

IN THE WESTERN AUSTRALIAN ELECTRICITY REVIEW BOARD

No 2 of 2010

Application under section 39(1) of Schedule 1 of the *Gas Pipelines Access (Western Australia) Act 1998* (which provision continues to apply by reason of section 28(4) of Schedule 3 of the National Gas Access (WA) Act 2009) for a review of the decision of the Economic Regulation Authority to draft and approve revisions of the access arrangement to apply to the Goldfields Gas Pipeline in place of the access arrangement revisions submitted for approval by Goldfields Gas Transmission Pty Ltd on behalf of the Goldfields Gas Transmission Joint Venture.

Application by:

Southern Cross Pipelines Australia Pty Limited, Southern Cross Pipelines (NPL) Australia Pty Ltd, Alinta DEWAP Pty Ltd and Goldfields Gas Transmission Pty Ltd

Applicant

ORDER EXTENDING TIME FOR DETERMINATION OF APPEAL

Members: DS Ellis, EA Woodley, B Gaynor
Date: 16 November 2010
Where made: Perth

WHEREAS:

- 1 This application was provided to the Chief financial Officer of the WA Energy Disputes Arbitrator ("Arbitrator") on or about 19 August 2010.
- 2 The Board was constituted under section 51 (1) of the Act on 1 November 2010, on the appointment of Mr Gaynor.
- 3 Schedule 1 section 38(3) of the *Gas Pipelines Access (Western Australia) Act 1998* provides that the relevant appeals body must make its determination in respect of an application "within 90 days after receiving the application for review". Section 38(4) provides that the relevant appeals body may extend the time period by a period of 30 days if it considers that the matter cannot be dealt with properly without the extension either because of its complexity or because of special circumstances.

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5 On 15 November 2010, a request was received on behalf of the applicant for
the Board to make an order extending the time under section 38 until 26
November 2010, the date of the first directions hearing in this matter.

6 There is some uncertainty about the operation of section 38 (3). If it
operates in respect of this application from the date when the application was
received by the Arbitrator, rather than the date on which the Board is
constituted, an extension of time is needed. It is undesirable that any such
uncertainty should impact upon these proceedings.

7 Having regard to the complexity of the matter and the time that elapsed
between receipt of the application and constitution of the Board, it is
desirable that the time for making a determination be extended.

THE BOARD ORDERS THAT, to the extent necessary, the time limited for making
a determination under section 38 (3) in respect of this matter be extended up to and
including 26 November 2010.



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DS Ellis
Chairperson
Review Board