



Western Australian Energy Disputes Arbitrator

Position Description

The office of the Western Australian Energy Disputes Arbitrator (the Arbitrator) is an independent statutory office established under section 62 of the *Energy Arbitration and Review Act 1998* (the Act) with administrative support provided by Energy Policy WA.

The Arbitrator provides a disputes resolution service:

- in relation to the negotiation of contracts and contractual disputes regarding access to regulated electricity networks;
- between users, or prospective users, and providers of gas pipeline services and other parties seeking access to regulated gas pipelines;
- between a gas producer and the operator of a pipeline that is subject to a pipeline impact agreement; and
- between parties associated with the use, storage or transportation of broad specification gas.

The Arbitrator also has responsibility for the financial management of, and provision of administrative support to, the Electricity Review Board.

The services provided by the Arbitrator relate to infrastructure located in Western Australia. This includes Western Power's electricity network and regulated gas pipelines in the State.

Key Responsibilities of the Role

The statutory functions of the Arbitrator are established under Subdivision 3 of the Act and include functions conferred on the Arbitrator under the *National Gas Access (WA) Act 2009*, the *Electricity Industry Act 2004* and the *Gas Supply (Gas Quality Specifications) Act 2009* and relevant regulations.

The Arbitrator must be available to conduct an arbitration hearing within 28 days after being appointed under the Act and, once a hearing has commenced, must be continuously available to conduct it until it is concluded. The conduct of the arbitration hearing is to have priority over the Arbitrator's other work, whether as the Arbitrator or otherwise.

In addition to conducting arbitration hearings the Arbitrator must be available for at least two business days during each calendar month of the Arbitrator's term of office to perform the Arbitrator's other functions (the additional functions), which include:

- liaising with Western Australian energy industry participants;
- liaising with the office of the Economic Regulation Authority;
- performing the Arbitrator's administrative functions under the Act;
- keeping up to date with developments in the Western Australian energy industry; and

- providing administrative support to the Western Australian Electricity Review Board pursuant to section 56 of the Act.

Selection Criteria

All applicants will need to demonstrate:

- experience in or knowledge of Australian energy markets and infrastructure projects, particularly in Western Australia;
- an ability to exercise independence, objectivity and fairness;
- an understanding of commercial business processes, especially those relevant to the energy industry;
- an understanding of energy regulatory frameworks; and
- an understanding of the principles of competition applied within the Australian economy.

Essential Qualifications

- Accreditation (Grade 1 or 2) and substantial experience in arbitration.
- Legal Practitioner with a minimum of seven years standing.

Employment Arrangements

The office of the Arbitrator is undertaken on a part time basis with a time commitment of a minimum of two days per month. Where an arbitration hearing is commenced the time commitment increases.

Term of Office

In accordance with the Act and anticipated future requirements of the State, a term of three years will be offered.

Remuneration and Conditions of Office

Remuneration and conditions of office are determined by the Governor.

As a guide only, the following arrangements may be applicable to the Arbitrator subject to the Governor's determination:

- a salary of \$30,585 per annum, inclusive of superannuation;
- in addition to salary, payment of costs of conducting arbitration hearings, at a rate not exceeding \$495 per hour, which are recovered from the parties involved in the arbitration;
- payment of travel expenses; and
- with the written approval of the Coordinator of Energy, being released from time to time from the Arbitrator's additional functions for recreation leave, for reasons of ill health, or other reasons.

Residency Requirements

To be eligible for appointment, applicants must be Australian citizens, have permanent residency, or be entitled to remain and work in Australia indefinitely (i.e. Special Category Visa for New Zealand citizens).