



User Access Guide – Enwave Victorian Networks

November 2018

Version 2.0

1. INTRODUCTION

This User Access Guide is published by Enwave Victorian Networks Pty Ltd (**EVN**), a subsidiary of Enwave Australia Pty Ltd, pursuant to rule 558(1) of the National Gas Rules (**NGR**). Under the NGR, this User Access Guide must:

- identify the service provider for a non-scheme pipeline;
- set out the contact details for receiving preliminary enquiries and access requests;
- describe the process for making an access request;
- describe the process for undertaking further investigations;
- describe how confidential information will be treated;
- describe the process for preparing an access offer;
- include a statement of the obligation to negotiate in good faith and the right to refer an access dispute to arbitration under section 216J of the National Gas Law; and
- describe the arrangements for the exchange of information during negotiations.

2. BACKGROUND

On 1 August 2017, the National Gas (Pipeline Access – Arbitration) Amendment Rule 2017 (SA) was made pursuant to section 294F (1) of the National Gas Law (**NGL**), which is the Schedule to the National Gas (South Australia) Act 2008 (SA).

The Amendment Rule amended the NGR by, among other changes, inserting a new Part 23 ('Access to non-scheme pipelines') into the NGR. The objectives of the new Part 23 of the NGR include facilitating access to pipeline services on non-scheme pipelines by requiring the publication and exchange of information and introducing an arbitration process to resolve access disputes.

Rule 558(1) of the NGR (inserted as part of the new Part 23) requires a service provider of a non-scheme pipeline to develop, maintain and publish on its website a user access guide that contains certain prescribed information in relation to the non-scheme pipeline.

3. SERVICE PROVIDER

EVN is the service provider for a non-scheme distribution network in Victoria (distribution network).

4. CONTACT DETAILS

For any preliminary queries or queries about this User Access Guide please contact:

Att: Commercial Manager
Tas Gas Networks
Tel: 03 6336 9350
5 Kiln Court, St Leonards, Tasmania 7250
Email: commercialteam@tasgas.com.au
www.enwavevictoriannetworks.com.au

5. PROCESS FOR ACCESS REQUEST

EVN encourage customers to contact us as soon as possible to discuss their gas supply and transport requirements. This may be a preliminary enquiry or an informal access request made in accordance with process for access requests as published on EVN's website, found [here](#).

Alternatively, you may wish to make a formal Access Request in accordance with clause 559 of Part 23 of the National Gas Rules.

An Access Request triggers a formal process of access request, information exchange, investigation and an Access Offer. The process is conducted in accordance with the requirements set out in section 559.

You do not have to submit a formal Access Request in order to gain access to EVN’s network but if you do then it must be in writing, addressed to the contact specified in section 4, and must include the information reasonably required by EVN in order to prepare a formal Access Offer.

Details of the access sought by you may be amended with the consent of EVN which will not be unreasonably withheld.

EVN must make an Access Offer within 20 business days of receiving the Access Request or the further information or within 60 business days if further investigations are required.

The Access Offer must set out the price, terms and conditions; any details of work to be undertaken; any applicable technical and performance specifications; and be in a form capable of acceptance by you.

EVN do not have to make an Access Offer if the Access Request has been withdrawn or EVN concludes it is not technically feasible or consistent with the safe and reliable operation of the network or it would require an extension of the network. If EVN does not make an Access Offer, we will write to you with the reasons why not and under what circumstances there may be a prospect of it being possible in the future (if any).

6. FURTHER INVESTIGATIONS

Where a prospective user has made a preliminary enquiry, informal access request or a formal Access Request, then within 10 business days of receipt of the preliminary enquiry, informal access request or formal Access Request, a member of the Tas Gas Commercial Team will respond to the prospective user, using the contact details provided by the prospective user, providing a brief description of its preliminary investigation and what further investigations are required to be undertaken.

If the Access Request is incomplete, EVN must notify you within 5 business days after receipt and specify the information required to provide an Access Offer. If further investigations are required, EVN will notify you within 10 business days of receipt of the access request or receipt of the further information if applicable.

EVN will only undertake investigations that are reasonably necessary and will carry them out expeditiously.

The timeframe required to complete further investigation will be dependent on the size and complexity of any works required to meet the prospective user’s requirements. The investigations may require the engagement of external pipeline modelling and design engineers in addition to engaging with fabrication and construction companies to provide sufficient information on lead times and costs.

Both of us must negotiate in good faith in relation to the terms and conditions on which further investigations will be carried out including the basis of reasonable costs and any extension of time frame.

7. CONFIDENTIAL INFORMATION

EVN is committed to protecting personal information and the obligations under *the National Privacy Principles and the Privacy Act 1988* (Cth), as amended. How EVN deals with and uses confidential information is disclosed in its *Privacy Policy* and *Privacy Collection Statement*, made available on its website, found [here](#).

In addition to the *Privacy Statement*, EVN is open to the execution of a Confidentiality Agreement to progress mutually beneficial commercial opportunities. This can be requested via the contact details noted in section 3 above.

8. PROCESS FOR PREPARING AN ACCESS OFFER

The process for preparing an access offer for EVN services is described in its Long Form Use of System Agreement (BMSDOC-18-1361), as available on the EVN website, found [here](#).

9. STATEMENT TO NEGOTIATE AND REFER TO ARBITRATION

Section 216G of the NGL imposes a duty on both EVN and the prospective user to undertake all negotiations in respect of access to a pipeline service in good faith.

EVN is committed to providing its customers with high quality, reliable service. If problems do arise we will work towards resolving them as soon as you contact us.

All complaints are handled in line with the Tas Gas complaints and handling policy and procedures, which ensures that requirements set in the Australian Standard ISO 10002 (2006) Complaint Handling are met.

If the complaint, dispute or difference is not resolved by discussion between operational staff within 20 working days of notice being given, the matter is to be referred to the Chief Executives of the parties for resolution.

If the complaint, dispute or difference cannot be resolved by the Chief Executives within 15 working days of the matter being referred to them, either party may refer the matter to mediation or to arbitration under section 216J of the NGL.

10. NEGOTIATION ARRANGEMENTS AND EXCHANGE OF INFORMATION

A prospective user who has made an access request may notify EVN in writing, addressed to the contact specified in section 4, that it wishes to commence negotiations in relation to the access request, including in relation to:

- whether access can be granted; and
- the price and other terms and conditions of EVN's access offer.

A negotiation notification from a prospective user must state whether the prospective user wishes to undertake negotiations:

- under Part 23 of the NGR, in which case rules 561 ('Negotiations') and 562 ('Access negotiation information') of the NGR will apply; or
- outside of Part 23 of the NGR, in which case the above rules will not apply (the parties may however agree to separate rules for the negotiations).

Before commencing negotiations, the parties must agree to the following:

- the parties to the negotiations;
- the timetable for negotiations;
- what services are to be in the subject of the negotiations; and
- the confidentiality arrangements for the negotiations (the confidentiality provisions in rules 561(8) - (9) of the NGR will apply to negotiations under Part 23 of the NGR).

Upon commencement of negotiations, EVN will make access negotiation information available to the prospective user in a readily readable form specified by EVN within 15 business days of the request for access negotiation information by the prospective user, unless a timeframe is otherwise agreed to by the prospective user acting reasonably.

EVN reserves its right to only provide access negotiation information where:

- it is relevant to the subject matter of the request;
- it does not breach a confidentiality obligation owed in respect to an unrelated third party and that third party has not given consent to the disclosure; and
- the access negotiation information is not subject to legal privilege.

11. PRIORITY OF SERVICE

EVN provides firm forward haulage services throughout its distribution networks across Victoria.