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Our ref: A40062-A40070 & A91205-A91207  
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www.accc.gov.au

By email

Dear Interested Party

### **Gladstone Power Station Joint Venture application for minor variations of authorisations A40062-A40070 & authorisations A91205-A91207 — determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a determination in respect of the application for minor variations of authorisations A40062-A40070 and A91205-A91207 lodged by Rio Tinto Aluminium, on behalf itself and the Gladstone Power Joint Venture Participants on 20 July 2023.

Rio Tinto Aluminium sought the minor variations under section 91A of the Competition and Consumer Act 2010 to authorisations A40062-A40070 and A91205-A91207 which were granted to the Gladstone Power Joint Venture Participants in relation to commercial agreements concerning the expansion and operation of the Boyne Island Aluminium Smelter, and electricity generated by the Gladstone Power Station and supplied to the Smelter and the National Energy Market. The minor variations sought are in relation to proposed amendments to certain terms of the Operation and Management Agreement for the Gladstone Power Station.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation to the minor variations. The ACCC's assessment is set out in Chapter 4 of its determination.

### **Application for review**

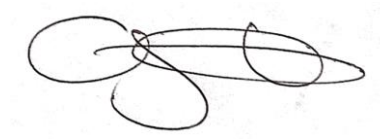
Pursuant to section 101 of the *Competition and Consumer Act 2010* (Cth), a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 21 February 2024. If no application to review is lodged by this date, the ACCC's determination will come into force on 22 February 2024.

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/>.

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 Jack Foley on 07 3811 9294.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the typed name.

Tony Hilton  
Director  
Competition Exemptions