

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator published on 30 December 2003 to approve its own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline owned and operated by the Applicants

Application by:

**EPIC ENERGY (WA) NOMINEES PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 081 609 289) and  
EPIC ENERGY (WA) TRANSMISSION PTY LTD (RECEIVERS AND MANAGERS APPOINTED) (ADMINISTRATORS APPOINTED) (ACN 081 609 190)**

Applicants

**No 3 of 2004**

Re Application for review of the decision by the Western Australian Independent Gas Pipelines Access Regulator dated 30 December 2003 to approve the Regulator's own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline

Application by:

**WESTERN POWER CORPORATION (WA 0124360E)**

Applicant

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**ORDERS AND DIRECTIONS FOR ALCOA'S APPLICATION IN RESPECT OF ACCESS TO CONFIDENTIAL INFORMATION**

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Presidential Member	<b>Mr Edel</b>
Date of Directions	<b>13 August 2004</b>
Where made	<b>Perth</b>

**THE WESTERN AUSTRALIAN GAS REVIEW BOARD ORDERS THAT:**

- 1 Order 5 of the orders made on 16 April 2004, be amended to include the persons listed in Schedule A to these orders.
- 2 The documents provided by Alcoa of Australia Limited to the Economic Regulation Authority in response to a notice issued by the Regulator under

subsection 41 (1) of the *Gas Pipelines Access (Western Australia) Act 1998*, or otherwise on a confidential basis, may only be further inspected by any person (other than counsel) once that person has provided to Minter Ellison an executed confidentiality undertaking, in favour of Alcoa of Australia Limited in the form of Schedule B attached to these orders.

A handwritten signature in black ink, appearing to read 'Robert Edel', is centered on the page. The signature is written in a cursive, flowing style.

**ROBERT EDEL**  
**PRESIDING MEMBER**  
**WESTERN AUSTRALIAN GAS REVIEW BOARD**  
**APPEALS 1 and 3 OF 2004**

**SCHEDULE A*****Persons nominated by Epic Energy (WA) Nominees Pty Ltd (Receivers and Managers Appointed) (Administrators Appointed) and Epic Energy (WA) Transmission Pty Ltd (Receivers and Managers Appointed) (Administrators Appointed) (together, "Epic"):***

- 1 Martin Madden and Brian Keith McMaster, Partners, Ernst & Young, and the appointed joint and several receivers and managers of Epic
- 2 Jack Robert James, Director, Ernst & Young, assists Brian McMaster in his capacity as receiver and manager of Epic
- 3 Anthony Cribb, Epic's Manager, Regulation Risk and Energy
- 4 Beau Deleuil, Partner, Mallesons Stephen Jaques
- 5 Sharon Henrick, Partner, Mallesons Stephen Jaques
- 6 Alison Stacy Kingston, solicitor, Mallesons Stephen Jaques
- 7 Selena Veronica Barker, legal secretary for Ms Henrick at Mallesons Stephen Jaques
- 8 Marion Dorothy McLaren, secretary with Mallesons Stephen Jaques
- 9 Sibylle Krieger , Partner, Clayton Utz
- 10 John Leslie Williams, expert economist assisting Epic in preparing for the hearing of its application
- 11 Brooke Wrobel, secretary for Mr Deleuil at Mallesons Stephen Jaques
- 12 Melissa Dusevic, solicitor, Mallesons Stephen Jaques

***Persons nominated by Western Power Corporation***

- 1 Neil Gentilli, Partner, Jackson McDonald
- 2 Peter Walton, Partner, Jackson McDonald
- 3 Eva Lin, solicitor, Jackson McDonald
- 4 Rebecca Fisher, solicitor, Jackson McDonald

