



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/39
Contact Officer: Clare McGinness
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March 2010

Ms Margaret Brown
Minter Ellison Lawyers
1 Eagle Street
BRISBANE QLD 4000

sent via email: margaret.brown@minterellison.com

Dear Ms Brown

**Authorisation A91205-A91207 submitted by Rio Tinto Aluminium Limited and ors –
request for material to be excluded from the public register**

I refer to the above applications for authorisation, the unexecuted copies of the amended GPS agreements provided to the ACCC on 21 December 2009 and the copies of the execution pages provided on 12 February 2010. I also refer to the electronic copies of the executed agreements which you provided to the ACCC on 19 February 2010.

I have considered your request that the amended GPS agreements be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the confidential nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the amended GPS agreements will not be placed on the public register.

Your letters to the ACCC dated 21 December 2009 and 12 February 2010 noted that if the ACCC wishes to make any part of the agreements publically available during the course of the authorisation process, your client requests the opportunity to redact the agreements before any such disclosure occurs. In accordance with that request, the ACCC will contact you if it considers it appropriate to have any parts of the agreements placed on the public register.

This letter has been placed on the ACCC's public register.

Should you have any queries in relation to this matter, please do not hesitate to contact Clare McGinness on (02) 6243 1049.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written on a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch