



WESTERN AUSTRALIAN  
**ENERGY DISPUTES ARBITRATOR**

# 2021-2022 ANNUAL REPORT



**For year ended 30 June 2022**

**HON BILL JOHNSTON MLA  
MINISTER FOR ENERGY**

In accordance with section 61 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Annual Report of the Western Australian Energy Disputes Arbitrator for the reporting period ended 30 June 2022.

The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*, the *Public Sector Management Act 1994* and the Treasurer's Instructions.



Kevin Stewart  
**Acting Energy Disputes Arbitrator**

2 September 2022

The Western Australian Energy Disputes Arbitrator can be contacted via:

**Telephone:** (08) 6551 4600

**Email:** [info@energy.com.au](mailto:info@energy.com.au)

**Website:** [www.edawa.com.au](http://www.edawa.com.au)

© Energy Disputes Arbitrator 2022

This report will be made available in alternative formats on request.

# CONTENTS

Overview	3	Recordkeeping	32
Executive Summary	4	Complaints handling	32
Performance highlights	4		
Operational Structure	4		
Role of the Arbitrator	4		
Role of the Electricity Review Board	4		
Agency Performance	7		
Agency Performance 2021/22	7		
Financial performance	8		
Significant Issues	10		
Disclosures and Legal Compliance	11		
Auditor's Opinion	11		
Certification of Financial Statements	13		
Statement of Comprehensive Income	14		
Statement of Financial Position	15		
Statement of Changes in Equity	16		
Statement of Cash Flows	17		
Notes to the Financial Statements	18		
Certification of Key Performance Indicators	25		
Key Performance Indicators	26		
Other Financial Disclosures	30		
Pricing policies of services provided	30		
Other funding	30		
Treasurer's Advance	31		
Capital works	31		
Employment and Industrial Relations	31		
Legal Requirements	32		
Annual Estimates	32		
Advertising	32		

# OVERVIEW

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

## Vision

To achieve vigorously competitive energy markets in Western Australia with minimal regulatory oversight.

## Mission

To promote competition in energy markets by seeking the effective and efficient resolution of disputes and facilitating reviews of regulatory decisions relating to energy infrastructure in Western Australia at the lowest practical regulatory cost.

## Values

- Promote a competitive market for energy in which customers may choose suppliers, including producers, retailers and traders.
- Prevent abuse of monopoly power.
- Provide for resolution of disputes.
- Provide rights of access to regulated energy infrastructure on conditions that are fair and reasonable for the owners and operators of those assets and persons wishing to use the services provided by the assets.
- Facilitate the development and operation of a market for energy in Western Australia.

# EXECUTIVE SUMMARY

---

## Performance highlights

### Energy Disputes Arbitrator

No applications for arbitration of a dispute were received in 2021/22.

### Electricity Review Board

One application for orders lodged on 31 May 2019 was underway at 30 June 2022. The Electricity Review Board convened to hear the matter in May and June 2021 and is expected to make a determination in the latter half of 2022.

Gordon Smith

**Acting Energy Disputes Arbitrator**

---

## Operational Structure

### Role of the Arbitrator

The Energy Disputes Arbitrator provides a disputes resolution service:

- In relation to the negotiation of contracts and contractual disputes in relation to 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.
- Between parties associated with the use, storage or transportation of broad specification gas.

The services provided by the Arbitrator relate to infrastructure located in Western Australia:

- Western Power's electricity network in the South West
- Dampier to Bunbury Natural Gas Pipeline
- Goldfields Gas Pipeline
- Kalgoorlie to Kambalda Pipeline
- Mid-West and South-West Gas Distribution Systems
- Macedon Gas Field.

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

---

### Role of the Electricity Review Board

The Review Board is an appeals body formed when required to make determinations and review decisions.

Review Board panel members are nominated by the Minister for Energy and appointed by the Governor of Western Australia. Two panels are established, one for legal practitioners and one for experts.

The Review Board can be constituted to review decisions of:

- The Economic Regulation Authority:
  - Regarding access to electricity networks under the Electricity Networks Access Code 2004.
  - Concerning electricity licences and standard form contracts under the *Electricity Industry Act 2004*.
- The Australian Energy Market Operator relating to the Wholesale Electricity Market Rules and the *Gas Services Information Act 2012*.
- System Management under the Wholesale Electricity Market Rules.
- The Minister for Energy on the coverage of network infrastructure under the *Electricity Industry Act 2004*.

The Review Board comprises a presiding member chosen by the Attorney General from the panel of legal practitioners, and two experts, chosen by the presiding member from the panel of experts.

The Review Board may be separately constituted to hear and determine different appeals.

### Organisational Chart

The Arbitrator does not have a supporting organisation, but public service employees can be assigned to assist the Arbitrator perform his functions. The Arbitrator has an administrative arrangement with Energy Policy WA for the provision of corporate services.

This support is provided by staff who are not involved in regulatory decision-making.

The following chart represents the organisational structure of the Arbitrator as at 30 June 2022.

The Acting term of Mr Kevin Stewart concluded on 11 July 2022 and Mr Gordon Smith was appointed as Energy Disputes Arbitrator for a three year term from 12 July 2022.

Figure 1: Organisational structure of the Arbitrator

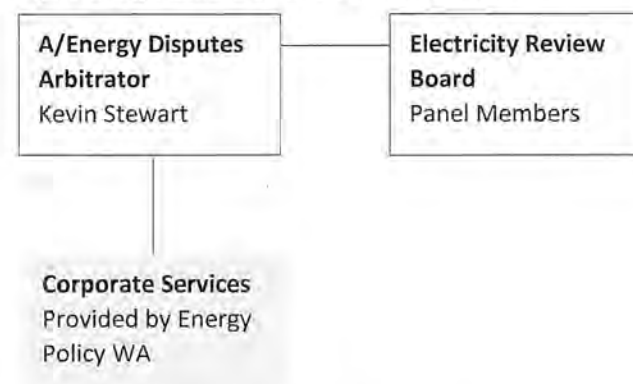


Table 1: Members of the Electricity Review Board

Legal Panel	Expert Panel
<ul style="list-style-type: none"> <li>• Ms Donna Charlesworth</li> <li>• Ms Eva Lin</li> <li>• Mr Michael Sweeney</li> <li>• Mr Scott Ellis</li> <li>• Mr Simon Adams</li> </ul>	<ul style="list-style-type: none"> <li>• Mr Mark Johnston</li> <li>• Ms Sally McMahon</li> <li>• Mr Simon Orme</li> <li>• Mr Warren Harding</li> </ul>

### ***Enabling Legislation***

The Arbitrator is established under section 62 of the *Energy Arbitration and Review Act 1998*.

The Western Australian Review Board is established under section 50 of the *Energy Arbitration and Review Act 1998*.

### ***Functional Legislation***

- *National Gas Access (WA) Act 2009* including arbitration functions under the National Gas Law
- Gas Supply (Gas Quality Specifications) Regulations 2010
- *Gas Services Information Act 2012*
- *Electricity Industry Act 2004*
- Electricity Networks Access Code 2004
- Electricity Industry (Metering) Code 2012

### **Responsible Minister**

The Hon Bill Johnston MLA, Minister for Energy.

The Arbitrator is independent of direction or control by the Crown or any minister or officer of the Crown in the performance of his functions. The Minister for Energy can only direct the Arbitrator about administration and financial administration.



# AGENCY PERFORMANCE

## Agency Performance 2021/22

### Summary of Key Performance Indicators

The desired outcome for the Arbitrator is the effective and efficient delivery of a dispute resolution service and provision of administrative services to the Review Board.

Table 2: Provision of a dispute resolution service

Key Performance Indicator	Target	Actual
Key effectiveness indicator: The number of disputes resolved as a proportion of total disputes registered	100%	n/a (no disputes)
Key efficiency indicator: Average cost per dispute	\$0	\$0 (no disputes)

Table 3: Provision of administrative services to the Review Board

Key Performance Indicator	Target	Actual
Key effectiveness indicator: Percentage of Review Board members satisfied or very satisfied with the services provided by the Arbitrator in support of review processes	75%	100%
Key efficiency indicator: Average cost per review application	\$0	\$64,032

The Arbitrator's outcome is achieved by maintaining a state of readiness for the resolution of disputes and providing timely and efficient support to the Review Board when it is constituted.

### Maintaining a state of readiness

To enable the measurement of the cost efficiency associated with the Arbitrator's availability to address matters arising from the regulation of infrastructure, the concept of a standard unit of regulated infrastructure was established. This recognises and allows for the fact that the size, value and complexity of regulated infrastructure varies from one asset to another. It also recognises that the size, cost and complexity of regulation and arbitration work will vary accordingly.

For example, the demands placed on the Arbitrator by several smaller regulated assets in one year may be equivalent to those of a single larger piece of regulated infrastructure in another year. To ensure that the units of measurement are reasonably consistent from one year to the next, a standard unit of regulated infrastructure is defined as one having a capital base value of \$500 million.

### Number of units of regulated infrastructure oversights

During 2021/22, the Arbitrator had oversight of 27.83 equivalent standard units of regulated infrastructure, which was the same as the target being the actual value in the preceding year.

The calculation of units of regulated infrastructure does not include the value of generation facilities covered by the Wholesale Electricity Market oversights by the Arbitrator.

No value has been attributed to generation facilities in calculating the number of units of regulated infrastructure as no such value is available and, it is not cost effective to calculate such a value.

### Average cost of oversighting

The Arbitrator's costs for 2021/22 were \$37,029 against a budget of \$55,000. The actual number of units of regulated infrastructure

# DISCLOSURES AND LEGAL COMPLIANCE

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

overseen in 2021/22 was the same as in the previous year at 27.83. The actual cost per unit of regulated infrastructure in 2021/22 was \$1,331 against a target of \$1,976.

## Provision of administrative services to the Review Board

To assess satisfaction with the administrative services provided by the Arbitrator to the Review Board, the members of Review Boards active during the year are invited to respond to a survey to rate their satisfaction in relation to:

- venues and facilities
- timeliness of services
- general administrative services.

A survey of Review Board Members was undertaken in May 2022. The three Members responded to the survey indicating they were satisfied or very satisfied with services received.

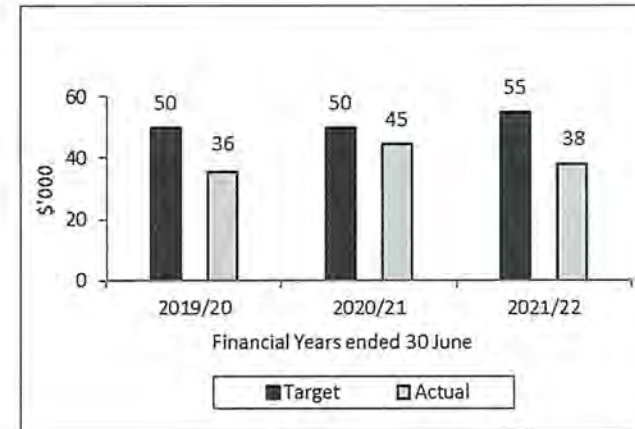
---

## Financial performance

The Arbitrator does not include costs associated with arbitration, review or appeal in the annual estimates. The 2021/22 expenditure in Figure 2 does not include any expenditure relating to reviews or arbitration which is consistent with the previous year.

The cost of the Arbitrator being available to address matters arising from the regulation of infrastructure for 2021/22 was \$37,029 compared to \$44,493 in 2020/21, and \$35,468 in 2019/20.

