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

Nos 2 & 4 of 2004

Re Application for Merits Review of the Independent Gas Pipelines Access Regulator's decision of 30 December 2003 to approve his own Access Arrangement for the Dampier to Bunbury National Gas Pipeline.

Application by:

NORTH WEST SHELF GAS PTY LTD (ACN 063 763 342)

Applicant

REASONS FOR DECISION CONCERNING THE COSTS OF THE WA GAS REVIEW BOARD

MEMBER: Mr R M Edel, Presiding Member
HEARD: 22 December 2004
DELIVERED: 20 April 2005

Representation:
Counsel

Western Power:	Mr W S Martin QC and Mr N P Gentilli
Economic Regulation Authority:	Mr C G Colvin SC
Epic Energy (WA) Nominees Pty Ltd and Epic Energy (WA) Transmission Pty Ltd:	Mr G H Murphy SC
North West Shelf Gas Pty Ltd:	Mr D J Martino

Solicitors:

Western Power:	Jackson McDonald
Economic Regulation Authority:	Corrs Chambers Westgarth
Epic Energy (WA) Nominees Pty Ltd and Epic Energy (WA) Transmission Pty Ltd:	Mallesons Stephen Jaques
Northwest Shelf Gas Pty Ltd:	Allens Arthur Robinson

Legislation Referred to in Judgment:
Gas Pipelines (Western Australia) Act 1998
Gas Pipelines Access (Western Australia) (Funding) Regulations 1999

Cases Referred to in Judgment:

Epic Energy (WA) Nominees Pty Ltd v Michael [2003] WASC 156

Duke Eastern Gas Pipeline Pty Ltd [2001] ACompT3

R v Australian Broadcasting Tribunal; Ex parte 2HD (1980) 144 CLR 45 at 49

BACKGROUND

1. On 8 November 2004 the Board made an order with the consent of all of the parties to Application for Review No. 1 of 2004 (**Appeal No. 1)** that the application be discontinued. Orders as to costs were reserved.

2. In relation to the issue of who should pay the costs of the parties in Appeal No. 1 the parties have reached agreement in relation to costs and no order is necessary in that regard.

3. However, there remains the question as to whether the Board has power to order that some or all of the parties pay the Board's costs of any Application for Review and, if so, what order should be made in that regard.

4. In relation Applications for Review Nos. 2 & 4 of 2004, the parties have agreed that those applications be withdrawn and that each party bear its own costs of those applications.

5. However, the question also remains in relation to applications 2 & 4 of 2004 whether the Board has power to order that any party pay the costs of the Board in relation to those applications and, if so, what orders are appropriate in the circumstances.

6. The parties have made written and oral submissions in relation to these issues before the Board.

APPLICATION FOR REVIEW No. 1 of 2004

Submissions of the Parties

7. The Economic Regulation Authority (**ERA**) admitted, inter alia, that:

(a) There are two statutory provisions conferring power on the Board to award costs – Section 38(10) of Schedule 1 to the *Gas Pipelines Access (Western Australia) Act, 1998* (the **Law**) and Regulation 9 of the *Gas Pipelines Access (Western Australia)(Funding) Regulations 1999* (the **Funding Regulations**).

(b) The language of section 38(10) of the Law suggests that the section is confined to a power to award costs incurred by the parties, not costs incurred by the Board.

(c) If section 38(10) does empower the Board to make orders in respect of its own costs then the question arises as to how that discretion should be exercised.

(d) Where an inter partes order is sought it has been held that the power in section 38(10) should be reserved for cases where a party's participation in the proceedings has materially and unnecessarily increased costs.

(e) Further, responsible intervention by interested parties should not be discouraged by fear of adverse costs orders.

(f) In the case of a discontinuance, where both parties have acted reasonably in commencing and defending the proceedings and the conduct of the parties continued to be reasonable until the litigation was settled the proper exercise of costs discretion would usually mean that the Court will make no orders as to the costs of the proceedings.

(g) Where the discontinuance can be said to be an acknowledgement by an applicant of likely defeat or where no objective circumstances provides reason for the discontinuance, a costs order in favour of the other party will ordinarily be made.

