



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: 41449  
Contact Officer: Simon Mitchell  
Contact Phone: (03) 9290 6909

6 April 2010

**BY EMAIL**

Dear Sir / Madam

**North West Shelf joint venture partners' applications for authorisation –  
A91220 – A91223**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from the partners in the North West Shelf Project that are participants in Domestic Gas Joint Venture and the Incremental Pipeline Gas Joint Venture. Those joint venture partners are BHP Billiton Petroleum (North West Shelf) Pty Ltd, BP Developments Australia Pty Ltd, Chevron Australia Pty Ltd, Shell Development (Australia) Pty Ltd, Woodside Energy Ltd, Japan Australia LNG (MIMI) Pty Ltd (only in the Incremental Pipeline Gas Joint Venture) and are hereafter referred to as the 'Applicants'.

A copy of the Applicants' main supporting submission is attached. The Applicants appended a significant amount of additional information to their applications, including a number of consultant reports. These appendices are available from the authorisations register on the ACCC's website ([www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)).

The ACCC invites you to make a submission on the applications as a party who may be interested in or affected by these arrangements.

Attached is a summary of the authorisation process for further information, including how to make a submission to the ACCC.

**The applications**

The Applicants are broadly seeking authorisation to jointly market and sell natural gas produced by the NWS Project for supply to customers in Western Australia.

The Applicants are seeking authorisation until 31 December 2016.

The Applicants also seek authorisation to give effect to existing contracts for their full term and to any new contracts entered into during the period of authorisation up to a term of 25 years from the first date of delivery of gas under the contracts.

The exact conduct for which the Applicants are seeking authorisation is provided at paragraphs 4.5 – 4.8 of the attached supporting submission.

### **Request for submissions on the applications**

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.

The ACCC notes that the Applicants have provided an outline of their claims about the potential benefits and detriments of the arrangements in Chapters' eight and nine of the main supporting submission, which is attached.

If you intend to provide a submission in relation to the applications for authorisation, please do so by close of business **30 April 2010**.

Submissions can be lodged by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) , by facsimile on (02) 6243 1211 or posted to:

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

If making a submission, please provide an appropriate contact person and email address to facilitate the timely provision of further information on these applications.

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

A full copy of the applications for authorisation and all public submissions will be available from the authorisations register on the ACCC's website ([www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)) and by following the links to this matter.

### **Timetable**

An indicative timetable of how the ACCC will progress its assessment of the application for authorisation is set out below for your information.

31 March	Lodgement of applications and supporting submissions
6 April	Public consultation process begins
30 April	Closing date for submissions from interested parties
May	Closing date for Applicants to respond to interested party submissions
June/July	ACCC releases its draft determination
July/August	Public consultation on draft determination including any conference if called
August/September	ACCC releases its final determination

#### **The ACCC's list of interested parties**

Please advise if you do not wish to make a submission at this time, but would like to be kept informed about the progress of this matter, including receiving a copy of the ACCC's draft and final determinations. In doing so, please provide an appropriate contact person and 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 contact me on (02) 6243 1266 ([david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)) or Simon Mitchell on (03) 9290 6909 ([simon.mitchell@acc.gov.au](mailto:simon.mitchell@acc.gov.au)).

Yours sincerely



David Hatfield  
 Director  
 Adjudication

**Applications for authorisation A91220 – A91223**  
**Interested Party Consultation – 6 April 2010**

**Interested Parties List**

Alcoa World Alumina Australia  
Adelaide Brighton  
Aditya Biria Minerals Ltd  
AGL Energy  
Alcoa World Alumina Australia  
Alinta  
Alinta  
APA Group  
Apache Energy  
Australasian Resources Ltd  
Australian Gas Association  
Australian Institute of Energy  
Australian Petroleum Production and Exploration Association of  
Australia  
Australian Pipeline Industry Association  
Australian Worldwide Exploration Ltd  
Barrick (Kanowna) Ltd  
Bioenergy Ltd  
Burrup Fertilisers  
CITIC Pacific Mining  
Clear Energy Pty Ltd  
Coolimba Power Pty Ltd  
CSBP Ltd  
Dampier Bunbury Pipeline  
DBNGP (WA) Transmission Pty Ltd  
Department of Mines and Petroleum (WA)  
Department of Resources, Energy and Tourism Australia (Cth)  
Department of State Development (WA)  
Domgas Alliance  
Economic Regulation Authority of Western Australia  
Eneabba Gas  
Energy Networks Association  
Energy Retailers Association of Australia  
Energy Supply Association of Australia  
Energy Users Association of Australia  
ERM Power  
Ferrowest Ltd  
Gold Fields Australia  
Griffin Power Pty Ltd  
Horizon Power  
Illuka Resources  
Incitec Pivot  
Independent Market Operator (WA)

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**Interested Party Consultation – 6 April 2010**

**Interested Parties List**

International Power Mitsui Kwinana  
Jabiru Metals Ltd  
Karara Energy Pty Ltd  
Kufpec Energy Australia  
Landfill Gas and Power Pty Ltd  
Latent Petroleum  
Melsom Consulting  
Midland Brick  
Minara Resources  
Mobil Australia Resources Company Pty Ltd  
Moly Mines Ltd  
Newcrest Mining  
Newmont Power Pty Ltd  
Nexus Energy  
NOVA Strategies  
Office of Energy (WA)  
Origin Energy  
Pacific Hydro  
Perdaman Chemicals and Fertilisers Pty Ltd  
Perth Energy  
Premier Power Sales Pty Ltd  
Reed Resources  
Rio Tinto  
Santos  
Synergy  
Tap Oil  
The Chamber of Commerce and Industry (WA)  
The Chamber of Minerals and Energy of Western Australia  
TransAlta Energy  
Transerv Energy  
Verve Energy  
Waste Gas Resources Pty Ltd  
Water Corporation  
Wesfarmers Energy Ltd  
Western Power  
WestNet Infrastructure Group  
Worsley Alumina