Figure 2: Arbitrator Costs



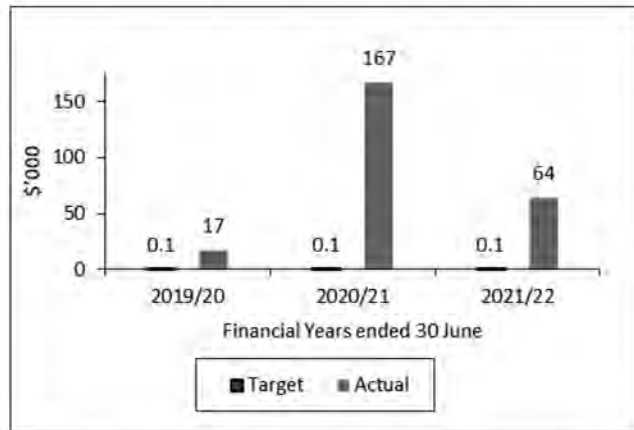
The Review Board constituted to hear Application 1 of 2019 was still active at the end of the reporting period. The cost of this Review Board was \$64,032 in 2021/22, \$167,223 in 2020/21 and \$16,849 in 2019/20. A Treasurer's Advance of \$200,000 was received in December 2020 to fund the costs of Application 1 of 2019. This advance was continued into 2021/22 and again to 2022/23.

# DISCLOSURES AND LEGAL COMPLIANCE

# SIGNIFICANT ISSUES

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

Figure 3: Review Board costs



## Changes to Outcome Based Management Framework

The Arbitrator's Outcome Based Management Framework did not change during 2021/22.

## Shared responsibilities with other Agencies

The Arbitrator did not share any responsibilities with other agencies during this reporting period.

During 2021/22, Energy Policy WA took over the administrative arrangement for the provision of corporate services to the Acting Energy Disputes Arbitrator. This arrangement was effective from 01 July 2021.



# DISCLOSURES AND LEGAL COMPLIANCE

Overview  
Executive Summary  
Agency Performance  
Significant Issues  
Disclosures and Legal Compliance  
Other Financial Disclosures  
Legal Requirements

## Auditor's Opinion



Auditor General

INDEPENDENT AUDITOR'S REPORT  
2022

Western Australian Energy Disputes Arbitrator

To the Parliament of Western Australia

### Report on the audit of the financial statements

I have audited the financial statements of the Western Australian Energy Disputes Arbitrator (Arbitrator) which comprise:

- the Statement of Financial Position at 30 June 2022, and the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended
- Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are:

- based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Western Australian Energy Disputes Arbitrator for the year ended 30 June 2022 and the financial position at the end of that period
- in accordance with Australian Accounting Standards applicable to Tier 2 Entities, the *Financial Management Act 2006* and the Treasurer's Instructions.

#### Basis for opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Responsibilities of the Arbitrator for the financial statements

The Arbitrator is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards applicable to Tier 2 Entities, the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as it determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Page 1 of 5

7<sup>th</sup> Floor Albert Facey House 408 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500

In preparing the financial statements, the Arbitrator is responsible for:

- assessing the entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the entity.

#### Auditor's responsibilities for the audit of the financial statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at [https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf).

### Report on the audit of controls

#### Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Western Australian Energy Disputes Arbitrator. The controls exercised by the Arbitrator are those policies and procedures established to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

In my opinion, in all material respects, the controls exercised by the Arbitrator are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2022.

#### The Arbitrator's responsibilities

The Arbitrator is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Page 2 of 5

# DISCLOSURES AND LEGAL COMPLIANCE

## Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and were implemented as designed.

An assurance engagement involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## Limitations of controls

Because of the inherent limitations of any internal control structure, it is possible that, even if the controls are suitably designed and implemented as designed, once in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

## Report on the audit of the key performance indicators

### Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Western Australian Energy Disputes Arbitrator for the year ended 30 June 2022. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Western Australian Energy Disputes Arbitrator are relevant and appropriate to assist users to assess the entity's performance and fairly represent indicated performance for the year ended 30 June 2022.

## The Arbitrator's responsibilities for the key performance indicators

The Arbitrator is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Arbitrator determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Western Australian Energy Disputes Arbitrator is responsible for identifying key performance indicators that are relevant and appropriate, having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

## Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## My independence and quality control relating to the report on financial statements, controls and key performance indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

# DISCLOSURES AND LEGAL COMPLIANCE

## Other information

The Arbitrator is responsible for the other information. The other information is the information in the Western Australian Energy Disputes Arbitrator's annual report for the year ended 30 June 2022, but not the financial statements, key performance indicators and my auditor's report.

My opinions on the financial statements, controls and key performance indicators do not cover the other information and, accordingly, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, controls and key performance indicators, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and key performance indicators, or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to those charged with governance and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

## Matters relating to the electronic publication of the audited financial statements and key performance indicators

This auditor's report relates to the financial statements and key performance indicators of the Western Australian Energy Disputes Arbitrator for the year ended 30 June 2022 included in the annual report on the entity's website. The Western Australian Energy Disputes Arbitrator's management is responsible for the integrity of the entity's website. This audit does not provide assurance on the integrity of the Western Australian Energy Disputes Arbitrator's website. The auditor's report refers only to the financial statements, controls and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from the annual report. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version.



Patrick Arusingham  
Senior Director Financial Audit  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
8 September 2022

## DISCLOSURES AND LEGAL COMPLIANCE

---

### **Certification of Financial Statements**

**For the reporting period ended 30 June 2022**

The accompanying financial statements of the Western Australian Energy Disputes Arbitrator have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2022 and the financial position as at 30 June 2022.