(h) In *Epic Energy (WA) Nominees Pty Ltd v Michael* [2003] WASC 156 McKechnie J found in relation to section 86 and section 87 of the *Gas Pipelines Access (Western Australia) Act, 1998* (the **Act**) that :

> "In the regulation of what is ultimately a commercial market for gas, there is good reason why Parliament authorises the Executive to make regulations providing that the burden of regulation should not fall upon tax payers but be passed onto licensees, users and consumers."

(i) The Funding Regulations have been amended since the decision in *Michael* to provide expressly that costs that "cannot be recovered under Regulation 9" can be recovered as "core function costs" to be included in the standing charges to be paid by pipeline operators: Regulation 2(1).

(j) The recovery of costs of regulation from those who benefit from regulation is consistent with regulation of the kind provided for by the Act and the National Third Party Access Code for Natural Gas Pipeline Systems (the **Code**) which it adopts.

(k) Regulation 9 is expressed as a discretion. It does not require the parties to pay the whole or any part of the costs of the Board.

(l) The discretion ought not be exercised so as to require the regulator to pay any of the costs of the Board. Where a decision maker has performed the role which is expected of it in Review proceedings and there has been another party who has been the contradictor then it is appropriate for no order to be made as to costs as against the decision maker even in circumstances where the Review application is upheld.

(m) If the Board made an order that the regulator pay the costs of proceedings with the view to the regulator passing those costs onto pipeline operators then, pursuant to Regulation 3 of the Funding Regulations, the regulator is only able to pass those costs onto all pipeline operators, including those who have no interest in the current proceedings.

(n) If the Regulator could not raise a charge under the Funding Regulations then the effect of any order requiring the regulator to pay costs would be same as making no order as to the costs because the costs would have to be paid from the same public source.

8. Epic Energy submitted, inter alia, that:

(a) Regulation 9(2) of the Funding Regulations expressly provides that the Board may fix an amount that represents the costs and expenses incurred by the

Board in connection with the hearing and determination of the proceedings before it. This includes proceedings which are commenced but discontinued or otherwise brought to finality: Regulation 9(1).

(b) Regulation 9(3) provides the Board with a discretion to determine which of the parties is liable for payment of the whole or any part of the amount which it fixes under Regulation 9(2).

(c) It is unnecessary to consider whether section 38(10) of the Law also confers such a power upon the Board.

(d) Application for Review No. 1 concerned the public interest in gas transportation prices. Unlike private litigation, the reason for the proceedings before the Board was not the result of alleged wrong doing by one litigant vis-à-vis another litigant.

(e) The Australian Competition Tribunal has determined that with regard to parties' costs, the jurisdiction to award costs should be exercised sparingly and that no party who has reasonably and responsibly contributed to the process of review should be singled out to bear the costs of other parties: *Duke Eastern Gas Pipeline Pty Ltd* [2001] ACompT3.

9. The test in deciding whether or not to award a party to pay the Board's costs is:

(a) whether it would be fair and reasonable to order any party to bear the Board's costs;

(b) if so, to what extent is it fair and reasonable that all of the Board's costs should be paid by the parties;

(c) which parties is it fair and reasonable to make subject to such an order?

10. No party should pay the Board's costs in this case because:

(a) the dispute concerned the first access arrangement for the pipeline and there was no existing decision of the Board or any other relevant Court or Tribunal providing authoritative guidance;

(b) there were substantial issues of principle in dispute;

(c) the Board was considering a matter with significant and far reaching consequences for the public generally;

(d) the DBNG pipeline is a vital part of the State's infrastructure and its operation necessarily effects the wider public of Western Australia.

11. Alternatively, the Board's costs should be borne by the parties or at lease Epic Energy and Western Power equally.

12. In that regard the following matters are relevant:

(a) a party who has reasonably and responsibly contributed to the elucidation of issues before the Board should not be singled out to bear the costs of the proceedings;

(b) the case did not involve adjudicating whether there was a "wrong" by Epic or Western Australia. It involved a choice between different approaches of principle to economic and legal matters;

(c) ACCC accepted undertakings from the new owners of the pipeline concerning a change of ownership, an integral element of which was an undertaking to discontinue these proceedings;

(d) the discontinuance did not reflect any assessment of the merits of Epic Energy's case.

