

**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/800
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30 July 2009

Dear Madam/Sir

**Woodside Energy Limited and Benaris International Pty Ltd application for
authorisation A91157 - request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has received a further application for authorisation from Woodside Energy Ltd and Benaris International Pty Ltd.

The application is to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009*, which commenced on 24 July 2009. The conduct for which authorisation is being sought under application A91157 is the same conduct that Woodside and Benaris originally sought authorisation for on 16 April 2009 (authorisation application A91135). A copy of the new application A91157 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

The ACCC granted interim authorisation to application A91135 on 6 May 2009, allowing Woodside and Benaris to jointly market their shares of LPG produced by the Otway Gas Project. 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.

The ACCC has decided to grant interim authorisation in respect of the application for authorisation lodged by Woodside and Benaris on 24 July 2009. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions. A copy of the ACCC decision is attached.

Next steps

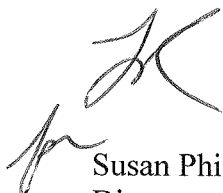
The ACCC is proposing to release a draft determination responding to application A91157 in the near future. This draft determination will take account of submissions from Woodside and Benaris and interested parties previously provided to the ACCC in respect of A91135.

The ACCC will give both Woodside and Benaris 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



Susan Philp
Director
Adjudication Branch

BP Australia

CalEnergy Gas (Australia)

Caltex Australia

Department of Primary Industries Victoria

Elgas

Royal Automobile Club of Victoria

Santos

Shell Company of Australia

Woolworths