

2 December 2010

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BY EMAIL: annualcompliance@aer.gov.au

Mr Trevor Johnston
Network Regulation North Branch
Australian Energy Regulator
GPO Box 3648
SYDNEY NSW 2001

Dear Mr Johnston

Annual Compliance Reports for the Dawson Valley Pipeline

We confirm that we act for Mitsui Moura Investment Pty Ltd.

As you are aware, Mitsui Moura Investment Pty Ltd is a participant in the Dawson Joint Venture which, prior to 1 July 2010, owned the Dawson Valley Pipeline (**DVP**).

As set out in our letter of 12 July 2010, the Dawson Joint Venture sold its interest in the DVP to Westside Corporation Limited and Mitsui E&P Australia Pty Ltd, effective 1 July 2010.

As Mitsui Moura Investment Pty Ltd is no longer a 'service provider' for the DVP under the National Gas Law, it has no obligation to report under the annual compliance order.

Nevertheless, Mitsui Moura Investment Pty Ltd has prepared the attached annual compliance report for the 2009/10 financial year.

If you have any questions or require any further information, please contact Kathryn Finlayson on (07) 3119 6380.

Yours faithfully

MINTER ELLISON



Contact: Kathryn Finlayson Direct phone: +61 7 3119 6380 Direct fax: +61 7 3119 1380
Email: kathryn.finlayson@minterellison.com
Our reference: KEXF JPO 40-6034003

enc.

Copy to: Mr Simon Mewing Simon.Mewing@westsidecorporation.com
Ms Ros Markovich ros.markovich@mepau.com.au

MINTER ELLISON GROUP AND ASSOCIATED OFFICES

ADELAIDE AUCKLAND BRISBANE CANBERRA DARWIN GOLD COAST HONG KONG
LONDON MELBOURNE PERTH SHANGHAI SYDNEY WELLINGTON

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Statement of Compliance for the 2009/10 financial year

Mitsui Moura Investment Pty Ltd ('Mitsui')

Dawson Valley Pipeline

1. **Attached** is the Annual Compliance Report for the Dawson Valley Pipeline for the financial year ending 30 June 2010.
2. I verify that:
 - (a) the information and documentation provided in compliance with the Annual Compliance Order (**Order**) is accurate and can be relied on to provide a true and fair representation of Mitsui's ownership of the Dawson Valley Pipeline and can be relied on by the Australian Energy Regulator in the performance or exercise of its functions or powers under the National Gas Law or the National Gas Rules;
 - (b) the information and documentation provided in compliance with the Order in reliance on information and documentation that is prepared, kept or maintained is accurately represented;
 - (c) the information and documentation provided is not false or misleading; and
 - (d) the information and documentation provided is in accordance with the Order and is complete.
3. Mitsui has complied with the Order in all respects.

Signed by:


.....

Name: Katsueki Fukamachi

Director
Mitsui Moura Investment Pty Ltd
2 December 2010

MITSUI MOURA INVESTMENT PTY LTD

ANNUAL COMPLIANCE REPORT FOR DAWSON VALLEY PIPELINE 2009/10

Note: The information and documentation provided covers only the relevant Compliance Period as defined in the Order.

1. General duties for the provision of pipeline services of covered pipeline services by a service provider.

1.1 Legal entity

- (a) *Nominate the type of legal entity the service provider is according to the specified kinds of legal entity in section 131 of the NGL.*

A legal entity registered under the *Corporations Act 2001* (Cth).

- (b) *What is the registered business name and ABN of the service provider legal entity providing the covered pipeline service?*

Mitsui Moura Investment Pty Ltd ACN 088 091 356 (MMI)

[Note: On 1 July 2010, Mitsui Moura Investment Pty Ltd transferred all of its interests in the covered pipeline service to a related corporation Mitsui E&P Australia Pty Ltd ACN 108 437 529]

- (c) *Provide an outline of the group structure which is controlled by or which the service provider is a part (including identification of the head company, nature of investment or entity, relationship to the service provider and proportion of assets owned/share of investment within the group). This should include any assets (businesses) it owns or that own it. The group structure should include businesses that are beneficially controlled such as trustee companies, jointly owned or operated business such as partnerships or joint ventures, businesses that are significant investments or controlled. This can also be represented as an organisational chart.*

Attached is a copy of the group structure of which Mitsui Moura Investment Pty Ltd is a part. In addition, Mitsui E&P Australia Pty Ltd is a 100% subsidiary of Mitsui & Co., Ltd, the ultimate parent company of Mitsui Moura Investment Pty Ltd.

1.2 Preventing or hindering access

- (a) *Is the service provider aware of any claims that it has prevented or hindered access to services on the covered pipeline within the terms of section 133 of the NGL?*

No.

1.3 Supply and haulage of natural gas

- (a) *Does a producer supply natural gas through the covered pipeline at a place other than the exit flange of the producer's processing plant?*

No.

1.4 Queuing requirements

- (a) *Has the service provider complied with the queuing requirements of the applicable access arrangement during the year?*

Yes.

1.5 Service provider providing light regulation services must not price discriminate

- (a) *Does the service provider provide light regulation services?*

No.

- (b) *If so, are there any differences in the prices of the provision of those services? Please provide an explanation as to why these price differences exist.*

N/A

2. Structural and Operational Separation Requirements (Ring Fencing)

2.1 Carrying on of a related business

- (a) *Provide a list of associates of the service provider that take part in a related business and for each associate describe what the nature of the related business is.*

| Entity | Nature of Related Business |
|--|---|
| Mitsui German Creek Investment Pty Ltd | Owns 30% participating interest in Capricorn Developments Joint Venture |
| Mitsui Moranbah North Investment Pty Ltd | Owns 4.75% participating interest in Moranbah North Joint Venture |
| Mitsui Coal Holdings Pty Ltd | Owns 100% shareholding interest in the issued shares of Mitsui Moura Investment Pty Ltd, Mitsui German Creek Investment Pty Ltd and Mitsui Moranbah North Investment Pty Ltd |
| Mitsui & Co (Aust) Limited | Owns 40% shareholding interest in the issued shares in Mitsui Coal Holdings Pty Ltd |
| Mitsui & Co., Ltd | Owns 60% shareholding interest in the issued shares in Mitsui Coal Holdings Pty Ltd and a 100% shareholding interest in the issued shares in Mitsui E&P Australia Pty Ltd |
| Mitsui E&P Australia Pty Ltd | Acquired all of Mitsui Moura Investment's interest in the covered pipeline service as and from 1 July 2010. 100% of the shareholding interests in the issued shares in Mitsui E&P Australia Pty Ltd (MEPAU) are owned by Mitsui & Co., Ltd. MEPAU holds interests in the producing Enfield and Vincent oil fields (WA-28-L, Exmouth Sub-basin), the producing Greater Casino gas fields (VIC/L24 & VIC/L30 Otway Basin), the producing Tui oil field and the producing Kupe gas field (PMP 38158 and PML |

| Entity | Nature of Related Business |
|--------|---|
| | 38146 Taranaki Basin, New Zealand), as well as diverse interests in exploration permits in the Exmouth Sub-basin, the Browse, Perth, Otway and Sorell Basins in Australia, and the Taranaki and Great South Basins in New Zealand. MEPAU manages its interests in all of these assets from its regional headquarters in Perth, Western Australia. |

- (b) *Provide a list of associates that are service providers and/or provide pipeline services.*

N/A

2.2 Marketing staff and the taking part in related businesses

- (a) *Provide a list of associates of the service provider that are directly involved in the sale, marketing or advertising of pipeline services.*

None.

- (b) *Provide a statement as to whether or not any of the service provider's marketing staff are also officers, employees, consultants, independent contractors or agents of an associate of the service provider that takes part in a related business.*

None of Mitsui Moura Investment Pty Ltd's marketing staff are officers, employees, consultants, independent contractors or agents of an associate that takes part in a related business.

- (c) *Provide a statement as to whether or not any of the service provider's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate of the service provider that takes part in a related business.*

None of Mitsui Moura Investment Pty Ltd's officers, employees, consultants, independent contractors or agents are also marketing staff of an associate that takes part in a related business.

2.3 Separate accounts must be prepared, maintained and kept

- (a) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a separate set of accounts in respect of the services provided by every covered pipeline owned or operated by the service provider.*

Mitsui Moura Investment Pty Ltd has prepared, maintained and kept a separate set of accounts in respect of the services provided by the Dawson Valley Pipeline.

- (b) *Name the legal entity or entities in which the separate accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Mitsui Moura Investment Pty Ltd

- (c) *Provide a statement as to whether or not the service provider has prepared, maintained and kept a consolidated set of accounts in respect of the whole of the business of the service provider.*

Mitsui Moura Investment Pty Ltd has prepared, maintained and kept a consolidated set of accounts in respect of the whole of its business.

- (d) *Name the legal entity in which the consolidated set of accounts are reported, maintained or kept for the services provided by each covered pipeline owner or operator?*

Mitsui Moura Investment Pty Ltd

- (e) *Provide a copy of the most recently lodged annual financial reports with the Australian Securities Investments Commission or if no such reports exist other similar audited financial reports prepared for or provided to a state or territory department, agency or body under relevant state or territory legislation. These financial reports may be the consolidated set of accounts in respect of the whole of the business of the service provider, and if also separately lodged with the Australian Securities and Investments Commission the most recently lodged annual separate set of accounts in respect of the services provided by the service provider.*

Attached is a copy of Mitsui Moura Investment Pty Ltd's most recent annual financial report for the financial year ended 31 March 2010, lodged with the Australian Securities & Investments Commission.

2.4 Additional ring fencing requirements or exemptions

- (a) *Does the service provider have any additional ring fencing requirements?*

No.

- (b) *What are these requirements?*

N/A

- (c) *Provide a statement that these additional ring fencing requirements have or have not been met.*

N/A

- (d) *Does the service provider have any exemptions for the minimum ring fencing requirements?*

Yes.

- (e) *What are these exemptions?*

Mitsui Moura Investment Pty Ltd was granted an exemption from complying with section 4.1(b) (carrying on a related business) of the then National Third Party Access Code for Natural Gas Pipeline Systems (**Gas Code**).

Section 40 of the Schedule 3 to the NGL deems the exemption granted to Mitsui Moura Investment Pty Ltd under section 4.1(b) of the Gas Code to be an exemption of the AER under section 139 and 140 of the NGL respectively.

(f) *By what jurisdiction regulator and when were these exemptions granted?*

The exemption was granted by the Australian Competition and Consumer Commission on 14 February 2007, effective from 28 February 2007.

2.5 Associate contracts

(a) *Has the service provider entered into or given effect to any new associate contracts, or varied the terms and conditions of an existing associate contract?*

No.

(b) *For each new or varied associate contract, please indicate the date the new or varied associate contract was entered into or given effect?*

N/A

(c) *For each new or varied associate contract, please indicate if the contract or variation was approved by the AER and the date that it was approved?*

N/A

(d) *If the associate contract was not approved by the AER, please indicate what date the new or varied associate contract was provided to the AER?*

N/A

Note: An 'associate contract' is defined under the NGL to include arrangements or understandings and is not limited to written contracts.

3. Other requirements

3.1 Making access arrangement or terms and conditions of access available

(i) Ensuring applicable access arrangement and other specified information is available on website.

(a) *Has the service provider published the approved access arrangement on its website?*

Yes.

(b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

The access arrangement and access arrangement information could be obtained from the website of the Dawson Valley Pipeline operator at the following address:

<http://www.anglocoal.com.au/wps/wcm/connect/AngloCoal/Our+Business/Our+Operations/Dawson>

from 29 October 2009 up to and including 30 June 2010. The access arrangement and access arrangement information is no longer available on that website.

- (c) *Has the service provider received any requests from the AER to provide to prospective users generally other information specified as reasonably necessary to determine if access should be sought.*

No.

- (d) *Please provide details of when and how this request was met.*

No.

(ii) Publishing approved competitive tender process access arrangement

- (a) *Where there is an approved competitive tender process access arrangement in place for a covered pipeline, has the service provider published the approved access arrangement on its website?*

N/A

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this access arrangement was provided on the website.*

N/A

(iii) Publishing terms and conditions of access to light regulation services

- (a) *Where there is access to light regulation services on a covered pipeline, has the service provider published tariffs and other terms and conditions for these services on the website?*

N/A

- (b) *Please provide the website address where this access arrangement can be accessed and the date that this information was first made available on the website.*

N/A

- (c) *Has the service provider had access negotiations regarding light regulation services? If so, the following will need to be reported, the name of the party requesting the service, the pipeline service requested, and the outcome of access negotiations.*

The following table format may be of assistance in reporting this information.

| <i>Party requesting access</i> | <i>Date negotiations commenced</i> | <i>Pipeline service subject to access negotiation</i> | <i>Date negotiations completed</i> | <i>Outcome of access negotiations</i> |
|--------------------------------|------------------------------------|---|------------------------------------|---|
| 1. [name of party] | [date] | [name the service] | [date] | <p>[Note:</p> <ul style="list-style-type: none"> • if negotiation resulted in access being provided/not provided • if service provider was not able to meet all aspects of access requested] <p>[Name any contracts made, varied or revoked as a result of access negotiations]</p> |

N/A

3.2 Access determinations

- (a) *Has the service provider been party to an access determination?*

No.

- (b) *When did the access determination become operative?*

No.

- (c) *For what period is the access determination in place?*

No.

3.3 Confidentiality

- (a) *Provide a statement that the confidentiality requirements under rule 137 of the National Gas Rules have or have not been met.*

The confidentiality requirements under rule 137 of the National Gas Rules have been met.

- (b) *Has the service provider established an internal protocol or policy guideline or procedure manual for the handling of confidential information?*

If so please provide the AER with the relevant policy document.

Yes. **Attached** is a copy of the Confidentiality Guideline for the Dawson Valley Pipeline.

3.4 **Bundling**

- (a) *Has the service provider bundled any of its services when providing access or negotiating access with a prospective user?*

No:

- (b) *If so, provide a description of the bundled services and related conditions of access.*

N/A