13. Epic and Western Power both had an interest in the outcome of the dispute and should bear equally what is effectively an "overhead" cost in relation to the resolution of the dispute.

14. Wester Power submitted, inter alia, that:

(a) it did not take issue with anything in the ERA's written outline of submissions dated 8 November 2004;

(b) it did not take issue with the matters set out at paragraphs 8 and 9 above submitted by Epic Energy;

(c) in relation to costs incurred by the Board prior to 16 September 2004, no party should pay the Board's costs. However, after 16 September 2004 (being the date upon which Western Power sought Epic's agreement to an adjournment of the proceedings to avoid further costs), Epic should bear all the costs incurred from 16 September 2004 onwards because it wished to

obtain the commercial benefit of advancing the case in circumstances in which an adjournment would have been appropriate;

(d) if that submission is not accepted, then Western Power submits that no order as to the costs should be made;

(e) Western Power should not be obliged to pay any part of the Board's costs on these proceedings as it was simply acting as contradictor in the interests of all shippers to resist an increase in the initial capital base. The initial capital base was not increased.

REASONS FOR DECISION – COSTS FOR THE BOARD IN APPEAL No. 1 of 2004

15. Regulation 9 of the Funding Regulations provides that:

> "(1) In this Regulation:
>
> "Proceedings" includes proceedings that are commenced but discontinued or otherwise not brought to finality.
>
> (2) The Board may fix an amount that represents the cost and expenses incurred by the Board in connection with the hearing and determination of the particular proceedings before it.
>
> (3) The Board may determine:
>
> (a) which of the parties to the proceedings is liable for payment of the whole or any part of an amount fixed under sub-regulation (2); and
>
> (b) the manner in which and the time within which, payment is to be made."

16. Regulation 9 is properly enacted under Section 86 and Section 87 of the Act: *Epic Energy (WA) Nominees Pty Ltd v Michael* [2003] WASC 156.

17. It is plain from the use of the word "may" in Regulation 9(2) that the Board has a discretion whether or not to make orders that the parties bear some or all of the costs incurred by the Board in connection with a hearing and determination of these proceedings.

18. In deciding how that discretion would be exercised it is helpful to have regard to the reasons for decision in *Duke Eastern Gas Pipeline Pty Ltd* [2001] ACompT3 (**Duke**). In that decision an application was brought under section 38(1) of the Law for review of a decision that the Eastern Gas Pipeline should be a covered pipeline under the Code.

19. The applicant for review applied for an order that the respondents (AGL, the NCC and the relevant Minister) pay its costs of and incidental to the application for review of the Minister's coverage decision. The application was brought pursuant to section 38(10) of the Law which provides:

> "The relevant appeals body may make such orders (if any) as to costs in respect of a proceeding as it thinks fit."

20. The applicant contended that section 38(10) established a broad discretionary power which should be exercised in accordance with the principles established in relation to inter partes litigation. It contended that the general principle applicable in inter partes litigation was that, absent some special circumstance, and subject to the exercise of the Tribunal's discretion, costs ordinarily follow the event.

21. The Australian Competition Tribunal held (at paragraph 5) that:

> "The Tribunal's decision is administrative in character. It does not resolve any legal rights of, or controversy between, AGL and Duke. Nor is the focus of the Tribunal's inquiry upon the narrow commercial interests of particular persons. The decision is concerned with the wider question of whether the coverage criteria are met, so as to justify regulation of the Pipeline in aid of the promotion of competition in relevant markets. "Any person" may initiate the administrative process which culminates in the Tribunal's decision. As the proceedings before the Tribunal are not, either in substance or in form, inter partes litigation, there is no particular reason for applying principles developed in connection with such litigation proceedings before the Tribunal.
>
> Further, the words "if any" in section 38(10) make it plain that in proceedings before the Tribunal, there is no presumption that orders as to costs will be made at all. Whether the Tribunal makes any, and if so, what, order as to costs is entirely within the discretion of the Tribunal. The costs discretion should be exercised having regard to the subject matter, scope and purpose of the statute: *R v Australian Broadcasting Tribunal; Ex parte 2HD* (1980) 144 CLR 45 at 49; *Oshlack* (supra) at 381.

