



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2010/344  
Contact Officer: Jaime Martin  
Contact Phone: (03) 9290 1477

8 July 2010

*By email*

Dear Sir/Madam

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

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the above applications for authorisation.

**Draft determination**

For the reasons set out in its draft determination, the ACCC proposes to grant conditional authorisation to the North West Shelf Project (NWS Project) partners to jointly market and sell their natural gas entitlements in WA until 31 December 2015.

The ACCC also proposes to grant authorisation to the NWS Project partners to give effect to existing contracts for their full term and to give effect to contracts entered into during the period of authorisation for a duration of no longer than five years.

The ACCC proposes to impose conditions on authorisation requiring the NWS Project partners to implement and have annually audited a set of ring fencing arrangements.

A copy of the ACCC's draft determination is attached. The ACCC's assessment of the proposed arrangements is set out in Chapter 4.

**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 **23 July 2010**.

You are also invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **30 July 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.

In addition to commenting on the ACCC's preliminary assessment of the proposed arrangements, the ACCC seeks the views of interested parties on the appropriate period of authorisation for the parties to give effect to existing contracts.

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

31 March 2010	Lodgement of the applications and supporting submission.
6 April 2010	Public consultation process begins.
8 July 2010	Draft determination.
July/August 2010	Public consultation on draft determination including any conference if called.
August/September 2010	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Jaime Martin on (03) 9290 1477 ([jaime.martin@acc.gov.au](mailto:jaime.martin@acc.gov.au)) or David Hatfield on (02) 6243 1266 ([david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)).

Yours sincerely



Darrell Channing  
A/g General Manager  
Adjudication

**Applications for authorisation A91220 – A91223  
Draft determination – 8 July 2010**

**Interested Parties List**

Alcoa World Alumina Australia

Alinta

Apache Energy

Aviva Corporation Ltd

Department of Resources, Energy and Tourism Australia (Cth)

Department of State Development (WA)

Domgas Alliance

Senator Dr Alan Eggleston

Gorgon Gas Project joint venture partners

Minara Resources

Nexus Energy

Rio Tinto

Synergy

Wesfarmers