At the date of signing we are not aware of any circumstances which would render the particulars included within the financial statements misleading or inaccurate.



Rudi Gracias  
**Chief Finance Officer**  
2 September 2022



Kevin Stewart  
**Acting Energy Disputes Arbitrator**  
2 September 2022



## DISCLOSURES AND LEGAL COMPLIANCE

### Statement of Comprehensive Income For the year ended 30 June 2022

	Note	2022 \$	2021 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	2.1	30,604	30,604
Supplies and services	2.2	67,155	174,552
Other expenses	2.2	6,000	5,887
<b>Total cost of services</b>		<b>103,759</b>	<b>211,043</b>
<b>Income</b>			
Regulatory fees	3.1	18,514	22,246
Interest revenue	3.3	24	25
<b>Total income</b>		<b>18,538</b>	<b>22,271</b>
		<b>(85,221)</b>	<b>(188,772)</b>
<b>NET COST OF SERVICES</b>			
<b>Income from State Government</b>			
Income from other public sector entities	3.2	18,515	22,247
Resources received	3.2	-	6,310
<b>Total income from State Government</b>		<b>18,515</b>	<b>28,557</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(66,706)</b>	<b>(160,215)</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(66,706)</b>	<b>(160,215)</b>

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.



## DISCLOSURES AND LEGAL COMPLIANCE

### Statement of Financial Position As at 30 June 2022

	Note	2022 \$	2021 \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	5.1	120,017	156,333
Receivables	4.1	7,566	24,109
<b>Total current assets</b>		<b>127,583</b>	<b>180,442</b>
<b>TOTAL ASSETS</b>		<b>127,583</b>	<b>180,442</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	4.2	81,252	67,405
Amount due to the Treasurer	4.3	200,000	200,000
<b>Total current liabilities</b>		<b>281,252</b>	<b>267,405</b>
<b>TOTAL LIABILITIES</b>		<b>281,252</b>	<b>267,405</b>
<b>NET ASSETS/(DEFICIENCY)*</b>		<b>(153,669)</b>	<b>(86,963)</b>
<b>EQUITY</b>			
Contributed equity	7.6	957,181	957,181
Accumulated surplus/(deficit)		(1,110,850)	(1,044,144)
<b>TOTAL EQUITY</b>		<b>(153,669)</b>	<b>(86,963)</b>

The Statement of Financial Position should be read in conjunction with the accompanying notes.

\* Refer to Note 1

## DISCLOSURES AND LEGAL COMPLIANCE

### Statement of Changes in Equity For the year ended 30 June 2022

	Note	Contributed equity \$	Reserves \$	Accumulated surplus/(deficit) \$	Total equity \$
<b>Balance at 1 July 2020</b>	7.6	957,181	-	(883,929)	73,252
Total comprehensive income for the period		-	-	(160,215)	(160,215)
Transactions with owners in their capacity as owners:					
Capital appropriations		-	-	-	-
<b>Balance at 30 June 2021</b>		<b>957,181</b>	<b>-</b>	<b>(1,044,144)</b>	<b>(86,963)</b>
<b>Balance at 1 July 2021</b>	7.6	957,181	-	(1,044,144)	(86,963)
Total comprehensive income for the period		-	-	(66,706)	(66,706)
Transactions with owners in their capacity as owners:					
Capital appropriations		-	-	-	-
<b>Balance at 30 June 2022</b>		<b>957,181</b>	<b>-</b>	<b>(1,110,850)</b>	<b>(153,669)</b>

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

# DISCLOSURES AND LEGAL COMPLIANCE

## Statement of Cash Flows For the year ended 30 June 2022

	Note	2022 \$	2021 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Capital appropriation		-	-
Funds from other public sector agencies		-	22,247
<b>Net cash provided by State Government</b>		-	<b>22,247</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(30,487)	(30,487)
Supplies and services		(52,961)	(109,936)
GST payments on purchases		(3,731)	(11,743)
Other payments		(6,708)	(5,887)
<b>Receipts</b>			
Regulatory fees		44,352	39,063
Interest received		24	25
GST receipts from taxation authority		13,195	2,985
<b>Net cash provided by/(used in) operating activities</b>		<b>(36,616)</b>	<b>(115,980)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Proceeds of Treasurer's Advance		-	200,000
<b>Net cash provided by/(used in) financing activities</b>		-	<b>200,000</b>
Net increase/(decrease) in cash and cash equivalents		(36,316)	106,267
Cash and cash equivalents at the beginning of the period		156,333	50,066
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	5.1	<b>120,017</b>	<b>156,333</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

# DISCLOSURES AND LEGAL COMPLIANCE

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

---

## Notes to the Financial Statements

### 1. Basis of preparation

The Western Australian Energy Disputes Arbitrator is independent of industry, government, or other interests and is not subject to State or Ministerial direction in carrying out its functions. However, under section 75 of the *Energy Arbitration and Review Act 1998*, the relevant Minister may give directions in writing to the Arbitrator on administration and financial administration matters. It is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These financial statements were authorised for issue by the Accountable Authority of the Arbitrator in August 2022.

### *Statement of compliance*

These general purpose financial statements have been prepared in accordance with:

1. The *Financial Management Act 2006* (FMA);
2. The Treasurer's Instructions (TIs);
3. Australian Accounting Standards (AASs) - Reduced Disclosure Requirements; and
4. Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TIs take precedence over the AASs. Several AASs are modified by the TIs to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of

that modification and the resulting financial effect are disclosed in the notes to the financial statements.

### *Basis of preparation*

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case, the different measurement basis is disclosed in the associated note. All values are rounded to the nearest dollar. The accounts are prepared on a going concern basis which assumes the entity will be able to discharge its liabilities when they fall due. The repayment of the Treasurer's advance will be met by a Treasury funded capital appropriation on the conclusion of the current Review Board sitting.

### *Judgements and estimates*

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

### *Contributed equity*

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated as

## DISCLOSURES AND LEGAL COMPLIANCE

contributions by owners (at the time of, or prior, to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by T1955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed Equity.

### 2. Use of our funding

#### *Expenses incurred in the delivery of services*

This section provides additional information about how the Arbitrator's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Arbitrator in achieving its objectives and the relevant notes are:

	Notes	
Employee benefits expenses	2.1	
Other expenditure	2.2	
<b>2.1 Employee benefits expenses</b>		
	<b>2022</b>	<b>2021</b>
	<b>\$</b>	<b>\$</b>
Employee benefits <sup>(a)</sup>	27,822	27,949
Superannuation – defined contribution plans <sup>(a)</sup>	2,782	2,655
<b>Total employee benefits expenses</b>	<b>30,604</b>	<b>30,604</b>

(a) There was no Arbitrator from July 2019 to 11 February 2020. An acting Arbitrator was appointed on 12 February 2020.

**Wages and salaries:** The Arbitrator receives a salary only as he is not entitled to annual or long service leave.

**Superannuation:** The Arbitrator has an amount included as part of his remuneration which is deducted from each payment and remitted to a complying superannuation fund. The Government has no unfunded superannuation liability in respect of the Arbitrator.

	2022	2021
	\$	\$
<b>2.2 Other expenditure</b>		
<b>Supplies and services</b>		
Professional services <sup>(a)</sup>	2,805	31,991
Communications	25	155
Legal costs	-	-
Electricity Review Board Fees <sup>(a)</sup>	64,032	123,044
Lease, rent and hire costs <sup>(a)</sup>	-	19,159
Other	293	203
<b>Total supplies and services expenses</b>	<b>67,155</b>	<b>174,552</b>
<b>Other</b>		
Audit fee	6,000	5,887
<b>Total other expenses</b>	<b>6,000</b>	<b>5,887</b>
<b>Total other expenditure</b>	<b>73,155</b>	<b>180,439</b>

(a) The increase in expenditure in 2021 is due to the Electricity Review Board sitting to hear Proceeding 1/2019, Economic Regulation Authority vs Synergy. The expenditure includes Board Member fees, transcription fees and the lease of premises and equipment for the hearing. These cost were funded by a Treasurer's advance (Note 4.3).

## DISCLOSURES AND LEGAL COMPLIANCE

### Supplies and services:

Supplies and services are recognised as an expense in the reporting period in which they are incurred.

### Other expenditure:

Other expenditure generally represents the day-to-day running costs incurred in normal operations.

### 3. Funding sources

#### Funding

This section provides additional information about how the Arbitrator obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Arbitrator and the relevant notes are:

	Notes
Regulatory fees	3.1
Income from State Government	3.2
Other income	3.3

#### 3.1 Regulatory Fees

	2022	2021
	\$	\$
Regulatory fees <sup>(a)</sup>	18,514	22,246
	<u>18,514</u>	<u>22,246</u>

(a) Due to a change in TI 1102, regulatory fees received in 2020 from other W.A. State Government agencies have been reclassified as Note 3.2 Income from State Government.

Standing charges (regulatory fees) are recognised over time in accordance with the:

- *National Gas Access (WA) (Local Provisions) Regulations 2009*;
- *Gas Supply (Gas Quality Specifications) Regulations 2010*;

- *Gas Services Information Regulations 2012*; and
- *Electricity Industry (Arbitrator and Board Funding) Regulations 2009*

The Arbitrator satisfies its performance obligations in relation to these regulatory fees prior to issuing the invoices after the end of each quarter.

#### 3.2 Income from State Government

	2022	2021
	\$	\$
Income received from other public sector entities during the period:		
• Standing charges	18,515	22,247
Resources received from other public sector entities during the period:		
• Services received free of charge - administrative support from the Economic Regulation Authority	-	6,310
<b>Total income from State Government</b>	<u>18,515</u>	<u>28,557</u>

Income from other public sector entities is recognised as income when the Arbitrator has satisfied its performance obligations under the funding agreement. If there is no performance obligation, income will be recognised when the Arbitrator receives the funds.

Services received free of charge are recognised as income (and assets or expenses) equivalent to the fair value of the assets, or the fair value of those services that can be reliably determined and which would have been purchased if not donated.



## DISCLOSURES AND LEGAL COMPLIANCE

### 3.3 Other income

	2022	2021
	\$	\$
Interest – bank	24	25
	<u>24</u>	<u>25</u>

The Arbitrator's bank account does not form part of the consolidated fund. Revenue is recognised as the interest accrues.

### 4. Other assets and liabilities

This section sets out those assets and liabilities that arose from the Arbitrator's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes
Receivables	4.1
Payables	4.2
Amount due to the Treasurer	4.3

#### 4.1 Receivables

	2022	2021
	\$	\$
<i>Current</i>		
Receivables	-	375
Accrued revenue	7,321	14,269
GST	245	9,465
<b>Total receivables</b>	<u>7,566</u>	<u>24,109</u>

Receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net receivables is equivalent to fair value as it is due for settlement within 30 days.

### 4.2 Payables

	2022	2021
	\$	\$
<i>Current</i>		
Trade payables	79,216	27,857
Accrued expenses	1,450	39,079
Accrued Salaries	586	469
<b>Balance at end of period</b>	<u>81,252</u>	<u>67,405</u>

Payables are recognised at the amounts payable when the Arbitrator becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

Accrued salaries represent the amount due to the Arbitrator but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The Arbitrator considers the carrying amount of accrued salaries to be equivalent to its fair value.

