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

Gavin Jones
Director
Adjudication Branch



**Application for authorisation
lodged by Woodside Energy Limited and
Benaris International Pty Ltd
A91135**

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation A91135 lodged by Woodside Energy Limited and Benaris International Pty Ltd on 16 April 2009.

The applicants have sought authorisation to give effect to an existing agreement to jointly market their shares of LPG produced by the Otway Gas Project and to:

- Negotiate and establish common terms and conditions (including price) on which LPG produced for the project for and on behalf of each of the applicants will be offered for sale
- Jointly market and sell that LPG to a common customer or common customers in Victoria.

Interim authorisation

Interim authorisation, pursuant to section 91(2)(d) of the *Trade Practices Act 1974* (the Act), protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application. The decision on interim authorisation in no way binds the ACCC in its consideration of the merits of the substantive applications.

Reasons for decision

Woodside Energy and Benaris International currently jointly market LPG to Elgas under arrangements previously authorised by the ACCC. This authorisation expired on 20 April 2009.

The arrangements the subject of the current application are intended to replace these arrangements.

The ACCC considers that the protection provided by interim authorisation would allow Woodside Energy and Benaris International to continue to jointly market LPG while the ACCC considers the applicant's substantive application for authorisation.

Reconsideration of decision

The ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.