

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

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**DIRECTIONS MADE BY THE GAS REVIEW BOARD AT THE SECOND  
DIRECTIONS HEARING ON 20 DECEMBER 2004**

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Members: Mr C P Stevenson (Presiding Member)

Date of directions: 20 December 2004

Where made: Perth

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1. WMC Resources Ltd is a party to these proceedings and may be referred to as the first respondent.
  2. Newmont Australia Limited is a party to these proceedings and may be referred to as the second respondent.

3. At the request of the applicant the Presiding Member shall sign a summons on behalf of the Board requiring the Minister to produce before the Board all books, papers and documents available to the Minister in respect of the decision made by the Minister on 2 July 2004.
4. On or before 11 February 2005 the National Competition Council ("NCC") shall assemble and produce to the Registrar of the Board copies of all materials available to the NCC in respect of the final recommendation made by it to the Minister in November 2003 and serve on each party an index of those documents identifying any document in respect of which the originator requested confidentiality ("NCC Index").
5. Within 14 days of a request by a party for a copy of any document in the NCC Index, the NCC is to provide a copy of the document to the party making the request, unless the originator of the document maintains a claim of confidentiality in respect of the document.
6. At the request of any party, the Registrar shall provide to that party a copy of any document produced to the Board pursuant to directions 3 and 4 above subject to payment of the Board's reasonable costs of providing a copy of the document requested, unless the Registrar has reason to believe that the originator of the document maintains a claim of confidentiality in respect of the document.
7. On or before 25 February 2005, the applicants shall file and serve a statement of issues, facts and contentions in relation to these proceedings.
8. On or before 11 March 2005, the first and second respondents shall file and serve a statement of issues, facts and contentions in response.
9. On or before 25 March 2005, the NCC may file and serve a statement of issues, facts and contentions.
10. On or before 1 April 2005, the applicants may file and serve a statement of issues, facts and contentions in reply (if any).
11. Until further direction, any documents provided by the Minister or the NCC pursuant to directions 3 and 4 above which, or portions of which, are claimed to be confidential, shall, subject to any agreement between the person claiming confidentiality and the person making the request, be kept wholly or partially confidential, as the case may be.
12. The parties 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 reached by 31 March 2005, then the parties are to file and serve their own minutes of proposed directions by 4 April 2005.
13. The parties are to provide four hard copies and one electronic copy of any documents, including witness statements and other evidentiary materials,

statements of facts, contentions and issues and submissions 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)

14. The matter is provisionally listed for hearing by the Board commencing on 17 October 2005 for a period of four weeks.
15. The matter be relisted for a further directions hearing at 9.00 am on 6 April 2005.
16. The parties have liberty to apply to the Board on 3 business days notice.

**C. P. Stevenson**

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