#### 4.3 Amount due to the Treasurer

	2022	2021
	\$	\$
<i>Current</i>	200,000	200,000
	<u>200,000</u>	<u>200,000</u>

The amount due to the Treasurer is in respect of a Treasurer's Advance. This amount is payable within 12 months after the reporting period. Although no interest is charged on the outstanding amount, the carrying amount is equivalent to fair value.

The Treasurer's advance has been used to fund the costs of the current sitting of the review board. Once this hearing is complete the advance will be repaid in full by a capital appropriation from Treasury.

## DISCLOSURES AND LEGAL COMPLIANCE

During the year, management obtained the Treasurer's approval to repay the Treasurer's Advance before 30 June 2023. As a result, this balance has been reported as current in the financial statement as at 30 June 2022.

### 5. Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the Arbitrator.

#### 5.1 Cash and cash equivalents

	2022	2021
	\$	\$
Cash and cash equivalents	120,017	156,333
<b>Balance at end of period</b>	<b>120,017</b>	<b>156,333</b>

For the purpose of the statement of cash flows, cash and cash equivalent assets comprise cash on hand and operating account that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

### 6. Financial instruments and contingencies

	Notes
Financial instruments	6.1
Contingent assets and liabilities	6.2

#### 6.1 Financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2022	2021
	\$	\$
<i>Financial assets</i>		
Cash and cash equivalents	120,017	156,333
Financial assets at amortised cost <sup>(a)</sup>	7,321	14,644
<b>Total financial assets</b>	<b>127,338</b>	<b>170,977</b>
<i>Financial liabilities</i>		

	2022	2021
Financial liabilities at amortised cost <sup>(b)</sup>	81,252	67,405
<b>Total financial liability</b>	<b>81,252</b>	<b>67,405</b>

(a) The amount of financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

(b) The amount of financial liabilities at amortised cost excludes GST payable to the ATO (statutory payable).

### 6.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position but are disclosed and, if quantifiable, are measured at the best estimate. The Arbitrator has no contingent assets or contingent liabilities.

### 7 Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	7.1
Initial implementation of Australian Accounting Standards	7.2
Key management personnel	7.3
Related party transactions	7.4
Remuneration of auditors	7.5
Equity	7.6

#### 7.1 Events occurring after the end of the reporting period

There were no events occurring after the end of the reporting period.



## DISCLOSURES AND LEGAL COMPLIANCE

### 7.2 Initial application of Australian Accounting Standards

AASB 1059 Service Concession Arrangements: Grantors is effective on or after 1 January 2020. This standard addresses the accounting for a service concession arrangement (a type of public private partnership) by a grantor that is a public sector agency by prescribing the accounting for the arrangement from the grantor's perspective. Management has assessed the Energy Dispute Arbitrator's service concession arrangements against the provisions of this Standard and determined that the provisions of the new Standard do not apply to these arrangements.

### 7.3 Key management personnel

The Arbitrator has determined key management personnel to include cabinet ministers and senior officers. The Arbitrator does not incur expenditure to compensate Ministers and those disclosures may be found in the *Annual Report on State Finances*.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for the Arbitrator for the reporting period are presented within the following band:

	2022	2021
<b>Compensation band (\$)</b>	\$	\$
10,001 – 20,000	-	-
30,001 - 40,000	1	1
	<b>2022</b>	<b>2021</b>
	\$	\$
Short term employment benefits	27,822	27,949
Post-employment benefits	2,782	2,655
<b>Total compensation of the Arbitrator</b>	<b>30,604</b>	<b>30,604</b>

Total compensation includes the superannuation expense incurred by the Arbitrator. The Arbitrator is not a member of the Pension Scheme.

### 7.4 Related party transactions

The Arbitrator is independent of direction or control by the State, or any Minister or officers of the State in performing its functions. The Minister for Energy can only direct the Arbitrator in respect of general policies to be followed by the Arbitrator with regard to administration and financial administration.

Related parties of the Arbitrator include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- the Arbitrator and his close family members, and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly owned public sector entities); and
- the Government Employees Superannuation Board (GESB).

### Material transactions with other related parties

Outside of normal citizen type transactions, there were no other related party transactions that involved the Arbitrator and/or his close family members and/or their controlled or jointly controlled entities.

# DISCLOSURES AND LEGAL COMPLIANCE

## 7.5 Remuneration of auditors

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2022	2021
	\$	\$
Auditing the accounts, financial statements, controls and key performance indicators	15,000	6,000

## 7.6 Equity

	2022	2021
	\$	\$
<b>Contributed equity</b>		
Balance at start of period	957,181	957,181
<i>Contributions by owners</i>		
Capital appropriation	-	-
<b>Total contributions by owners</b>	<b>957,181</b>	<b>957,181</b>
<i>Distributions to owners</i>		
<b>Total distributions to owners</b>	<b>-</b>	<b>-</b>
<b>Balance at end of period</b>	<b>957,181</b>	<b>957,181</b>

## 7.7 Subsequent events

On 12 July 2022 a new arbitrator was appointed.

# DISCLOSURES AND LEGAL COMPLIANCE

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

## Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Western Australian Energy Disputes Arbitrator's performance, and fairly represent the performance of the Western Australian Energy Disputes Arbitrator for the financial year ended 30 June 2022.



Rudi Gracias  
**Chief Finance Officer**  
2<sup>nd</sup> September 2022



Kevin Stewart  
**Acting Energy Disputes Arbitrator**  
2<sup>nd</sup> September 2022



# DISCLOSURES AND LEGAL COMPLIANCE

## Key Performance Indicators

The Office of the Arbitrator was established by the *Energy Arbitration and Review Act 1998* and is funded through provisions in the *National Gas Access (WA) (Local Provisions) Regulations 2009*, the *Electricity Industry (Arbitrator and Board Funding) Regulations 2009*, the *Gas Supply (Gas Quality Specifications) Regulations 2010* and the *Gas Services Information Regulations 2012*.

