

DAWSON VALLEY PIPELINE CONFIDENTIALITY GUIDELINE

1. Code Requirements

The Service Providers in relation to the Dawson Valley Pipeline are the owners, Anglo Coal (Dawson) Limited and Mitsui Moura Investment Pty Ltd as participants in the Dawson Joint Venture, and Anglo Coal (Dawson Management) Pty Ltd, as operator.

The Service Providers are required to comply with sections 4.1(f) and (g) of the National Third Party Access Code for Natural Gas Pipeline Systems (**Code**) which seek to protect confidential information of users or prospective users of the Dawson Valley Pipeline.

Sections 4.1(f) and (g) of the Code provide that a Service Provider must:

- '(f) *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 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;'*

'Confidential Information' is defined under the Code to mean:

'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.'*

These obligations under the Code extend not only to Confidential Information provided by a user or prospective user of the Dawson Valley Pipeline, but to Confidential Information which each Service Provider or its employees, consultants, contractors or agents obtains in the course of conducting its business which might reasonably be expected to affect materially the commercial interests of the user or prospective user.

2. Access to Confidential Information

Access to Confidential Information of a user or prospective user of the Dawson Valley Pipeline is restricted to employees, consultants, contractors or agents of the Service Providers who have a need to know the Confidential Information as part of their position or role (**Authorised Persons**).

The Service Provider will maintain a list of Authorised Persons.

Generally, employees, consultants, contractors or agents of the Service Providers involved in marketing gas are not Authorised Persons.

All Authorised Persons with access to Confidential Information are required to observe sections 4.1(f) and (g) of the Code and comply with this guideline.

3. Use of Confidential Information

Confidential Information provided by a user or prospective user of the Dawson Valley Pipeline must only be used for the purpose for which that information was provided.

4. Disclosure of Confidential Information

Confidential Information may be disclosed:

- (a) to other Authorised Persons, who have a need to know;
- (b) 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;
- (c) if it is in the public domain, otherwise than by breach of the obligations set out in this guideline; or
- (d) with the prior approval of the user or prospective user who provided the Confidential Information or to whom that Confidential Information relates.

5. Security of Confidential Information

All reasonable steps must be taken to protect Confidential Information against misuse, loss and unauthorised access or disclosure, including restricted physical and electronic access where appropriate.

6. Questions

Any questions about the use or disclosure of Confidential Information or whether information is confidential should be directed to the Legal Department.