



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/39
Contact Officer: Teresa Nowak
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22 April 2010

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

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 and the information provided to the Australian Competition and Consumer Commission (ACCC) on 8, 9 and 16 April 2010 regarding slides in relation to the arrangements and references to clause numbers for relevant amendments to the GPS Agreements.

I have considered your request that parts of the slides and the submission setting out clause references 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 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 relevant parts of the documents will not be placed on the public register.

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

I note that you also provided a public version of your clients' submissions. These versions will be placed on the public register in the form it was provided to the ACCC on 9 April 2010 in relation to the slides and 16 April 2010 in relation to the clause references.

I also note your e-mail of 16 April 2010 in which you confirm that the applicant withdraws its claim of confidentiality over the last dot point on page 24 of its submission, that is, the statement that the amendments incorporated in the amended GPS Agreements seek to 'provide Stanwell with significant increased flexibility as to when the GPS will be dispatched'.

Should you have any queries in relation to this matter, please do not hesitate to contact Teresa Nowak on (02) 6243 1239.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', enclosed in a circular scribble.

Dr Richard Chadwick
General Manager
Adjudication Branch