

## IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD

No 2 of 2005

Re Application for review of the decision by the Western Australian Economic Regulation Authority dated 15 December 2005 to approve its own revised Access Arrangement for the Dampier to Bunbury Natural Gas Pipeline owned and operated by the Applicants

Application by:

**DBNGP (WA) Transmission Pty Ltd (ACN 081 609 190) and  
DBNGP (WA) Nominees Pty Ltd (ACN 081 609 289)**

Applicants

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### ORDERS AND DIRECTIONS

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Members: Mr Edel, Mr Woodley and Dr Harman

Date of Directions: May 2006

Where made: Perth

#### THE GAS REVIEW BOARD ORDERS THAT:

1. Subject to any further order, all information and documents claimed to be confidential by a party to the proceeding, or identified by the ERA to be confidential, will be provided only to:
  - (a) any member of the Gas Review Board (the **Review Board**) as constituted for the Proceeding;
  - (b) the following counsel:
    - (i) Craig Colvin SC;
    - (ii) Chris Zelestis QC;
    - (iii) Joshua Thomson,
  - (c) the following persons, provided they have signed a Confidentiality Undertaking substantially similar in terms to the Confidentiality Undertaking attached and marked 'A':
    - (i) for DBNGP (WA) Transmission Pty Ltd and DBNGP (WA) Nominees Pty Ltd (together **DBP**):

- (A) David Martino;
  - (B) Christopher Savundra;
  - (C) Martin James,
- (ii) for the ERA
- (A) Caroline Brown;
  - (B) Matthew Knox;
  - (C) Genevieve Ho,
- (iii) Any other individual who the person claiming confidentiality has consented to the information being disclosed to.

*Documents*

2. The ERA to provide DBP with a draft Index of Documents described in subsection 39(5) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act 1998*, and which relate to the issues in these proceedings, similar in format to the Draft Index attached and marked 'B', specifying which of those documents (if any) is the subject of a claim of confidentiality (***Draft Index***) by 12 June 2006.
3. DBP to request in writing from the ERA copies of any of the documents listed in the Draft Index by 19 June 2006, other than those documents which they can obtain from [www.era.wa.gov.au](http://www.era.wa.gov.au).
4. The ERA to provide such documents requested DBP under Direction 3, subject to the ERA receiving evidence of appropriate undertakings in accordance with Direction 1 as to confidentiality and the payment of reasonable photocopying fees, by 3 July 2006.

*Written submissions*

5. By 21 August 2006 DBP to file and serve on the ERA, a written outline of their submissions, indicating how each submission relates to the matters raised by DBP in the submissions it filed with the ERA before it made its decision and identifying those documents or parts of those documents in relation to which it will maintain a claim for confidentiality at the hearing.
6. By 2 October 2006 the ERA file and serve on DBP a written outline of its submissions.
7. DBP to file and serve on ERA its submissions in reply (if any) by 9 October 2006.
8. On or before 12 October 2006, each of:
  - (a) DBP; and

(b) ERA,

identify the documents that each of them request the Review Board to consider for the purposes of the proceedings.

9. On or before 26 October 2006, DBP file and serve on the ERA:
  - (a) an Index of Documents for Hearing, listing the documents identified pursuant to Direction 5; and
  - (b) a paginated trial bundle, containing a copy of each of the documents listed in the Index of Documents for Hearing.
10. Any documents that are required to be filed with the Review Board pursuant to the orders made above:
  - (a) may be filed in electronic form, save for the documents referred to at paragraph 9(b); and
  - (b) 4 copies shall be filed unless filed in electronic form.
11. The Proceeding be listed for hearing for 5 days commencing on 23 February 2007.
12. Each party has liberty to re-list the matter for further directions on three (3) days' notice.
13. Having regard to the complexity of the matter, the nature of the issues, and the extent of the material likely to be relevant, the application for review in Proceeding No 1 of 2005 cannot be dealt with properly in the period referred to in sub-section 38(3) of the *Gas Pipelines Access (Western Australia) Act 1988 (Act)* and the period referred to in sub-section 38(3) of Schedule 1 to the Act in relation to application for Review No 1 of 2005 is therefore extended, pursuant to sub-section 38(4) of the Act by a further six (6) consecutive 30 day periods totalling 180 days from Wednesday 13 September 2006, being an extension to Monday 12 March 2007.

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**RM Edel, Presiding Member, Gas Review Board**