

Australian Gas Infrastructure Group
Western Australia
Non-Scheme Pipeline
User Access Guide



Table of Contents

1. REQUIREMENTS OF A USER ACCESS GUIDE.....	3
2. WHO ARE YOU DEALING WITH.....	4
3. CONTACT DETAILS.....	6
4. ACCESS REQUEST PROCESS.....	7
5. FURTHER INVESTIGATIONS.....	9
6. CONFIDENTIALITY.....	10
7. GOOD FAITH NEGOTIATIONS & INFORMATION EXCHANGE.....	11
APPENDIX A: ACCESS REQUEST FORM.....	13

1. REQUIREMENTS OF A USER ACCESS GUIDE

Australian Gas Infrastructure Group (AGIG) has developed this guide for prospective customers of its pipelines and networks that are not covered pipelines or networks under the National Gas Rules (NGR). These are our “non-scheme pipelines and networks”.

This guide has been designed to be a one stop guide to help you obtain access to services on our pipelines, gas storage facilities and networks. The guide sets out the following:

- A list of our non- scheme gas transmission pipelines;
- A list of our gas storage facilities;
- A list of all our non-scheme gas distribution networks;
- Contact details for our gas transmission, gas storage and gas distribution teams;
- The process for making an access request on our non-scheme gas transmission and distribution networks; and
- The fees and charges for making a request.

Through this guide we will direct you to the asset and the team that will best meet your requirements.

While we are required by law to make certain information available¹, this guide has been prepared to facilitate the process for securing access to the sort of service that you are seeking.

If, however, at any time you are unsure about anything, we encourage you to contact our commercial team on the contact details outlined in Section 3.

¹ NGR 558(6) outlines the information that is required to be included in a user access guide

2. WHO ARE YOU DEALING WITH

At AGIG, there are different entities you will deal with, depending on the pipeline or network you are seeking to access a pipeline service. The tables below list the names of the entities of our non-scheme pipelines and networks. There might be different requirements for regulated pipelines and networks (not listed below) set by the regulator.

However, we are all part of one group, the AGIG and any enquiry can be directed to the contacts provided in Section 3 of this guide.

Transmission Pipelines

State	Pipeline	Service Provider
WA	Ashburton West Pipeline System	DBP Development Group Pty Limited
WA	Fortescue River Gas Pipeline	DDG Fortescue River Pty Ltd as agent for the Fortescue River Gas Pipeline Joint Venture Participants

Gas Storage Facilities

State	Storage Facility	Service Provider
WA	Tubridgi Gas Storage Facility	DDG Tubridgi Pty Ltd

3. CONTACT DETAILS

This section outlines the contact details you should contact to make preliminary enquiries and to whom access requests can be sent. The relevant contract details are set out for both transmission pipelines, gas storage facilities and distribution networks.

Transmission Pipelines

Commercial Manager Pipelines
Level 6, 12-14 The Esplanade, Perth, WA, 6000
Postal address: As above
Tel: (08) 9223 4300
Fax: (08) 9223 4301
dbpnotices@agig.com.au
[Website: www.agig.com.au](http://www.agig.com.au)

Gas Storage Facilities

Commercial Manager Storage
Level 6, 12-14 The Esplanade, Perth, WA, 6000
Postal address: As above
Tel: (08) 9223 4300
Fax: (08) 9223 4301
dbpnotices@agig.com.au
[Website: www.agig.com.au](http://www.agig.com.au)

4. ACCESS REQUEST PROCESS²

Making an Access Request

If you require access to a service on one of our pipelines, storage facilities or networks, you are encouraged to make preliminary enquiries by discussing your requirements with our contact person in Section 3 of this guide. Making preliminary enquiries can help you gather additional information about our pipelines and help you decide whether you wish to complete an access request form. We will promptly respond to your preliminary enquiry by indicating whether further investigation is needed to assess your enquiry or whether any feasibility studies need to be undertaken. We may also inform you of any reasonable costs that you may need to pay for any investigations we will need to undertake and the timeframe for those investigations.

However, at any time, you may submit an access request for one of our pipelines or networks by following the process outlined in this section. Please note that the gas storage facilities are not covered under the NGR 558(6).

An access request must be submitted using the form in Appendix 1 of this Guide. It must include sufficient information reasonably required to enable us to prepare an access offer in relation to the access sought or to determine whether we need to undertake further investigations in relation to the access request.

In particular, the access request must:

- Specify the name of the pipeline you are seeking access to and the service type;
- Specify the quantity and duration of capacity required and a date when commencement of access is required;
- Specify the inlet and outlet points at which you require gas to be received into the pipeline and delivered from the pipeline;
- For access to transmission pipelines the delivery pressure and temperature are also required; and
- Contain such other information as is required by the user access guide or which the service provider might otherwise reasonably require, from time to time, in order to assess the prospective users request.

We will notify you within five (5) business days whether your access request is complete or incomplete. If it is complete, it will be a Complying Access Request. If an access request is incomplete, we will notify you and specify the information required to complete the access request. Once you have provided the specified information, we will tell you within five (5) business days whether it is a Complying Access Request.

We will notify you within 10 business days of receiving a Complying Access Request if we need to undertake further investigations in relation to your access request and we will outline what further investigations are required (See Section 5).

You may amend the details of the Complying Access Request with our consent and by following the process outlined above for the submission of a Complying Access Request. Our consent may include a reasonable extension of the timelines for us to respond to your amended Complying Access Request.

Access Offer

Following receipt of a Complying Access Request, if we have not advised you that we need to undertake further investigations in relation to your access request, we will prepare an access offer that:

- sets out the price and other terms and conditions on which we offer to make the pipeline service or pipeline services requested in the access request available to you;

² Under NGR 558(6)(c), the User Access Guide must describe the process for making an access request, the information to be included with the access request (subject to subrule (7)) and response times

- contains the details of any works to be undertaken by us and you (where relevant) and any applicable technical and performance specifications; and
- be in a form capable of acceptance by you so as to constitute a new access contract.

The access offer will most likely be in the form of a proposed gas transportation agreement, but it may contain other documents that require execution. If the access offer includes a gas transportation agreement, you will be sent 3 copies of the agreement for execution by you (and potentially a guarantor entity).

We must make you an access offer within the period agreed by us or if no period is agreed between us:

- (a) unless paragraph (b) or (c) applies - within 20 business days after receiving the Complying Access Request;
- (b) if we are required to carry out further investigations in relation to your access request - within 60 business days after receiving the Complying Access Request; and
- (c) if you make any amendment to the Complying Access Request before we make you an access offer – within 20 business days after receiving the amended Complying Access Request or any longer period that is agreed between us as a condition of our consenting to the amendment to the Complying Access Request.

We are however, not required to make an access offer in relation to a pipeline service if:

- (a) the Complying Access Request has been withdrawn;
- (b) we have concluded that it is not technically feasible or consistent with the safe and reliable operation of the pipeline to provide the pipeline service requested by you, having used all reasonable efforts to accommodate your requirements; or
- (c) the provision of the pipeline service requested by you would require the extension of our pipeline or network.

If we do not make an access offer because of any of the circumstances specified above, we will give you:

- (a) written reasons explaining why the requested pipeline service cannot be provided; and
- (b) if there is some prospect that it will become possible to provide the requested pipeline service at some time in the future – details of when the requested pipeline service is likely to become available.

Accepting an Access Offer

If we make an access offer, it will remain valid for up to 30 business days.

If you wish to accept the access offer and it is in the form of a gas transportation agreement, you must execute every copy that was included in the access offer and return each signed copy to our contact person in Section 3 of this guide.

We will then proceed to execute and date each copy of every agreement and send you a copy of each agreement for your records.

You are not required to accept the access offer that we make to you. If you do not wish to accept our access offer, you may take one of the following steps:

- (a) notify us in writing (by advising the contact person identified in Section 3 of this guide) that you do not accept the offer and that you no longer wish to continue discussions in relation to the access offer or the Complying Access Request;
- (b) notify us in writing (by advising the contact person identified in Section 3 of this guide) that you wish to enter into negotiations regarding access to our pipelines; or
- (c) notify us in writing (by advising the contact person identified in Section 3 of this guide) that you intend to refer an access dispute to arbitration under section 216J of the National Gas Law (NGL).

5. FURTHER INVESTIGATIONS

As outlined in Section 4, if investigations are required to be undertaken prior to responding to the access request, we will outline a proposal to you for carrying out the further investigations (***FEED Proposal***).

The FEED Proposal will include:

- (a) a statement of the nature and scope of work of the investigation;
- (b) a plan (including a time schedule) for carrying out and completing the investigation;
- (c) a statement of the reasonable costs of the investigation you would be required to meet; and
- (d) any other information reasonably required by us for the purposes of the investigation.

We will not carry out the FEED Proposal without first agreeing its contents with you.

Where further investigations are required, an access offer will be made within 60 business days after receiving the Complying Access Request unless a later period is agreed between you and us in the FEED Proposal.

6. CONFIDENTIALITY

We may require the prospective user to enter into a confidentiality agreement.

Any information provided to another party during negotiations, the contents of any access request and the terms of any access agreement entered into confidential will be treated as confidential information (**Confidential Information**) and subject to the terms of any confidentiality agreement that has been signed. If no such agreement has been signed, each of us must only use or reproduce Confidential Information of another party for the purpose for which it was disclosed and we must not disclose the confidential information except:

- to the scheme administrator in an Access Dispute notice;
- to the arbitrator in the course of an arbitration;
- with the consent of the other party;
- to a professional or other adviser of the party who agrees with the party to maintain the confidentiality of the confidential information;
- if it is required by, or necessary for the purposes of, the NGR or the NGL;
- if the disclosure is in accordance with an order made or a subpoena issued by a court of competent jurisdiction; or
- if the disclosure is authorised or required by a law of a participating jurisdiction or required by a competent regulatory body, and the person making the disclosure gives written details of the disclosure (including an explanation of the reasons for the disclosure) to the other party.

7. GOOD FAITH NEGOTIATIONS & INFORMATION EXCHANGE

If you have notified AGIG that you wish to enter into negotiations with AGIG in relation to the access offer that AGIG makes you in relation to your Complying Access Request, AGIG and you as, the prospective user, must negotiate in good faith with each other in accordance with section 216G of the NGL as to whether access can be granted and the terms and conditions for the provision of that access.

Further, NGR 559(7) requires a service provider and a prospective user to negotiate in good faith about the terms and conditions on which further investigations will be carried out, including the basis for determining reasonable costs of the further investigations to be paid by the prospective user and any reasonable extension to the time period in NGR 560(2) to enable the further investigations to be completed.

During negotiations, each of us must also:

- seek to accommodate all reasonable requirements of the other parties to the negotiations regarding the timetable for negotiations (subject to key staff availability); and
- use reasonable endeavours to identify any other person who may become a party to an access dispute relating to the pipeline service the subject of the negotiations.

At any time after we have started negotiations, you may request further information from us, being:

- information about the method used to determine the price in an access offer and the inputs used in the calculation of the price; and
- information regarding the costs associated with the provision of the pipeline services sought by the prospective user (**Access Offer Information**).

You must request the Access Offer Information in writing addressed to the relevant contact person outlined in Section 3 of this guide.

We will comply with reasonable requests for Access Offer Information within 15 business days of the date you submit the request in writing (or any longer period agreed with you).

At any time after we have started negotiations, either of us may request the following information of the other party/ies to the negotiations (**Access Negotiation Information**):

- Access Offer Information; and
- any other information that the party may seek to rely on for the determination of an access dispute in relation to the subject matter of the negotiations, including information prepared for the party such as expert reports and consultant reports, data sets, models and other documents or materials.

Any request for Access Negotiation Information must be made in writing and sent to:

- in the case of a request we make to you – the person who submitted the Complying Access Request;
- in the case of a request we or you make to any party to the negotiation other than you or us – the person we have been dealing with in the negotiations; and
- in the case of a request you make to us – the relevant contact person outlined in Section 3 of this guide.

Each of us must comply with reasonable requests for Access Negotiation Information within 15 business days of the date of submitting the request to the other (or any longer period agreed between us).

Neither party is required to provide, in response to a request for Access Negotiation Information, an item of information requested by another party under this rule where:

- to do so would breach a confidentiality obligation owed in respect of that information to an unrelated third party; and
- the third party has not given consent to the disclosure despite reasonable efforts having been made to obtain that consent.

Furthermore, neither party is required to provide, in response to a request for Access Negotiation Information:

- information that is the subject of legal professional privilege; or
- documents that would disclose information subject to legal professional privilege.

During negotiations, either participant may refer an access dispute to arbitration under section 216J of the NGL and Rule 562 of the NGR but no earlier than 15 business days after a notice requesting all Access Negotiation Information has been given to the other party. The process for referring an access dispute outlined in the NGR must be followed.

APPENDIX A: ACCESS REQUEST FORM

TAX INVOICE

[Insert Service Provider Name – see Section 2]

ACCESS REQUEST FORM

This is an Access Request Form, in accordance with the User Access Guide for non-scheme pipelines. The terms and conditions for the service are subject to negotiation between Operator and Prospective Shipper.

1. PROSPECTIVE SHIPPER DETAILS

Name	
ABN	
Telephone Number	
Facsimile Number	
Email	
Nominated Representative	

2. OPERATOR DETAILS

Name	
ABN	
Address	
Telephone Number	
Facsimile Number	
Email	
Nominated Representative	

3. SERVICE DETAILS

Requested Service	
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Requested Service Start Date	
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Requested Service End Date	
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4. INLET AND OUTLET POINTS

The following are to be the Inlet Points, Outlet Points and Contracted Capacity for Service as at the Capacity Start Date.

ITEM 1: INLET POINTS: DESCRIPTION AND CONTRACTED CAPACITIES

	Location	Designation	Contracted Capacity (TJ/d)
1.			
2.			
3.			
TOTAL:			

ITEM 2: OUTLET POINTS: DESCRIPTION AND CONTRACTED CAPACITIES

	Location	Designation	Contracted Capacity (TJ/d)
1.			
2.			
3.			
TOTAL:			

5. CREDITWORTHINESS

Prospective Shipper represents and warrants that copies of its latest set of audited accounts and (if applicable) its Constitution are attached.

10. PRESCRIBED FEE

This Access Request Form is accompanied by the Prescribed Fee (\$5,000) (plus the amount of GST payable in respect of the Prescribed Fee). This Access Request Form is to be treated by Prospective Shipper as a tax invoice in connection with the Prescribed Fee.

Executed by Prospective Shipper:

Executed by
 [insert Prospective Shippers Details and ABN] in
 accordance with section 127 of the Corporations Act
 2001:

Signature – Director

Title

Name (block letters)

Signed – Director/Secretary

Title

Name (block letters)