



OFFICE OF GAS ACCESS REGULATION

6th Floor, 197 St Georges Terrace, Perth WA 6000
GPO Box 8469, Perth Business Centre WA 6849

Telephone: (08) 9213 1900
Facsimile: (08) 9213 1999

Email: enquiry@offgar.wa.gov.au
Website: <http://www.offgar.wa.gov.au>

2 September 2002

INFORMATION PAPER

ACCESS ARRANGEMENT FOR THE DAMPIER TO BUNBURY NATURAL GAS PIPELINE (DBNGP)

PROCESS OF THE REGULATOR FOLLOWING THE SUPREME COURT DECISION

On 23 August 2002, the Full Court of the Supreme Court of Western Australia handed down its decision on the legal action by Epic Energy relating to my Draft Decision on the proposed Access Arrangement for the DBNGP issued on 21 June 2001.

A copy of the Court decision can be accessed from the OffGAR web site (<http://www.offgar.wa.gov.au>).

The purpose of this information paper is to inform interested parties of the procedure I intend to follow, in light of the Court's decision, to finalise my decision on the DBNGP proposed Access Arrangement.

The Court decision was that the regulatory decision making process should proceed in accordance with *National Third Party Access Code for Natural Gas Pipeline Systems* (Code). However, the Court proceeded on the basis that I would allow all interested parties a reasonable time to prepare and provide submissions to me which have regard to the matters identified in the Court decision. This is in addition to submissions already received on the Draft Decision.

Accordingly, the process I intend to apply is that required under sections 2.15 – 2.23 of the Code, supplemented as follows to accord with the Court decision.

- In addition to submissions made on the Draft Decision, I now invite all interested parties to prepare and provide written submissions, which have regard to the reasons in the Court decision and their effects on matters identified in my Draft Decision as being the reasons for requiring amendments to the proposed Access Arrangement.
- Submissions received will be made publicly available on the OffGAR web site.
- Parties making submissions should also indicate at the time their submissions are lodged whether they would like to speak to their submissions at a conference with me in which case arrangements will be made for this to occur. If additional information is provided in the course of this process which I consider to be material to my decision then such information will also be published on the OffGAR web site.



- All confidential information provided via written or oral submissions will be dealt with according to my usual practice, details of which are available from the OffGAR web site.
- I intend exercising my powers under the *Gas Pipelines Access (WA) Act 1998* to obtain further information in the light of the reasons in the Court decision.
- Prior to publishing my Final Decision, I may prepare a further information paper or papers, as necessary, summarising any additional material information provided by parties in speaking to their submissions and the results of my inquiries which I consider may be relevant to my decision. Should an information paper or papers be issued interested parties will then be given an opportunity to make further submissions prior to the publication of my Final Decision.

I am confident that the process outlined above will provide all parties with ample opportunity to be heard on all relevant matters as well as enabling me to move forward as quickly as possible. As in the past, my office will be available to assist me in responding to any questions and will be happy to clarify any procedural matters relating to my finalisation of the decision on the DBNGP proposed Access Arrangement.

Please provide all submissions regarding the Court Decision in electronic and hard copy format to:

Mr Robert Pullella
Office of Gas Access Regulation
PO Box 8469
Perth Business Centre 6849
Fax: (08) 9213 1999
Telephone: (08) 9213 1944
Email: Robert_Pullella@offgar.wa.gov.au

Submissions should be lodged by no later than **4:30pm, Friday 27 September 2002**. The time for lodging further submissions will be advised in the event that a further information paper is issued.

KEN MICHAEL
ACTING GAS ACCESS REGULATOR