



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2010/344  
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8 September 2010

Peter McDonald  
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Dear Mr McDonald

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

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

For the reasons set out in its determination, the ACCC has decided 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 grants 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 15 years.

A copy of the ACCC's determination is attached. The ACCC's assessment of the arrangements is set out in Chapter 5.

**Application for review**

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 29 September 2010. If no application for review is lodged by this date, the ACCC's determination will come into force on 30 September 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

### **When authorisations expire**

Towards the end of the period of authorisation, the holders of an authorisation may either:

apply for a new authorisation for the conduct or apply to revoke and substitute the existing authorisation or

- stop the conduct (unless they consider that the conduct no longer risks breaching the Act).

Upon receipt of an application for 'reauthorisation', the ACCC will assess the arrangements afresh – namely, it conducts a public consultation process to help assess the public benefits and public detriments that are likely to result from the arrangements.

While the ACCC will consider any application for 'reauthorisation' based on the circumstances at that time, in many cases, this assessment can be informed by the whether the proposed public benefits and potential detriments were realised during the previous term of authorisation.

Should the NWS Project partners consider it likely that it will seek 'reauthorisation' of the joint marketing arrangements in the future, the ACCC expects the NWS Project partners to collect evidence of the public benefit and detriment outcomes produced by the arrangements during the period of authorisation.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Simon Mitchell on (03) 9290 6909 ([simon.mitchell@acc.gov.au](mailto:simon.mitchell@acc.gov.au)) or David Hatfield on (02) 6243 1266 ([david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)).

Yours sincerely



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