The strategic high-level government goal relevant to the Arbitrator is:

*"A quality environment with liveable and affordable communities and vibrant regions".*

The desired outcome of the activities of the Arbitrator in support of this high-level strategic goal is:

*"The efficient, safe and equitable provision of utility services in Western Australia".*

Although the Arbitrator's role does not directly contribute to this desired outcome, the services provided to the Electricity Review Board are consistent with this outcome.

The desired outcome for the Arbitrator is the effective and efficient delivery of the following programs:

- arbitration of disputes; and
- provision of administrative services to the Electricity Review Board (Review Board) for the review of decisions.

These programs are facilitated by maintaining a state of readiness for the arbitration of disputes and the review of decisions by the Review Board. The outcome is achieved by assisting parties to resolve disputes and providing timely and efficient support to the Review Board when it is constituted.

The Arbitrator is only required to report in relation to his administrative and management functions. Therefore, performance indicators have been prepared to comply with section 84(2) of the *Energy Arbitration and Review Act 1998* which states that:

*"any requirement under the Treasurer's Instructions (issued under section 78 of the Financial Management Act 2006) that the Arbitrator prepare performance indicators is to be limited to the Arbitrator's management functions (including financial management), and is not to apply to the performance of any function referred to in section 73."*

## Key effectiveness indicators

### *Resolution of Disputes*

The most meaningful measure of the effectiveness of this first program is the number of disputes resolved as a proportion of total disputes registered. The number of resolved disputes includes disputes withdrawn or extended until the next year or indefinitely.

### *Provision of Administrative Services to the Electricity Review Board*

The Arbitrator provides administrative support to the Review Board when it is constituted. The effectiveness of this program can be established through a survey of the respective Review Board members who have first-hand experience of the support provided and are best placed to respond as to their level of satisfaction with the services provided by the Arbitrator.

## DISCLOSURES AND LEGAL COMPLIANCE

### *2021/22 Performance – effectiveness*

#### **Arbitration of Disputes**

*The number of disputes resolved as a proportion of total disputes registered*

The target for this effectiveness indicator is 100% which assumes that all disputes lodged will be resolved. There were no disputes lodged in 2021/22.

#### **Provision of administrative services to the Electricity Review Board**

*Percentage of Electricity Review Board members satisfied or very satisfied with the services provided by the Arbitrator in support of review processes*

The Arbitrator’s effectiveness in supporting the Electricity Review Board in its review of decisions is measured by determining the percentage of Electricity Review Board members involved in reviews of decisions that are satisfied or very satisfied with the services provided by the Arbitrator in support of review processes.

The target for this effectiveness indicator is that 75% of Electricity Review Board members will be satisfied with the support provided by the Arbitrator. The Electricity Review Board Members constituted for Application 1 of 2019 were appointed in October and November 2019 and were active during 2021/22. The three members were surveyed and all responded that they were satisfied or very satisfied with the services provided by the Arbitrator. The Review Board Members had the opportunity to rate their satisfaction with the Arbitrator’s services as dissatisfied, satisfied or very satisfied.

Desired outcome	Arbitration of disputes	Provision of administrative services to the Electricity Review Board for the review of decisions
Measure	The number of disputes resolved as a proportion of total disputes registered	Percentage of Electricity Review Board members satisfied or very satisfied with the services provided by the Arbitrator in support of review processes
Target	100%	75%
2021/22	n/a (no disputes)	100%
2020/21	n/a (no disputes)	100%
2019/20	n/a (no disputes)	24%
2018/19	n/a (no disputes)	100%

# DISCLOSURES AND LEGAL COMPLIANCE

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

## Key Efficiency Indicators

### ***Resolution of Disputes***

The efficiency indicator for the Arbitrator's program of arbitrating disputes is the average cost per dispute during the year.

### ***Provision of Administrative Services to the Electricity Review Board***

The efficiency indicator for the Arbitrator's program of providing administrative services to the Review Board is the average cost per review application before the Review Board during the year.

### ***Maintaining a State of Readiness***

The efficiency indicator for the Arbitrator's program of maintaining a state of readiness is the average cost per standard unit of regulated infrastructure. This facilitates the measurement of the cost efficiency associated with the Arbitrator's ability to respond to matters brought before him, such as disputes and reviews.

The availability of the Arbitrator to resolve disputes and establish and support a review body when required is an important feature of an efficient regulatory regime. This is implemented by providing parties with assistance in settling disputes and providing owners of regulated infrastructure with an opportunity and means of having regulatory decisions reviewed to ensure that they are fair and reasonable.

The concept of a standard unit of regulated infrastructure is used to recognise and allow for the fact that the scale, value and complexity of regulated infrastructure, including gas pipelines and electricity networks, varies from one asset to another. It also recognises that the cost and complexity of regulation and arbitration work will vary accordingly. For example, the demands

placed on the Arbitrator by several smaller regulated assets in one year may be equivalent to those of a single larger piece of regulated infrastructure in another year. To ensure that the units of measurement are reasonably consistent from one year to the next, a standard unit of regulated infrastructure has been defined as one having a capital base value of \$500 million.

It should be noted, however, that the Arbitrator oversees generation facilities covered by the Wholesale Electricity Market. If the value of these generation facilities were taken into account, then the number of units in 2021/22 would far exceed 27.83 units. As the generation facilities overseen by the Arbitrator are owned by both private and public electricity market participants, no readily available value exists that may be ascribed to this infrastructure. Indeed, to ascribe a value to such infrastructure would not be justified, as this would involve significant cost and serve no other purpose. Accordingly, no value has been ascribed to generation facilities, which are therefore not reflected in the 27.83 equivalent standard units of regulated infrastructure.

The Arbitrator's function under the *Gas Supply (Gas Quality Specifications) Act 2009* aligns with the existing key performance indicators of resolution of disputes and maintaining a state of readiness.

