



AEMO Dispute Management System

Last updated: August 2019

For the National Electricity Market and Regulated Gas Markets

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National Electricity Rules Rule 8.2 and National Gas Rules Part 15C

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AEMO and all registered participants in AEMO's regulated energy markets are required to maintain dispute management contact details with the wholesale energy market dispute resolution adviser appointed by the AER (WEMDRA). For the National Electricity Market, AEMO and all registered participants must have a dispute management system (DMS) in place.

This is AEMO's DMS. It is designed to manage the resolution of disputes in:

- The National Electricity Market, under rule 8.2 of the National Electricity Rules (NER).
- The regulated gas markets operated by AEMO, under part 15C of the National Gas Rules (NGR).

Forms for all notices mentioned in the DMS, and further guidance on the NER and the NGR dispute resolution processes, are available on the WEMDRA's web page (part of the AER's website) at: <https://www.aer.gov.au/about-us/dispute-resolution/wholesale-energy-market-dispute-resolution>.

AEMO's DMS Contact

AEMO's DMS contact under the NER and NGR is Brett Hausler, Chief Governance Officer and General Counsel, who is the first point of contact for the notification of disputes. If you have a dispute with AEMO, you can contact Mr Hausler by calling or sending a DMS Referral Notice under the NER or a Stage 1 Notice under the NGR. If he is unavailable, AEMO's alternate DMS contact is Tony Snell, Group Manager Legal. Contact details for both are available from the database maintained by the WEMDRA and accessible from the AER website at: [https://www.aer.gov.au/about-us/dispute-resolution/wholesale-energy-market-dispute-resolution-electricity/dispute-management-contacts-electricity](https://www.aer.gov.au/about-us/dispute-resolution/wholesale-energy-market-dispute-resolution/wholesale-energy-market-dispute-resolution-electricity/dispute-management-contacts-electricity).

When making a DMS referral, please advise whether:

- you have discussed this issue with any other contact within AEMO;
- you need any additional information to assist in resolving the dispute;
- you think other participants are affected; or
- there is any barrier to resolution.

Please also indicate your availability to attend meetings.

Response to DMS Referral Notice or Stage 1 Notice

Within 2 business days of receiving a DMS Referral Notice (NER) or a Stage 1 Notice (NGR), the DMS contact or alternate will contact the sender to arrange a meeting. A meeting must take place within 5 business days of receipt of a DMS Referral Notice and within 15 business days of receipt of a Stage 1 Notice. Please be prepared to discuss who (from your organisation) you think should be at this meeting.

In accordance with clause 8.2.4(g) of the NER and clause 135H(7) of the NGR, AEMO will also notify the WEMDRA when it gives or receives a DMS Referral Notice or a Stage 1 Notice.

The DMS meeting

The purpose of the DMS meeting is for all parties to discuss the issues in dispute and the best way to resolve them. To ensure that the meeting is productive, all parties should be proactive in identifying:

- agenda items for the meeting;
- issues in dispute;
- relevant background information;
- whether any other participant should be served with a DMS Referral Notice or a Stage 1 Notice (as applicable); and
- suggestions for going forward.

Dispute resolution options

At the DMS meeting the parties may consider and agree using an alternative dispute resolution (ADR) process to assist with the resolution of the dispute.

There are three broad ADR processes available to choose from:

- Mediation – where the role of the mediator is to set up a process that enhances effective and efficient communication, and to assist parties to resolve the dispute themselves;
- Non-binding expert evaluation – where an expert takes submissions from each party and informs them what is likely to occur if the matter were to be decided by an appropriate forum (such as a Dispute Resolution Panel, a court or other body). This may assist parties with assessing their commercial risk and resolving the matter; and
- Binding expert determination – Where the parties agree to be bound by the opinion of an expert on agreed terms. The parties engage an expert, and then, with the expert, decide how the process is to be conducted and any grounds of appeal.

Referral to WEMDRA

There may be some issues that cannot be resolved using the DMS. Any party to a dispute under rule 8.2 of the NER or part 15C of the NGR can refer the dispute to the WEMDRA by completing and sending an Adviser Referral Notice (NER) or a Stage 2 Notice (NGR). If the referring party does not wish the WEMDRA to resolve the dispute, the Adviser Referral Notice or Stage 2 Notice can ask the WEMDRA to refer the dispute to a Dispute Resolution Panel for determination.

Rule requirements and time limits

Rule 8.2 of the NER and part 15C of the NGR set out the notices required and deadlines for initiating and continuing disputes under each of those processes. Additional time limits or requirements for disputes may also be specified in the market rules or procedures applicable to the disputed matter (e.g. market settlements). A summary of the dispute resolution process and requirements has been prepared by the WEMDRA and is available at: <https://www.aer.gov.au/about-us/dispute-resolution/wholesale-energy-market-dispute-resolution>. It is strongly recommended you check these requirements carefully and obtain independent expert advice on your own circumstances.

Useful websites

AEMO: www.aemo.com.au

WEMDRA: <https://www.aer.gov.au/about-us/dispute-resolution/wholesale-energy-market-dispute-resolution>

Australian Dispute Resolution Advisory Council (ADRAC): <https://www.adrac.org.au/>