> Whether the statutory criteria for coverage of a pipeline are met will often be, as the present case illustrates, a matter on which there can be different points of view and legitimate differences of opinion. It is important that the Tribunal be acquainted with all factors which are potentially relevant to its determination. Responsible intervention by interested parties who have a worthwhile contribution to make ought not to be discouraged by fear of adverse costs orders. The review process benefits from such participation. Nor should a pipeline operator be discouraged from exercising its statutory right of review by fear that costs orders may be made against it if unsuccessful, potentially in favour of multiple parties. For these reasons, the adoption of a general rule applicable in the case of inter partes litigation to the proceedings before the Tribunal would not be conducive to the effective discharge by the Tribunal of its statutory function.
>
> Costs orders should only be made in proceedings before the Tribunal where there are circumstances which justify the making of an order. The fact that a particular outcome of proceedings before the Tribunal may be seen as conducive (or not conducive) to the commercial interest of a party, would not ordinarily provide, of itself, a sufficient reason for making a costs order for (or against) that party. In principle, the power to order costs should be exercised sparingly, and not so as to discourage participation in the review process. Generally the power to award costs should be reserved for cases where a party's participation in the proceedings before the Tribunal materially and unnecessarily increases what would otherwise have been the costs of those proceedings."

22. Although those remarks were made in the context of an application for review of a coverage decision under section 38(1) and in the context of an application for cost orders pursuant to section 38(10) of the Law, they are, in my view, equally apposite to applications for review under section 39(1) of the Code and the issue of whether the Board should make orders as to its own costs under the Funding Regulations.

23. A review pursuant to section 39(1) is administrative in character. It does not resolve a dispute over rights enjoyed by pipeline owners or shippers of gas. The review is concerned with whether there has been any error of fact, incorrect or unreasonable exercise of discretion or jurisdictional error in the exercise of discretion committed by the regulator in approving its own access arrangement or the regulator's own revisions to an access arrangement. The access arrangement itself will set the terms

and conditions of access to a pipeline for any person wishing to ship gas on the pipeline in the absence of specific agreement between the pipeline owner and the shipper. The terms and conditions of an access arrangement, and thus any review of an access arrangement, will usually be a matter of broad public interest. That is certainly the case in relation to this application for review.

24. Similarly, the range of people who may apply to the Board for a review of such a decision is broad and includes the service provider and any person who made a submission to the relevant regulator on the access arrangement and whose interests are adversely affected by the decision.

25. I agree with the submissions made on behalf of the ERA that factors relevant to the exercise of the discretion in a case where proceedings have been discontinued include:

(a) the reasonableness of the conduct of the parties in proceedings before the Board;

(b) the outcome of the proceedings before the Board;

(c) the need to ensure that there are no barriers to the resolution of proceedings before the Board; and

(d) the extent to which the determination would be consistent with an approach whereby those for whose benefit the regulatory scheme exists should bear the costs.

26. It is also relevant to examine:

(a) the extent to which the were any authorities capable of providing guidance to the parties on the issues arising in the proceedings; and

(b) the importance of the proceedings in the public interest generally.

27. In the present case it is my view that each of the parties to Application to Review No. 1 of 2004 acted reasonably and responsibly and contributed to the resolution of issues before the Board.

28. As submitted by both the ERA and Epic, the proceedings involved matters with significant and far reaching consequences for the public interest generally. It is not unreasonable to anticipate that the Board's decision may well have had an impact on

the level of infrastructure investment in the pipeline, with possible flow on effects for the level of industrial development in the State.

29. The dispute concerned the first access arrangement for the pipeline and there were no existing decisions of the Board or any other Tribunal that provided authoritative guidance on the many issues arising.

30. Those issues were both numerous and complex and the submissions of each of the parties were of assistance to the Board.

31. Further, as submitted by Epic, the case did not involve an adjudication as to whether Epic Energy or Western Power had committed any "wrong". The proceedings involved a choice between different approaches of principle to economic and legal matters that were of fundamental importance.

32. On the evidence before me, including affidavits and other evidentiary material filed in connection with other applications in these proceedings, I am not able to conclude that the discontinuance of the proceedings reflected any assessment that Epic's case would not be able to succeed. The positions advanced by Epic and Western Power were all arguable. As pointed out by the Australian Competition Tribunal in the *Duke* decision, it is important that the Board be acquainted with all factors which are particularly relevant to its determination. Responsible intervention by interested parties who have a worthwhile contribution to make ought not be discouraged by fear of adverse costs orders.

