



Our ref: AA1000662
Contact officer: Sophie Magliano
Contact phone: 03 9658 6429

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Parties

Department of Climate Change, Energy, the Environment and Water - application for authorisation AA1000662 – interested party consultation

On 15 March 2024, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

DCCEEW is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Authorisation would give the relevant parties (outlined below) legal protection from competition law to communicate, and to propose, enter into and give effect to agreements for the purpose of removing overlaps in their feasibility licence applications. DCCEEW seeks authorisation for 3 years until 15 March 2027.

DCCEEW seeks authorisation on behalf of itself, the Offshore Infrastructure Registrar and certain businesses who have applied for feasibility licences in declared offshore wind generation areas (together, the **Parties**).

DCCEEW requested urgent interim authorisation to commence the proposed conduct in the declared areas of Gippsland and Hunter only. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

On 20 March 2024, the ACCC granted interim authorisation to the Parties to communicate, and to propose, enter into and give effect to agreements for the purpose of removing overlaps in their feasibility licence applications insofar as it relates to the Gippsland and Hunter declared areas.

The ACCC did not conduct a public consultation process in respect of the request for interim authorisation due to the urgent nature of the DCCEEW's request for interim authorisation to avoid any delays in ongoing processes for resolving overlapping feasibility licence applications in the Gippsland and Hunter declared areas.

Interim authorisation commenced on 20 March 2024 and remains in place until it is revoked, the application for authorisation is withdrawn, or the date the ACCC's final determination comes into effect.

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

More information on the ACCC's decision on the request for interim authorisation is set out in the Interim Authorisation decision attached.

Making a submission

The ACCC invites you to make a submission on the substantive application for authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct. You might also like to include your views about any impacts from the ACCC's decision to grant interim authorisation.

If you intend to provide a submission, please do so by **12 April 2024**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Submissions should be lodged via the web form accessible on the [public register](#) page for this matter. Alternatively, if you would like to provide comments orally, please contact Sophie Magliano via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
15 March 2024	Lodgement of application and supporting submission.
20 March 2024	ACCC decision regarding interim authorisation.
20 March 2024	Public consultation process begins.
12 April 2024	Closing date for submissions from interested parties.
April 2024	Applicant responds to issues raised in the public consultation process.
May/June 2024	Draft determination.
June 2024	Public consultation on draft determination including any conference if called.
July/August 2024	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Sophie Magliano on 03 9658 6429 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions