

Epic Energy Corporate
Shared Services Pty Limited
ACN 069 799 588
Level 8, 60 Collins Street
Melbourne VIC 3000
Telephone (03) 8626 8400
Facsimile (03) 8626 8454
Web Site www.epicenergy.com.au

FILE No:
DOC:
MARS/PRISM:

7 December 2005

Mr M Buckley
General Manager
Regulatory Affairs – Gas
Australian Competition & Consumer Commission
GPO Box 3648
Sydney NSW 2001

Dear Mr Buckley

Ring fencing compliance obligations

I refer to Mr Anderson's letter of 27 October 2005, in which he requested information regarding Epic Energy Corporate Shared Services Pty Ltd's (EECSS) compliance with the minimum ring fencing requirements of the National Third Party Access Code for Natural Gas Pipeline Systems ("Code").

As you are aware, EECSS has not previously provided annual ring fencing compliance reports. The reason for this is that EECSS took the view that, where there is more than one service provider in connection with a covered pipeline, as is the case for both MAPS and SWQP (EECSS being the operator for both, and Epic Energy South Australia Pty Ltd and Epic Energy Queensland Pty Ltd owning the MAPS and SWQP respectively), it is consistent with the Code for one of the service providers to prepare ring fencing reports on behalf of both service providers.

Nonetheless, to the extent the ACCC is of the view that EECSS is required to submit ring fencing compliance reports in its own right, EECSS is happy to do so. However, I note that, given the nature of Epic Energy's business and its corporate structure, the submission of compliance reports for EECSS will provide no further information to that which is already provided by the asset owner companies in their compliance reports.

Turning to the specific questions raised by Mr Anderson which I have summarised below:

1. the date that EECSS commenced operating the MAPS and SWQP;
2. the details of EECSS' compliance with the ring fencing obligations for the MAPS and SWQP for 2004-05; and
3. assurance of EECSS' compliance with the ring fencing requirements since it has been a service provider for each of these pipelines.

Prior to 1 April 2000, employees within the Epic Energy group of companies were employed by a number of different entities. Generally speaking, employees that physically operated the pipelines were employed by the companies that owned the pipeline (for example, field staff on the MAPS were employed by Epic Energy South Australia Pty Ltd), while corporate/head office employees were employed by EECSS.

On 1 April 2000, Epic Energy restructured its employment arrangements, which resulted in virtually all staff being employed by EECSS. This arrangement continues through to this day, except for members of the Epic Energy executive management team who are employed by a separate Epic Energy entity. Accordingly, in answer to Mr Anderson's first question, on 1 April 2000 EECSS commenced operating the MAPS and SWQP.

Regarding the second question raised in Mr Anderson's letter, please find enclosed completed pro forma ring fencing compliance reports for EECSS for 2004-05.

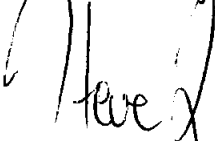
With respect to the third matter, please be assured that, since 1 April 2000, EECSS has complied with its ring fencing obligations under the Code. As stated above, Epic Energy was of the view that it was already providing this assurance to the ACCC via the submission of annual ring fencing compliance reports submitted by Epic Energy South Australia Pty Ltd and Epic Energy Queensland Pty Ltd.

As a final matter, I would like to reiterate that since the Epic Energy group of companies has owned and operated covered pipelines, it has always been a pure pipeline company. That is, its primary activity has been the ownership and in-house operation of transmission pipelines – ie. third party service providers are not engaged for MAPS or SWQP. In addition, Epic Energy does not, and has not, been involved in the business of producing, purchasing or selling natural gas, except to the extent that it is allowed by the Code.

Given a significant focus of the Code's ring fencing obligations is to ensure a service provider does not provide preferential treatment to its affiliates, the fact that Epic Energy does not have affiliates involved in upstream or downstream markets renders a significant part of the ring fencing obligations obsolete for Epic Energy. For all practical purposes, the only remaining relevant aspect of the ring fencing obligations is the accounting/cost allocation provisions, as to which Epic Energy has already provided to the ACCC with assurance of compliance.