33. I agree with the Tribunal's observations that, in principle, the power to order costs should be exercised sparingly and not so as to discourage participation in the review process. I further agree with the Tribunal's statement that the power to award costs should be reserved for cases where a party's participation in proceedings before the Tribunal materially and unnecessarily increased what would otherwise have been the costs of those proceedings.

34. In that context it is necessary to turn to the position adopted by Western Power in relation to these issues. Western Power does not take issue with anything said in the ERA's written outline of submissions dated 8 November 2004 and does not take issue with Epic's submission summarised in paragraphs 8 and 9 above.

35. In substance, in relation to costs incurred prior to 16 September 2004, Western Power agrees with Epic that there should be no order as to the Board's costs.

36. However, in relation to costs incurred after 16 September 2004, Western Power argues that the Receivers of Epic should bear the Board's costs incurred from 16 September 2004 onwards because they wished to obtain the commercial benefit of advancing the case in circumstances where an adjournment would have been appropriate.

37. Western Power's alternative submission is that no party should bear the Board's costs.

38. It is apparent from the affidavit of Neil Phillip Gentilli sworn 15 November 2004 filed in these proceedings that on 16 September 2004 Western Power's solicitors wrote to Epic's solicitors proposing that the parties agree to adjourn the proceedings to a mutually convenient date for the following reasons:

    (a) the Duet/Alinta/Alcoa (**DAA**) consortium had been announced as the successful bidder for the purchase of the Epic companies on 31 August 2004;

    (b) the DAA bid was conditional upon, inter alia, reaching agreement with Western Power on or before 21 September 2004 regarding Western Power's gas transmission requirements;

    (c) if its bid was successful DAA did not wish to proceed with at least that part of Epic's application to the Gas Review Board concerning the initial capital base of the DBNGP;

    (d) Western Power would not wish to proceed with that part of its application to the Gas Review Board dealing with the ICB if the application by Epic on that issue did not proceed;

    (e) if the DAA bid succeeded, some major parts of Western Power's application such as the provision of a T1 reference service would not be contested by DAA;

    (f) Western Power was of the view that its negotiations with DAA could quite easily take 2 – 3 weeks beyond the 21 September date referred to above;

    (g) other bidders for the DBNGP may well wish to continue with Epic Energy's application if they were to acquire the DBNGP;

    (h) the receivers of Epic had taken the view that the question of adjournment should be dealt with once DAA's bid because unconditional on the basis that

once that happened the proceedings would be adjourned pending completion of DAA's bid. On completion, the capital base issues would then be abandoned by both Epic and Western Power and other matters either be dealt with by agreement or in a hearing on a much reduced basis.

39. Despite Western Power's submission, I am unable to conclude that Epic acted unreasonably in declining the proposal to adjourn the proceedings on 16 September 2004. It is apparent from the evidence before me that at the time Western Power's proposal was put the sale of the Epic companies to DAA (**the Sale**) was still subject to a number of conditions that needed to be met. There were a significant number of commercial issues that needed to be negotiated, both with the receivers of Epic and with parties such as Western Power. It is not possible for me to conclude, on the material before me, the likelihood that those conditions would be met and the hurdles to the Sale becoming unconditional would be overcome.

40. Epic made it clear from the outset of proceedings that the issues in the proceedings were of great importance to it commercially and that it was extremely important for Epic to have these issues resolved as quickly as possible. Given Epic's interest in having these matters resolved as quickly as possible and the fact that the Sale was subject to certain conditions that had not yet been met, I am unable to conclude that Epic acted unreasonably in declining to agree to an adjournment at that point in time.

41. I note that once the DAA bid did become unconditional, Epic agreed to an adjournment of the proceedings, notwithstanding that a number of significant issues remained to be resolved between it and Western Power before the proceedings could finally be discontinued.

42. For the reasons set out above, I have decided to exercise my discretion against ordering the parties to bear any of the costs of the Board incurred in or in connection with Application for Review No. 1 of 2004.

43. There remains an issue as to the Board's power to make an order that the parties pay some or all of its costs pursuant to section 38(10) of the Law.

