

6 September 2001

Mr David Hatfield
Director
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Dear David

REVISED ACCESS ARRANGEMENT FOR THE QUEENSLAND GAS PIPELINE

Please find attached the following documents provided in response to the Australian Competition & Consumer Commission's (ACCC's) final decision on the proposed access arrangement for the Queensland Gas Pipeline:

- a revised access arrangement highlighting the differences to the original access arrangement lodged with the Commission;
- a clean version of the revised access arrangement; and
- a disk containing both the above documents (without schedules 6 & 7 which remain unchanged).

In its final decision, the ACCC stipulated that in order for the access arrangement to be approved, it must be amended to reflect two required changes. The access arrangement has been revised to reflect the Commission's required amendment 1 through the inclusion in clause 9 of allowance for a "prospective user" as well as a "user" to effect a bare transfer.

However, the Commission's required amendment 2, for the inclusion of a list of specific major events that will trigger a review of the non-tariff elements of the access arrangement, has not been implemented. Legal advice has been sought (copy also attached) as to whether the ACCC has the power to require the incorporation of such a list of major event triggers. This advice suggests that the ACCC does not have this power and as such, Duke Australia Operations has decided not to incorporate amendment 2 in the revised access arrangement for the Queensland Gas Pipeline.

If you have any questions in relation to the revised access arrangement, please contact Robert Prydon on 07 3334 5705.

Yours sincerely



Peter Staveley
Group Manager, Government Policy