I trust this answers the questions raised by Mr Anderson, however, should you require any further information, please do not hesitate to contact me on (03) 8626 8407.

Yours sincerely



Stephen Livens
Manager Risk and Regulation

Statement of Compliance

Statement of Compliance for Epic Energy Corporate Shared Services Pty Ltd for the financial year 2004/05

Epic Energy Corporate Shared Services Pty Ltd – Service Provider to the Moomba to Adelaide Pipeline System (MAPS) and South West Queensland Pipeline System (SWQP)

1. Attached is the annual Ring Fencing Compliance Report for the year ending 30 June 2005. Epic Energy Corporate Shared Services Pty Ltd has not varied the Ring Fencing Compliance Report or Statement of Compliance from the original forms sent by the ACCC, other than to provide the information required.
2. Epic Energy Corporate Shared Services Pty Ltd is not aware of any breach of any of the obligations listed in section 4.1 of the Code other than as detailed in this report.
3. Epic Energy Corporate Shared Services Pty Ltd has maintained a compliance program during the relevant period that ensures that:
 - (a) appropriate internal procedures have been established and maintained to ensure compliance with the obligations in section 4.1 of the *National Third Party Access Code for Natural Gas Pipeline Systems* (the Code);
 - (b) an accurate assessment of these procedures has been made;
 - (c) the Chief Executive Officer of Epic Energy Corporate Shared Services Pty Ltd is made aware of any breaches of the ring fencing obligations;
 - (d) remedial action is taken as soon as possible to rectify breaches of the minimum ring fencing obligations and that completion of this action is reported to the Board of Directors;
 - (e) the compliance program is reviewed regularly and as necessary.
4. At this stage the Board of Directors of Epic Energy Corporate Shared Services Pty Ltd has not had the opportunity to approve this report. The report will be tabled at the next Board meeting to be held on 20 December 2005.

Signed by:

.....
NAME:

CHIEF EXECUTIVE OFFICER

DATE: 7/12/05.

Ring Fencing Compliance Report

Ring Fencing Compliance Report for Epic Energy Corporate Shared Services Pty Ltd for the financial year 2004/05

Definitions

Unless otherwise defined, all capitalised terms used in this document have the meaning given to them in section 10.8 of the Code.

Compliance with minimum ring fencing obligations

Epic Energy Corporate Shared Services Pty Ltd submits this report under section 4.13 of the Code. The report describes the measures taken to ensure compliance with its obligations under section 4 and provides an accurate assessment of the effect of those measures.

Epic Energy Corporate Shared Services Pty Ltd will, pursuant to section 4.14 of the Code, notify the Commission immediately on becoming aware of a breach (or potential breach) of its obligations under section 4 of the Code.

1. Service Provider is a legal entity

Section 4.1(a) of the Code requires a Service Provider to be a legal entity.

Epic Energy Corporate Shared Services Pty Ltd is a legal entity incorporated pursuant to the *Corporations Law*.

2. Not carry on a Related Business

Section 4.1(b) of the Code requires that a Service Provider not carry on a Related Business (essentially a business of producing, purchasing or selling natural gas).

Epic Energy Corporate Shared Services Pty Ltd does not carry on a Related Business. See **Attachment 1** which lists the business activities carried on by the Epic Energy group of companies. These do not include any producing, purchasing or selling of natural gas except to the extent that it is allowed by the Code.

3. Establish and maintain separate and consolidated sets of accounts

Section 4.1(c) of the Code requires Service Providers to establish and maintain separate accounts for the activity that is the subject of each Access Arrangement.

For the entire reporting period, Epic Energy Corporate Shared Services Pty Ltd was a Service Provider of the SWQP and MAPS in the capacity as operator.

For the reporting period, a separate set of accounts was maintained in respect of the Services provided by the SWQP and MAPS.

Section 4.1(d) of the Code requires Service Providers to establish and maintain a consolidated set of accounts for all the activities undertaken by the Service Provider.

All of the business activities that Epic Energy Corporate Shared Services Pty Ltd carried on during the reporting period are set out in Attachment 1.

Epic Energy Corporate Shared Services Pty Ltd maintains a separate consolidated set of accounts for its entire business.

The measures taken by Epic Energy Corporate Shared Services Pty Ltd to ensure compliance with the requirements in sections 4.1(c) & (d) are outlined in **Attachment 2**.

4. Allocation of shared costs

Section 4.1(e) of the Code requires Service Providers to allocate costs in a fair and reasonable manner that is consistent with the principles in section 8.1 of the Code.

Included in **Attachment 2** to this report is a policy of the Service Provider which includes the policy for the allocation of costs that are shared between an activity related to a Covered Pipeline and any other activity of the Service Provider.

5. Treatment of Confidential Information

Under sections 4.1(f) and (g) of the Code, Service Providers must ensure that:

- *Confidential Information provided by a user or prospective user is used only for the purposes for which it was provided and is not disclosed without the user or prospective user's consent; and*
- *Confidential Information obtained by a Service Provider which might reasonably be expected to materially affect the commercial interests of a user or prospective user is not disclosed to any other person without the permission of the user or prospective user to whom the information pertains.*

Note that where functions of the Service Provider have been outsourced to a third party, the Service Provider is responsible for ensuring that any Confidential Information provided to the third party is handled in accordance with sections 4.1(f) and (g) of the Code.

Epic Energy Corporate Shared Services Pty Ltd complies with this requirement and ensures compliance of it by two means:

- (a) Every relevant contract entered into by the Service Provider contains such an obligation.
- (b) Epic Energy has implemented a policy, a copy of which is contained in **Attachment 3**, with which its employees and contractors are required to comply.

In addition, the Epic Energy group has implemented the following operational security procedures:

- (a) All employees (and only approved contractors) are issued with a person-based logon to connect to the Epic Energy network, internally or externally. Each person is personally responsible for ensuring that no one else uses the logon, and the services and access that the logon provides.
- (b) Each employee (and contractor where appropriate) must not advise anyone of their password, nor allow it to be accessible by anyone. The conditions of use (including password management) are outlined to each person as part of the company's policies and procedures.
- (c) Each employee must change their password every 60 days, by way of an automated process.
- (d) No authorised user of the Epic Energy network must at any stage leave a device unsecured whilst logged on with their personal logon-id.
- (e) All email and internet access from Epic Energy's network must be via the Epic Energy firewall.
- (f) All users must not access or use Epic Energy's computing and communication facilities, including the internet and e-mail, for illegal or inappropriate purposes, including hacking, selling/passing on customer or employee information or denial of service. Illegal purpose is defined as any act which constitutes a violation of State or Commonwealth (Australian) Laws.
- (g) Access to Confidential Information provided by a User or Prospective User in electronic or hard copy form is restricted only to approved employees. This is determined by each employee's supervisor in accordance with the provisions of the Gas Code.

6. Marketing Staff

Service Providers must ensure that:

- *their Marketing Staff (essentially those directly involved in sales, sale provision or advertising for the Service Provider) are not also working for an Associate that takes part in a Related Business (section 4.1(h) of the Code); and*
- *the Marketing Staff of an Associate involved in a Related Business are not also working for the Service Provider (section 4.1(i) of the Code).*

Note that in answering the questions below, the broadest possible meaning is to be given to 'servants, consultants, independent contractors or agents'.

During the reporting period, Epic Energy Corporate Shared Services Pty Ltd and all of its Associates are the owners and/or operators of transmission pipelines in Australia and are not involved in a Related Business.

Therefore, none of the Epic Energy Corporate Shared Services Pty Ltd Marketing Staff are servants, consultants, independent contractors or agents of an Associate that takes part in a Related Business.

As stated above, Epic Energy Corporate Shared Services and all of its Associates are the owners and/or operators of transmission pipelines in Australia and are not involved in a Related Business.

Therefore, none of the Epic Energy Corporate Shared Services Pty Ltd servants, consultants, independent contractors or agents are Marketing Staff of an Associate that takes part in a Related Business.

During the reporting period, the Service Provider had not been required by the Regulator, under section 4.3 of the Code, to comply with obligations in addition to those contained in section 4.1 of the Code.

While none of the Epic Energy group of companies is involved in a Related Company, Epic Energy Corporate Shared Services Pty Ltd is nonetheless committed to ensuring that it does not in anyway employ marketing staff of an Associate, nor would it allow its marketing staff to work for an Associate involved in a Related Business. Should this inadvertently occur, Epic Energy Corporate Shared Services Pty Ltd is committed to removing such staff from their position.

In the event an associate of Epic Energy Corporate Shared Services Pty Ltd makes a decision to start taking part in a Related Business, Epic Energy Corporate Shared Services Pty Ltd would review the existing procedures and practices, and if necessary, would develop additional procedures and practices to ensure ongoing compliance with its obligations under section 4.1 (h) and (i) of the Code.

Such procedures would include, at a minimum, ensuring there is appropriate employment arrangements (that is, a separate company employing the marketing staff of the Associate) including physical office separation. With respect to electronic information, additional security protocols (if not already sufficient) would be established to ensure that marketing staff of an Associate would be unable to access such information. Any paper copies of confidential information would be kept separately by the relevant marketing staff in secure facilities. It is also likely that all marketing employees would be required to sign confidentiality agreements on commencement of duties.

ATTACHMENT 1

**EPIC ENERGY GROUP OF AUSTRALIAN COMPANIES INVOLVED IN
NATURAL GAS THAT CARRY ON BUSINESS**

Entity	Business carried on	Relevant Assets Owned
Epic Energy South Australia Pty Ltd	<ul style="list-style-type: none"> • Owns and operates gas transmission pipelines • Operated the following pipelines for and on behalf of non Epic Energy group legal entities: <ul style="list-style-type: none"> - Riverland Natural Gas Transmission Pipeline System – for Envestra; - Beverley Lateral – for Heathgate Resources Pty Ltd; and <p style="margin-left: 20px;">this arrangement ceased during this reporting period</p> • It also operates the Port Bonython Liquids Transmission Pipeline (this is not a Pipeline within the definition of the Gas Pipelines Access Law) for and on behalf of a non Epic Energy entity 	<ul style="list-style-type: none"> • Moomba to Adelaide Natural Gas Transmission Pipeline System (“MAPS”) – covered • South East Transmission Pipeline (“Katnook Pipeline”) – uncovered
Epic Energy Queensland Pty Ltd	<ul style="list-style-type: none"> • Owns and operates a gas transmission pipeline 	<ul style="list-style-type: none"> • South West Queensland Natural Gas Transmission Pipeline (“SWQP”) – covered
Epic Energy (Pilbara Pipeline) Pty Ltd	<ul style="list-style-type: none"> • Owns and operates a gas transmission pipeline 	<ul style="list-style-type: none"> • Pilbara Energy Pipeline (“PEPL”) – uncovered • Burrup Extension Pipeline (“BPL”) –

		uncovered
Epic Energy (WA) One Pty Ltd	<ul style="list-style-type: none"> Owns and operates a gas transmission pipeline 	<ul style="list-style-type: none"> Wodgina lateral pipeline - uncovered
Epic Energy Corporate Shared Services Pty Ltd	<ul style="list-style-type: none"> Provides services of an operational and maintenance nature to the other Epic Energy group companies 	<ul style="list-style-type: none"> the rights to various software and hardware licences the rights to various leases

ATTACHMENT 2

RING FENCING MINIMUM OBLIGATIONS POLICY

See attached

D730.13**NATIONAL THIRD PARTY ACCESS CODE RING
FENCING MINIMUM OBLIGATIONS****1. PURPOSE**

This Policy sets out the requirements of a Service Provider arising from the Ring Fencing minimum obligations contained within Section Four (4) of the National Third Party Access Code for Natural Gas Pipeline Systems. “Ring Fencing” is described as segregating a business which provides services using a Covered Pipeline. Section 4 details the minimum requirements that a Service Provider must adhere to, together with procedures for adding, waiving and compliance of Ring Fencing arrangements.

This policy examines the requirements under the Code (in relation to Sections 4.1 (a) to (e) only) and will detail how Epic will comply (and will ensure that there can be compliance) with these obligations at all times.

2. POLICY**2.1. SECTION 4.12**

Section 4.12 states the following –

“A Service Provider must establish and maintain appropriate internal procedures to ensure it complies with its obligations under this section 4. The Relevant Regulator may require the Service Provider to demonstrate the adequacy of these procedures upon reasonable notice. However, any statement made or assurance given by the Relevant Regulator concerning the adequacy of the Service Provider’s compliance procedures does not affect the Service Provider’s obligations under this Section 4”

The following points will clarify the requirements of Section 4.1(a) to (e) to ensure that Epic always meets and complies with its obligations under these sections of the Code.

2.2. SECTION 4.1 (a)

S4.1(a) states the following –

D730.13**NATIONAL THIRD PARTY ACCESS CODE RING
FENCING MINIMUM OBLIGATIONS**

“The Service Provider in respect of a Covered Pipeline must “be a legal entity incorporated pursuant to the Corporations Law, a statutory corporation, a government or an entity established by royal charter”

Epic Energy Corporate Shared Services Pty Ltd (ABN 76 069 799 588) is incorporated pursuant to the Corporations Law. All pipelines (both covered and uncovered) owned by the Epic Energy Group are owned by legal entities incorporated pursuant to the Corporations Law. Epic will continue to assess and monitor any changes to its business (current or future) to ensure that it continues to comply with this section.

2.3. SECTION 4.1 (b)

S4.1(b) states the following –

“The Service Provider can ‘not carry on a Related Business’ “

A related business is defined by the Code as essentially a business of producing, purchasing or selling Natural Gas. Neither EECSS nor any other entity within the Epic Energy Group carries on businesses of this nature. In fact, entities within the Epic Energy Group only carry on the businesses of either operating or owning and operating transmission pipelines or operating oil pipelines. Epic will continue to assess and monitor any changes to its business (current or future) to ensure that it continues to comply with this section

2.4. SECTION 4.1 (c)

S4.1(c) states the following –

“The Service Provider must “establish and maintain a separate set of accounts in respect of the Services provided by each Covered Pipeline in respect of which the person is a Service Provider”

All entities within the Epic Energy Group maintain separate sets of accounts. As the entities within the Epic Energy Group are legal entities incorporated pursuant to the Corporations Law, there are requirements under that law to prepare statutory accounts.

D730.13**NATIONAL THIRD PARTY ACCESS CODE RING
FENCING MINIMUM OBLIGATIONS**

Where the relevant Epic Energy Group entity is or becomes a Service Provider in respect of more than one Covered Pipeline, separate sets of accounts are or will be (as the case may be) established and maintained in respect of each Covered Pipeline in respect of which the relevant entity is a Service Provider.

Separate sets of account are established and maintained in respect of each Covered Pipeline and uncovered pipeline in respect of which EECSS is a Service Provider.

To ensure the preparation of a proper set of separate accounts, Epic Energy:

- use the PeopleSoft general ledger system;
- has established a separate business unit for all Epic Energy owned assets and projects;
- has tagged all assets and projects with a separate project number
- with the delineation of assets and projects PeopleSoft can easily prepare a report(s) for any combination of Epic Energy's assets and projects, both covered and uncovered;
- all expenditure is approved with strict adherence to Epic Energy's Delegated Financial Authority (DFA) guidelines so that no unauthorised purchases are made over authorised expenditure limits;
- in accordance with the DFA guidelines, each person who is authorised to incur expenses on behalf of a company is given training and regular information updates on all relevant coding and project number changes so that they can assess where expenses are to be authorised to;
- processing of expenditures that violate PeopleSoft "combination edit" rules (these rules dictate where expenditures can be posted in the PeopleSoft system) are not permitted;
- each asset or project that has been tagged with a project number has a project manager who is responsible for the costs on the asset or project. Each month the project manager reviews the transactions that are posted to their relevant projects and notify the Finance Division, of any postings that are to be corrected, and these corrections are promptly done;
- the project manager for each asset or project attends regular meetings to review the progress of these projects; and
- department managers review costs each month to ensure that costs have been allocated correctly.

Epic Energy will continue to assess and monitor any changes to its business (current or future) to ensure that it continues to comply with this section.

D730.13	NATIONAL THIRD PARTY ACCESS CODE RING FENCING MINIMUM OBLIGATIONS
----------------	--

2.5. SECTION 4.1 (d)

S4.1(d) states the following -

The Service Provider must “establish and maintain a separate consolidated set of accounts in respect of the entire business of the Service Provider”

Where there is work being performed on a Pipeline that is not defined as a “Covered Pipeline”, a project number is established and any costs incurred or revenue generated from this work performed is accumulated against this project number. This has the effect of delineating the costs and/or revenues of each Pipeline owned and/or operated by a Service Provider.

An example of this is the Pt Bonython Liquids Pipeline that Epic Energy South Australia Pty Ltd operates and maintains on behalf of Santos. When the accounts for Epic Energy South Australia Pty Ltd are compiled, the results would include both the Pt Bonython Pipeline, the Moomba to Adelaide Pipeline System and any other Pipeline that is operated and / or maintained by Epic Energy South Australia Pty Ltd. Epic Energy will continue to assess and monitor any changes to its business (current or future) to ensure that it continues to comply with this section.

2.6. SECTION 4.1 (e)

S4.1(e) states the following -

The Service Provider must “allocate any costs that are shared between an activity that is covered by a set of accounts described in section 4.1(c) and any other activity according to a methodology for allocating costs that is consistent with the principles in section 8.1 and is otherwise fair and reasonable.”

All costs directly attributable to a specific Epic Energy entity will be costed directly to that entity. However certain executive and administrative activities are shared between legal entities within the Epic Energy group. These include:

- The activities of such divisions as the Chief Executive Officer, Human Resources; Legal Regulatory and Risk, Commercial and Project Development, Finance and Information Technology and the Operations Support department

D730.13**NATIONAL THIRD PARTY ACCESS CODE RING
FENCING MINIMUM OBLIGATIONS**

These costs are captured within the EECSS. The entire cost of this entity is re-billed to the legal entities which hold the Epic Energy group's assets in accordance with a methodology for allocating costs that is consistent with the principles in section 8.1 of the Code and is otherwise fair and reasonable. Epic Energy will continue to assess and monitor any changes to its business (current or future) to ensure that it continues to comply with this section.

In particular, the following allocation methodology is applied:

All costs of the EECSS entity are allocated to each pipeline on the proportion of their managed costs respective to the total managed costs for all pipelines.

Part of the Operations division is also subject to the allocation methodology. The various legal entities are charged a share of the Operations division. The EECSS Operations division has arisen due to –

- The formation of a national logistics group to manage the purchasing, inventory management and control, contracts administration and fleet management;
- The formation of a national Engineering group to manage asset enhancement and shipper related projects;
- The formation of a national Maintenance Planning Group; and
- The formation of a national Technical Services group that provides specialised engineering expertise on all Pipeline assets.

To ensure that costs are being correctly allocated, the monthly EECSS allocation of costs utilises PeopleSoft to allocate the relevant share of EECSS costs to each of the Pipeline entities based on the actual costs incurred each month. This is completed in accordance with the methodology described above.

3. BOUNDARIES

3.1. SCOPE

This Policy applies to all Epic Energy entities that are "Service Providers" of at least one "Covered Pipeline" as defined by the National Third Party Access Code for Natural Gas Pipeline Systems.

D730.13	NATIONAL THIRD PARTY ACCESS CODE RING FENCING MINIMUM OBLIGATIONS
----------------	--

3.2. EXCEPTIONS

There are no exceptions to this policy unless after an application made by the Service Provider, the Regulator has notified the Service Provider under section 4.15 of the Code that it has waived the Service Provider's obligations under section 4.1(b) and/or sections 4.1(h) and (i) of the Code.

3.3. NON COMPLIANCE

Substantial Civil and Criminal penalties could apply if you –

- Have contravened a provision;
- Attempted to contravene a provision;
- Aided, abetted, counselled or procured a person to contravene such a provision;
- Induced or attempted to induce a person, whether by threats or promises or otherwise to contravene such a provision;
- Have been any way, directly or indirectly, knowingly concerned in or party to the contravention by a person or such a provision;
- Have conspired with others to contravene such a provision

It should be noted that these Substantial Civil and Criminal penalties are not limited to the Service Provider and could extend to Directors and Employees.

4. CHANGE MECHANISM

4.1. OWNER

Chief Financial Officer / Manager, Regulation & Risk

D730.13	NATIONAL THIRD PARTY ACCESS CODE RING FENCING MINIMUM OBLIGATIONS
----------------	--

4.2. REVIEW FREQUENCY

This policy and associated procedures are to be reviewed annually by 30 November by the Chief Financial Officer and Manager, Regulation & Risk.

Compliance with this policy is to be assessed annually.

This policy will also be reviewed if there is a change to the relevant sections of the Code, listed above.

5. COMMENT

None.

ATTACHMENT 3

CONFIDENTIAL INFORMATION POLICY

See attached

	NATIONAL THIRD PARTY ACCESS CODE CONFIDENTIAL INFORMATION
--	--

1. PURPOSE

Under the National Third Party Access Code for Natural Gas Pipeline Systems (“Code”) and pursuant to contractual undertakings entered into by legal entities comprising the Epic Energy Group in Australia (“Epic Energy”), Epic Energy is obliged to ensure that confidential information obtained from or about third parties is used only for the purpose intended.

Epic Energy together with its employees, consultants, contractors and agents have a duty to third parties to ensure that confidential information disclosed to Epic Energy by that third party or which Epic Energy otherwise obtains from a third party is used only for the purpose for which it is disclosed.

In other words, it is not just information provided to a third party about itself, but it also includes information Epic Energy obtains from other sources or which it generates itself which might reasonably be expected to affect materially the commercial interests of the third party. An example of this could be hourly or daily deliveries to a Shipper at an outlet point/delivery point.

This policy examines the requirements under the Code in relation to the disclosure of confidential information and details how Epic Energy will comply (and will ensure that there can be compliance) with these requirements at all times.

2. POLICY

2.1. What confidential obligations are owed under the Code?

Sections 4.1(f) and (g) of the Code provide the following:

- “(f) The Service Provider must ensure that all Confidential Information provided by a User or Prospective User is used only for the purpose for which that information was provided and that such information is not disclosed to any other person without the approval of the User or Prospective User who provided it, except:
- (i) if the Confidential Information comes into the public domain otherwise than by disclosure by the Service Provider; or
 - (ii) to comply with any law, any legally binding order of a court, government, government or semi-government authority or administrative body or the listing rules of any relevant recognised Stock Exchange;
- (g) ensure that all Confidential Information obtained by the Service Provider or by its servants, consultants, independent contractors or agents in the course of conducting its business and which might reasonably be expected to affect materially the commercial

	NATIONAL THIRD PARTY ACCESS CODE CONFIDENTIAL INFORMATION
--	--

interests of a User or Prospective User is not disclosed to any other person without the approval of the User or Prospective User to whom that information pertains, except:

- (i) if the Confidential Information comes into the public domain otherwise than by disclosure by the Service Provider; or
- (ii) to comply with any law, any legally binding order of a court, government, government or semi-government authority or administrative body or the listing rules of any relevant recognised Stock Exchange

2.2. What is Confidential Information?

Confidential Information is defined for the purposes of the Code as follows:

'Confidential Information' means information that is by its nature confidential or is known by the Service Provider to be confidential and includes:

- (a) any information relating to the financial position of a User or Prospective User and, in particular, includes information relating to the assets or liabilities of the User or Prospective User and any other matter that affects or may affect the financial position or reputation of the User or Prospective User;
- (b) information relating to the internal management and structure of the User or Prospective User or the personnel, policies and strategies of a User or Prospective User;
- (c) information of a User or Prospective User to which the Service Provider has access, other than information referred to in paragraphs (a) and (b), that has any actual or potential commercial value to the User or Prospective User or the person or corporation which supplied that information; and
- (d) any information in the Service Provider's possession relating to the User's or Prospective User's customers or suppliers and like information.

2.3. Generally when can Confidential Information be disclosed?

Generally, confidential information may be disclosed:

- (a) internally to Epic Energy personnel who have a need to know the confidential information as part of their position or role within Epic Energy;
- (b) in order to comply with any law, legally binding order of a court, government, government or semi government authority or administrative body or the listing rules of any relevant recognised Stock Exchange;
- (c) if it is in the public domain, otherwise than through a breach of these obligations;

	NATIONAL THIRD PARTY ACCESS CODE CONFIDENTIAL INFORMATION
--	--

- (d) with the prior consent or approval of the party who owns the Confidential Information or in respect of whom the confidential information relates; or
- (e) if it is End User information and the End User has requested that the Service Provider disclose it to those entities nominated by the End User.

2.4. What to do if in doubt

If you have any questions about confidential information or any doubts as to whether or not information you are dealing with may be confidential, contact Epic Energy's Legal Section (ph 08 9492 3823)(part of Corporate Services) who will assist you to clarify the matter.

3. BOUNDARIES

3.1. SCOPE

This Policy applies at least to all Epic Energy entities that are "Service Providers" of at least one "Covered Pipeline" as defined by the National Third Party Access Code for Natural Gas Pipeline Systems.

3.2. EXCEPTIONS

There are no exceptions to this policy.

3.3. NON COMPLIANCE

Substantial Civil and Criminal penalties could apply if you –

- Have contravened a provision;
- Attempted to contravene a provision;
- Aided, abetted, counselled or procured a person to contravene such a provision;
- Induced or attempted to induce a person, whether by threats or promises or otherwise to contravene such a provision;
- Have been any way, directly or indirectly, knowingly concerned in or party to the contravention by a person or such a provision;
- Have conspired with others to contravene such a provision



EPIC ENERGY

POLICY

COMMERCIAL IN CONFIDENCE

	NATIONAL THIRD PARTY ACCESS CODE CONFIDENTIAL INFORMATION
--	--

It should be noted that these Substantial Civil and Criminal penalties are not limited to the Service Provider and could extend to Directors and Employees.

4. CHANGE MECHANISM

4.1. OWNER

General Counsel / Regulatory Affairs Manager

4.2. REVIEW FREQUENCY

This policy and associated procedures are to be reviewed annually by 30 November by the General Counsel and Regulatory Affairs Manager.

This policy will also be reviewed if there is a change to the relevant sections of the Code, listed above.

5. COMMENT

None.