

IN THE WESTERN AUSTRALIAN GAS REVIEW BOARD

No 1 of 2004

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

**DIRECTIONS FOR RELEASE OF INFORMATION PROVIDED BY AUSTRALIAN
INFRASTRUCTURE FUND LIMITED AND UTILITIES OF AUSTRALIA PTY LTD
PURSUANT TO SECTION 41 OF SCHEDULE 1 TO THE GAS PIPELINES ACCESS
(WESTERN AUSTRALIA) ACT 1998**

Member: Mr R M Edel, Presiding Member

Date of Directions: 29 September 2004

Where Made: Perth

THE WESTERN AUSTRALIA GAS REVIEW BOARD DIRECTS THAT:

1. The parties to Applications for Review 1 and 3 of 2004 may have access to the documents supplied by Australian Infrastructure Fund Limited ("AIFL") and Utilities of Australia Pty

Ltd (“UTA”) to the Regulator pursuant to a notice issued to those entities by the Regulator under Section 41 of Schedule 1 of the *Gas Pipelines Access (Western Australia) Act 1998* dated 7 March 2003 (“**the Documents**”).

2. Access to the Documents is limited to the persons identified in Attachment A annexed to these Orders and is permitted only on condition that such persons:
 - (a) first execute a Confidentiality Undertaking substantially in the form of Attachment B annexed to these Orders; and
 - (b) file that undertaking with the Gas Review Board and serve a copy on both the ERA and Hastings Funds Management Limited.

3. The following Counsel for the parties in Applications for Review 1 and 3 of 2004 may have access to the Documents without the need to execute a Confidentiality Undertaking:
 - (a) Chris Zelestis QC
 - (b) Graham Murphy SC
 - (c) Joshua Thomson
 - (d) Stephen Gageler SC
 - (e) Craig Colvin SC
 - (f) Wayne Martin QC



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

ATTACHMENT 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"):

Martin Madden and Brian Keith McMaster, Ernst & Young, and the appointed joint and several Receivers and Managers of Epic;

Jack Robert James, Director, Ernst & Young, assists Brian McMaster in his capacity as Receiver and Manager of Epic;

Anthony Cribb, Epic's Manager, Regulation Risk and Energy;

Beau Deleuill, Partner, Mallesons Stephen Jaques;

Sharon Henrick, Partner, Mallesons Stephen Jaques;

Carman Yung, Solicitor, Mallesons Stephen Jaques;

Michael Googan, Solicitor, Mallesons Stephen Jaques;

Alison Stacy Kingston, Solicitor, Mallesons Stephen Jaques;

Selena Veronica Barker, Legal Secretary for Ms Henrick at Mallesons Stephen Jaques;

Marion Dorothy McLaren, Secretary with Mallesons Stephen Jaques;

Sibylle Krieger, Partner, Clayton Utz;

John Leslie Williams, Expert Economist assisting Epic in preparing for the hearing of its Application.

Persons nominated by Western Power Corporation:

Neil Gentilli, Partner, Jackson McDonald;

Peter Walton, Partner, Jackson McDonald;

Eva Lin, Solicitor, Jackson McDonald;

Rebecca Fisher, Solicitor, Jackson McDonald;

Julie Ann James, Jackson McDonald;

Pippa Hartley, Jackson McDonald;

Roland Sleeman, Expert;

John Louden, Solicitor, Jackson McDonald

Persons nominated by the Economic Regulation Authority:

Caroline Brown, Corrs Chambers Westgarth;

Kanaga Dharmananda, Corrs Chambers Westgarth;

Simons Adams, Corrs Chambers Westgarth;

Ryan Carthew, Corrs Chambers Westgarth;

Tanya Van Riesson, Corrs Chambers Westgarth;

Jessica Carmody, Corrs Chambers Westgarth;

Rikki Lloyd, Corrs Chambers Westgarth;

Darren Garber, Corrs Chambers Westgarth;

Bianca Farah, Corrs Chambers Westgarth;

Grace Dziamba, Corrs Chambers Westgarth;

Melissa Balazic, Corrs Chambers Westgarth;

Pia Lanagan, Corrs Chambers Westgarth;

ATTACHMENT B

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WESTERN POWER CORPORATION (WA 0124360E)

Applicant

CONFIDENTIALITY UNDERTAKING

I, _____ of _____ undertake to Australian Infrastructure Fund Limited and Utilities of Australia Pty Ltd, (together the “**Disclosing Party**”), and the Western Australian Gas Review Board (“**the Review Board**”) that:

1 Subject to the terms of this Undertaking and any order of the Review Board, I will at all times keep confidential the documents and information which is 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**”).

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;
- (b) a secretarial or support staff member of any person approved under paragraph 2(a) provided that person 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;
- (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) the conclusion of the Proceedings; or
- (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: _____

Dated:

Print name: