

In the matter of the decision of the Honourable Eric Stephen Ripper MLA Minister for Energy, made on 2 July 2003 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 to 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)

SOUTHERN CROSS PIPELINES (NPL) AUSTRALIA PTY LTD

(ACN 085 991 948)

ALINTA DEWAP PTY LTD (ACN 058 070 689)

Applicants

and

WMC RESOURCES LTD

First Respondent

and

NEWMONT AUSTRALIA LTD

Second Respondent

and

NATIONAL COMPETITION COUNCIL

Third Respondent

**ORDER FOR DISCONTINUANCE OF PROCEEDINGS AND
CONSEQUENTIAL ORDERS**

Member: **MR CP STEVENSON, PRESIDING MEMBER**

Date of Order: **8 JULY 2005**

Where Made: **PERTH**

THE WESTERN AUSTRALIAN GAS REVIEW BOARD ORDERS THAT:

- 1 The hearing date commencing on 31 October 2005 for a period of 4 weeks be vacated.
- 2 Subject to the following orders and any further orders the Board may make with respect to the issue of its own costs, the application for review dated 21 July 2004 be, and is hereby, discontinued by consent of all parties.
- 3 There be no order as to costs in these proceedings as between the parties.
- 4 On or before 26 August 2005 the Applicants shall, and the Respondents may, file and serve an outline of submissions on the issue of whether the Board (1) has power to fix an amount that represents its costs and expenses incurred in connection with the hearing and determination of these proceedings, and (2) has power to order any or all of the parties to pay some or all of such costs; and (3) should exercise any such power in these proceedings (“**the Issue**”).
- 5 Any person who wishes to be heard by the Board in relation to the issue must on or before 19 August 2005 give written notice to the Registrar of the Board and each party setting out:
 - (a) how that person's interests are said to be affected by the Issue; and
 - (b) the grounds relied upon to give rise to a right to be heard by the Board in relation to the Issue.
- 6 On or before 2 September 2005, each party must inform in writing any interested person seeking to be heard on the Issue and the Registrar whether it consents to or opposes the application by the interested person to be heard by the Board.

7 There be liberty to apply to the Board on 14 days notice.

Dated the 8th day of July 2005.

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