

IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD

No. 5 of 2004

In the matter of the decision of the Honourable Eric Stephen Ripper MLA, Minister for Energy, made on 2 July 2004 that Coverage of the Goldfields Gas Pipeline System under the *Gas Pipelines Access Law* is not revoked

And in the matter of an application under section 38(1) of Schedule 1 of the *Gas Pipelines Access (Western Australia) Act 1998* for review of that decision.

Application by:

**SOUTHERN CROSS PIPELINES AUSTRALIA PTY LTD  
(ACN 084 521 997)**

and

**SOUTHERN CROSS PIPELINES (NPL) AUSTRALIA PTY LTD  
(ACN 085 991 948)**

and

**ALINTA DEWAP PTY LTD (ACN 058 070 689)**

Applicants

---

**DIRECTIONS MADE BY THE GAS REVIEW BOARD AT THE FIRST  
DIRECTIONS HEARING ON 2 NOVEMBER 2004**

---

Members: Mr Stevenson, Mr Woodley and Mr Oliver

Date of directions: 2 November 2004

Where made: Perth

- 
1. On or before **7 November 2004**, the Registrar of the Gas Review Board give public notice of the Applicants' application for review dated 21 July 2004 ("**the Application**") by causing the notice dated 2 November 2004 forming part of these directions:
    - (a) to be posted to Anaconda Operations Pty Ltd, OMG Cawse Pty Ltd, Australian Pipeline Industry Association, ANZ Infrastructure Services

Ltd, Alinta, Chamber of Commerce and Industry of Western Australia and Esperance Pipeline Company Ltd;

- (b) to be published on the Economic Regulation Authority (WA) website [www.era.wa.gov.au](http://www.era.wa.gov.au); and
  - (c) to be published once in the West Australian newspaper and once in a newspaper with national circulation.
2. Any person who has not already made an application, and who wishes to apply to be joined as a respondent and to be heard by the Gas Review Board in relation to the Application must, on or before **22 November 2004**, forward to the Registrar of the Gas Review Board and the Applicants an application setting out in detail:
- (a) how that person's interests are said to be affected by the Application; and
  - (b) the grounds said to give rise to a right to be heard by the Gas Review Board in relation to the Application.
3. On or before **26 November 2004**, the Applicants must respond in writing to any applicant seeking to be joined as a respondent and to the Gas Review Board, by indicating whether they consent to or oppose the application.
4. If the Applicants oppose any application by a party for leave to be joined as a respondent, they must on or before **8 December 2004** file and serve on the party whose application is opposed and any other party applying for joinder, written submissions setting out the grounds for doing so.
5. The applicants for leave to be joined as a respondent must file and serve on the Applicants written submissions in reply (if any) by **13 December 2004**.
6. Subject to paragraph 9 and any claim that material is confidential to a party, the Applicants, the National Competition Council, WMC Resources Ltd and Newmont Australia Ltd are to serve on each other all materials and submissions filed in relation to their respective applications for joinder as a respondent.
7. The matter is listed for a further directions hearing on **20 December 2004** commencing at 9.00am WST to resolve the current and any further applications by parties for leave to be joined as a respondent, and such further directions as are appropriate.
8. The solicitors for the Applicants and any interested parties whose application for leave to be joined as a respondent is not opposed by the Applicants are to confer, and if possible file an agreed minute of proposed programming directions for the next stage of the proceedings. If agreement is not possible then parties are to file and exchange their own minutes of proposed directions by **15 December 2004**.

9. The affidavit of John Harvey sworn 19 October 2004 and filed in support of the application by WMC Resources Ltd dated 1 November 2004 to be joined as a respondent, be kept confidential to the Gas Review Board, the Applicants, and WMC Resources Ltd until further order.
10. The ninety (90) day period referred to in s 38(3) of Schedule 1 of the *Gas Pipelines Access (Western Australia) Act 1998* ("**the Act**") extended by order of the Gas Review Board on 7 October 2004 is extended pursuant to s 38(4) of Schedule 1 of the Act for six (6) further consecutive 30 day periods.
11. The Applicants and any person seeking leave to be joined as a respondent are to provide four (4) hard copies and one (1) electronic copy of any documents or materials to be considered by the Gas Review Board by lodging the same with:

Mr James Saunders  
Registrar  
Western Australian Gas Review Board  
GPO Box L890  
PERTH WA 6837  
Email: [jsaunders@kottgunn.com.au](mailto:jsaunders@kottgunn.com.au)

C. P. Stevenson

---

**C P Stevenson**  
**Presiding Member**  
**Western Australian Gas Review Board**  
**Appeal No. 5 of 2004**

**MINUTE OF DRAFT NOTICE AS AMENDED BY THE GAS REVIEW BOARD DATED 2  
NOVEMBER 2004**

**NOTICE  
WESTERN AUSTRALIAN GAS REVIEW BOARD  
APPEAL 5 OF 2004**

By a decision dated 2 July 2004, the Minister for Energy ('the Minister') decided that Coverage of the Goldfields Gas Pipeline ('GGP') should not be revoked ('the Decision'). On 21 July 2004, the Applicants (Southern Cross Pipelines Australia Pty Ltd, Southern Cross Pipelines (NPL) Australia Pty Ltd and Alinta DEWAP Pty Ltd) lodged an Application for Review of the Decision ('the Application') with the Western Australian Gas Review Board (the 'GRB').

A copy of the Application has been posted to the Economic Regulation Authority of Western Australia website at [www.era.wa.gov.au](http://www.era.wa.gov.au) and can be accessed at that site. In summary, the Applicants seek an order from the GRB setting aside the Decision and, in lieu thereof, an order that Coverage of the GGP under the Gas Pipelines Access Law be revoked.

Any person who wishes to claim a right to be heard by the GRB in relation to the Application should forward an application to the Registrar of the GRB and the Applicants setting out:

- (c) how that person's interests are said to be affected by the Application; and
- (d) the grounds said to give rise to a right to be heard by the GRB in relation to the Application.

An application to be heard must be received by the Registrar of the GRB and also served on the Applicants on or before Monday, **22 November 2004**. Any application made after this date may not be considered by the GRB.

A directions hearing will be held by the GRB on **20 December 2004** commencing at 9.00am WST to resolve any applications for leave to be heard in these proceedings (and such further directions as are appropriate).

Any application seeking a right to be heard in relation to the Application should be forwarded to the Registrar of the GRB and Minter Ellison (solicitors for the Applicants):

Mr James Saunders	Mr Sohail Mohideen
Registrar	Solicitor
Western Australian Gas Review Board	Minter Ellison
GPO Box L890	GPO Box A39
PERTH WA 6842	PERTH WA 6837
Email: <a href="mailto:jsaunders@kottgunn.com.au">jsaunders@kottgunn.com.au</a>	Email: <a href="mailto:sohail.mohideen@minterellison.com">sohail.mohideen@minterellison.com</a>
Facsimile: (08) 9321 3465	Facsimile: (08) 9429 7666

Applications should be accompanied with the applicants full contact details.

**CP STEVENSON  
PRESIDING MEMBER  
WESTERN AUSTRALIAN GAS REVIEW BOARD  
APPEAL 5 OF 2004  
Dated: 2 November 2004**