5 Julie Ann James, Jackson McDonald

6 Pippa Hartley, Jackson McDonald

7 Roland Sleeman, engineering expert

***Persons nominated by Alinta Sales Pty Ltd***

1 Anthony Willinge, Partner, Blake Dawson Waldron

2 Adrian Chai, Senior Associate, Blake Dawson Waldron

3 Sarah Minshall, secretary to Mr Willinge

***Persons nominated by the Economic Regulation Authority***

1 Caroline Brown, solicitor, Corrs Chambers Westgarth

2 Kanaga Dharmananda, solicitor, Corrs Chambers Westgarth

3 Simon Adams, solicitor, Corrs Chambers Westgarth

4 Ryan Carthew, solicitor, Corrs Chambers Westgarth

5 Tanya Van Riessen, solicitor, Corrs Chambers Westgarth

6 Jessica Carmody, solicitor, Corrs Chambers Westgarth

7 Rikki Lloyd, solicitor, Corrs Chambers Westgarth

8 Darren Garber, solicitor, Corrs Chambers Westgarth

9 Bianca Farah, secretary, Corrs Chambers Westgarth

10 Grace Dziamba, secretary, Corrs Chambers Westgarth

11 Melissa Balazic, secretary, Corrs Chambers Westgarth

12 Pia Lanagan, secretary, Corrs Chambers Westgarth

13 Dr Ray Challen, economic expert

**SCHEDULE B**

**IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD**

**No 1 of 2004**

Re Application for Merits Review of the Independent Gas Pipeline Access Regulator's Further Final Decision of 30 December 2003 to approve his own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline

Application by:

**EPIC ENERGY (WA) NOMINEES PTY LTD (ACN 081 609 289)**

**And**

**EPIC ENERGY (WA) TRANSMISSION PTY LTD (ACN 081 609 190)**

Applicants

**No 3 of 2004**

Re Application for Merits Review of the Independent Gas Pipelines Access Regulator's decision of 30 December 2003 to approve his own Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline

Application by:

**WESTERN POWER CORPORATION (WA 0124360E)**

Applicant

**CONFIDENTIALITY UNDERTAKING**

I, \_\_\_\_\_ of \_\_\_\_\_ undertake to Western Power, Epic Energy (WA) Nominees Pty Ltd (Receivers and Managers appointed) (Administrators appointed), Epic Energy (WA) Transmission Pty Ltd (Receivers and Managers appointed) (Administrators appointed), and Alcoa of Australia Limited (the relevant party being the ("**Disclosing Party**")), and the Western Australia Gas Review Board ("**the Review Board**") that:

- 1 Subject to the terms of this Undertaking and any other order of the Review Board, I will at all times keep confidential documents and information which are provided to me in the course of the conduct of Review Board proceedings No 1 of 2004 and No 3 of 2004 and any proceedings which are joined to, or are to be heard with, those proceedings (the "**Proceedings**") and which is claimed by the

Disclosing Party to be its confidential information (“**the information**”) and will only use the information for these proceedings.

2 I acknowledge that I may disclose the information to:

- (a) any person for the purposes of the conduct of the Proceedings, who has:
  - (i) been approved of by the Disclosing Party in writing, or by order of the Review Board, for disclosure of the information; and
  - (ii) signed a confidentiality undertaking in the form of this undertaking, or in a form otherwise acceptable to the Disclosing Party, and served the undertaking on the Disclosing Party, and served the undertaking on the disclosing Party;
- (b) a secretarial or support staff member of any person approved under paragraph 2 (a) provided that person has:
  - (i) been approved by the Disclosing Party in writing, or by order of the Review Board, for disclosure of the information; and
  - (ii) signed a confidentiality undertaking in the form of this undertaking, or in a form otherwise acceptable to the Disclosing Party;
- (c) any member of the Review Board or their associate or staff in connection with the Proceedings; and
- (d) any person to whom I am required by law to disclose the information.

3 Except as required by law, within one (1) month after the occurrence of any of the following events:

- (a) (a) the conclusion of the Proceedings; or
- (b) (b) my ceasing to be employed or retained by a party to the Proceedings,

I will destroy or deliver to the Disclosing Party’s solicitors any documents or things (or parts of documents or things) provided to me in the course of the

Proceedings, or any copies of those documents or things, recording or containing any of the information in my possession, custody or control.

4 Nothing in this undertaking will impose an obligation upon me in respect of information :

- (a) which is in the public domain; or
- (b) which has been obtained by me otherwise than from the Disclosing party and/or the ERA in the course of the Proceedings,

provided that the information is in the public domain and/or has not been obtained by me by reason of, or in circumstances involving, any breach of confidentiality undertaking in these proceedings or a breach of any other obligation of confidence in favour of the Disclosing Party of any other unlawful means.

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Dated: