



Application for authorisation lodged by Woodside Energy Limited and Benaris International Pty Ltd – A91157

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation under section 88(1A) of the *Trade Practices Act 1974* lodged by Woodside Energy Limited and Benaris International Pty Ltd on 24 July 2009.

The interim authorisation granted by the ACCC will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

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.

The ACCC previously granted interim authorisation to Woodside Energy and Benaris International on 6 May 2009 for the same conduct. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions.

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.

29 July 2009