



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91205-A91207
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

**Rio Tinto Aluminium Limited and ors applications for authorisation A91205-A91207
- draft determination**

The ACCC has issued a draft determination in respect of the above mentioned application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 24 December 2009.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant conditional authorisation for the specified amendments to the GPS agreements until 29 March 2029. The ACCC's assessment is set out in Chapter 4 of the draft determination.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **6 May 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **7 May 2010**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines for seeking exclusion from the public register are attached).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

24 December 2009	Lodgement of applications and supporting submission.
8 January 2010	Public consultation process begins.
29 January 2010	Closing date for submissions from interested parties.
3 February 2010	Applicants provide supplementary submission in support of the period for which authorisation is sought.
9, 19 February 2010	Applicants provide requested information.
9, 16 April 2010	Applicants provide requested information.
22 April 2010	Draft determination.
May/June	Public consultation on draft determination including any conference if called.
June	Final determination.

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 Teresa Nowak on (02) 6243 1239.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