44. In light of the express power under Regulation 9 of the Funding Regulations and the decision I have reached pursuant to my discretion under those regulations, it is not necessary for me to reach a concluded view on that question. However, given that the issue was the subject of submissions before me, I express the view that it appears that section 38(10) would give the Board power to order that the parties pay some or all of

the costs of the Board incurred in or in connection with a particular application for review.

45. The language of section 38(10) is cast very broadly. There is no express fetter on the broad power set out in section 38(10) and nothing in the Code or the Act would appear to justify the implication of any fetter on the breadth of the discretion. For the reasons set out above, I would exercise my discretion under section 38(10) against ordering that any party to Appeal No 1 pay the costs of the Board in connection with Appeal No 1.

APPLICATION FOR REVIEW Nos 2 & 4 of 2004

Submissions of the Parties

46. The submissions of the ERA set out above were also made in relation to Applications for Review Nos. 2 & 4 of 2004.

47. North West Shelf Gas Pty Ltd submitted, inter alia, that:

(a) it agreed with the submissions made by Epic as to the general nature of the discretion and power of the Board and in particular that the Board does have power pursuant to Regulation 9 of the Funding Regulations to make orders that the parties bear some or all of the costs of the Board in relation to a particular set of proceedings;

(b) if the costs of these proceedings should be borne by a party, then Epic should bear those costs;

(c) Epic ought to bear those costs because having submitted an access arrangement that was not consistent with the status quo or with the design specifications at receival point I1-01, Epic:

(i) did not present an arguable case in opposition to the application; and

(ii) ultimately conceded the relief being sought by the applicant.

(d) if the Board does not order that Epic pay the costs of the Board then it should determine that there be no order as to costs.

48. In relation to Appeals No. 2 & 4 of 2004, Epic submitted that:

(a) the issue in these appeals was not a matter of important and general public interest and effectively raised a dispute between North West Shelf Gas Pty

Ltd and Epic. There is no reason why the general public should bear the costs of these proceedings;

(b) as each party presented an arguable case, North West Shelf Gas Pty Ltd and Epic should bear the Board's costs equally.

49. The principles and matters that ought to be taken into account in exercising the discretion have been set out above.

50. In the present case it is important to note that the Regulator decided that the temperature of gas at inlet point I1-01 should be 50 degrees (Celsius). The Regulator made that decision after receiving submissions from a range of interested parties, including North West Shelf Gas. North West Shelf Gas brought an application for review of that decision. Epic sought to defend the decision. The Regulator was also granted leave to appear as a respondent in the appeals to assist the Board.

51. North West Shelf Gas decided to bring the application for review in light of the Regulator's decision. It cannot be said that Epic was responsible for the decision or the appeal. It is difficult to see how Epic's conduct has materially and unnecessarily increased what would otherwise have been the costs of appeals 2 and 4.

52. I am unable to accept the submission that Epic did not put forward an arguable case in relation to Appeals 2 & 4.

53. Similarly, I am not persuaded that the temperature of gas at inlet point I1-01 was not necessarily a matter of general public interest. In particular inlet point I1-01 is the receival point for very large volumes of gas into the DBNGP. Requiring the inlet temperature to be lowered would cause increased cost since the gas would need to be cooled (although there is no evidence before me suggesting what that cost would be).

54. That cost would be likely to be passed on to the shippers of gas, and potentially, to consumers of gas shipped on the DBNGP.

55. I find that the conduct of the parties in proceedings before the Board was reasonable and the submissions filed by those parties were of assistance to the Board.

56. I am also mindful of the need to ensure that participation in the review process not be unduly discouraged.

57. In the circumstances, I have decided not to make any orders that any party pay the Board's costs incurred in or in connection with Applications for Review Nos. 2 & 4 of 2004.

ORDERS

Application for Review No. 1 of 2004

58. The Board makes no order as to its own costs incurred in or in connection with Application for Review No. 1 of 2004.

59. The Board makes no order as to its own costs incurred in or in connection with Applications for Review Nos. 2 & 4 of 2004.

ROBERT EDEL
PRESIDING MEMBER
WESTERN AUSTRALIAN GAS REVIEW BOARD
APPEALS 1, 2 AND 4 OF 2004

20 April 2005