



THE HON MICHAEL SUKKAR MP
Assistant Treasurer
Minister for Housing
Minister for Homelessness, Social and Community Housing

Ref: MC21-032312

Mr Rod Sims
Chair
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Mr Sims

I write to you in relation to the attached correspondence from the Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction, and the Hon Keith Pitt MP, Minister for Resources and Water.

The Ministers' letter notes the recent decision by Incitec Pivot Limited to close its Gibson Island manufacturing plant from December 2022, which Incitec Pivot Limited has attributed to a claimed inability to secure a commercially viable long-term gas supply arrangement.

I request that the ACCC consider the matters raised by the Ministers' letter, as appropriate, to the extent permitted by former Treasurer's direction under subsection 95H(1) of the *Competition and Consumer Act 2010*, which established the Gas Inquiry 2017-2025.

I have copied this letter to the Hon Scott Morrison MP, Prime Minister, the Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction, and the Hon Keith Pitt MP, Minister for Resources and Water.

I trust this information will be of assistance to you.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'M. Sukkar', written over a horizontal line.

The Hon Michael Sukkar MP

CC: Prime Minister; Minister for Industry, Energy and Emissions Reduction; Minister for Resources and Water.
Enc



The Hon Angus Taylor MP
Minister for Industry, Energy and
Emissions Reduction

The Hon Keith Pitt MP
Minister for Resources and Water

MS21-001833

The Hon Josh Frydenberg MP
Treasurer
Parliament House
CANBERRA ACT 2600


Dear Treasurer

We are writing to request you provide further direction to the Australian Competition and Consumer Commission (ACCC) on its *Gas Inquiry 2017-25*.

As you may be aware, on 8 November 2021 Incitec Pivot Limited (IPL) announced the closure of its Gibson Island fertiliser manufacturing plant. IPL attributed the closure, effective from December 2022, to its inability to secure an economically viable long-term gas supply arrangement.


As we continue to implement the Gas-Fired Recovery, it would be useful for us to understand in more detail the circumstances that led to IPL's decision to close Gibson Island.

Accordingly, we ask you to direct the ACCC to examine in detail the gas tender process IPL conducted for Gibson Island prior to the closure announcement. We ask this examination include correspondence between gas producers and IPL while noting that due to the constraints within the *Competition and Consumer Act 2010*, the ACCC can only examine this from producer responses to and/or about the tender.

We understand the *Gas Inquiry's* timelines and information gathering processes means that the ACCC findings about behaviours related to the tender response will likely be published in the thirteenth interim report.

Thank you for your consideration of our request.

Yours sincerely


Angus Taylor


Keith Pitt

- 3 DEC 2021