### ***2021/22 Performance - Efficiency***

The three efficiency indicators for the Arbitrator are:

1. average cost per dispute;
2. average cost per review application; and
3. average cost per standard unit of infrastructure.

The efficiency indicators 1 and 2 are reported as disputes/reviews that are active during the year, regardless of whether they have



# DISCLOSURES AND LEGAL COMPLIANCE

been completed. This approach reflects the costs incurred, particularly where a dispute/review spans more than one year.

## Efficiency

Service	Arbitration of disputes	Review of regulatory decisions	Maintaining a state of readiness
<b>Performance Indicator</b>	Average cost per dispute	Actual cost per review application	Average cost per standard unit of regulated infrastructure
<b>Target</b>	\$0	\$0	\$1,976
<b>2021/22</b>	\$0	\$66,192	\$1,331
<b>2020/21</b>	\$0	\$167,223	\$1,599
<b>2019/20</b>	\$0	\$16,849	\$1,259
<b>2018/19</b>	\$0	\$12,099	\$1,897

### 1. Average cost per dispute

There were no disputes active during 2021/22 so no costs were incurred. The target for this efficiency indicator is zero consistent with an objective of having no disputes.

### 2. Average cost per review application

This indicator represents the average cost per review in the reporting year. One application for review, lodged in December 2019 (Application 1 of 2019), was still underway at 30 June 2022.

The average cost of reviews varies between years depending on the amount of work undertaken by the Registrar and Members of the Review Board in each year. The actual cost to date of application 1 of 2019 is \$64,032 in 2021/22, \$167,223 in 2020/21 and \$16,849 in 2019/20.

As the costs for review applications are highly dependent on the nature of the review and the actions of the parties to it, a target of zero has been used. The target for this indicator is zero, consistent with an objective of having no applications for review lodged.

### 3. Average cost per standard unit of infrastructure

The average cost per standard unit of regulated infrastructure oversighted in the 2020/21 financial year is the cost necessary to ensure that procedures are in place to address matters that fall within the jurisdiction of the Arbitrator.

The target for this indicator in 2021/22 was \$1,976 based on the Arbitrator's approved budget (\$55,000) divided by the target of 27.83 standard units of regulated infrastructure. The actual cost was \$1,331 in 2021/22 compared to \$1,599 in 2020/21. The operating cost for the office of the Arbitrator was lower in 2021/22 than 2020/21 as there were no charges for resources provided by Energy Policy WA.

## OTHER FINANCIAL DISCLOSURES

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

### Pricing policies of services provided

Expenditure other than that directly associated with the hearing of disputes by the Arbitrator and reviews by the Review Board is funded by regulated industries.

The Arbitrator recognises that support services from Energy Policy WA and the State Solicitor's Office are provided free of charge. The cost that has been recognised for those services in 2021/22 is Nil

### Gas industry

The Arbitrator receives 50 percent of his annual estimate from the gas industry.

One-third comes from operators of regulated gas pipelines under the *National Gas Access (WA) (Local Provisions) Regulations 2009*. The pipeline and the percentages for calculating standing charges are set out in schedule 1 of the Regulations.

Table 4: Standing charges – *National Gas Access (WA) (Local Provisions) Regulations 2009*

Service provider	Standing charges (\$)
WA Gas Networks Pty Limited (Atco)	1,670
Goldfields Gas Transmission	1,251
Southern Cross Pipelines Pty Limited	168
DBNGP (WA) Transmission Pty Limited	3,085
<b>Total</b>	<b>6,174</b>

One-third comes from producers of broad specification gas under the *Gas Supply (Gas Quality Specifications) Regulations 2010*. BHP Billiton is the only producer of broad specification gas in Western Australia.

Table 5: Standing charges – *Gas Supply (Gas Quality Specifications) Regulations 2010*

Service provider	Standing charges (\$)
BHP Billiton	6,170

One third comes from the Australian Energy Market Operator under the *Gas Services Information Regulations 2012*, in relation to the Gas Statement of Opportunities and the Gas Bulletin Board.

Table 6: Standing charges – *Gas Services Information Regulations 2012*

Service provider	Amount (\$)
Australian Energy Market Operator	6,170

### Electricity industry

The Arbitrator receives 50 percent of his annual estimate from the electricity industry under the *Electricity Industry (Arbitrator and Board) Funding Regulations 2009*. The network and the percentage for calculating standing charges are set out in Schedule 1 of the Regulations.

Table 7: Standing charges – *Electricity Industry (Arbitrator and Board) Funding Regulations 2009*

Service provider	Standing charges (\$)
Western Power	18,515

### Other funding

The *Gas Pipelines Access (Western Australia) Act 2009* and the *Electricity Industry Act 2004* allows the Arbitrator to recover costs incurred in arbitrating disputes. There were no costs in 2020/21.

The Arbitrator is also able to recover certain costs and expenses of the Review Board for hearings and determinations of the Review Board. The Review Board can fix an amount that represents its



# OTHER FINANCIAL DISCLOSURES

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

costs and expenses for the hearing and determination of 3 proceedings, and to assign costs to the parties of the proceedings. The Review Board proceedings related to Application 3311 of 2019 were not completed by 30 June 2021.

---

## Treasurer's Advance

Section 83 of the *Energy Arbitration and Review Act 1998* allows for the Arbitrator to borrow from the Treasurer. The Arbitrator received a Treasurer's Advance of \$200,000 in 2020/21 to fund the activities of the Review Board constituted to hear Application 1 of 2019.

---

## Capital works

There were no capital works undertaken during 2021/22.

---

## Employment and Industrial Relations

Under section 64(1) of the *Energy Arbitration and Review Act 1998*, the Arbitrator is assumed to be a tribunal that comes within item 4 of schedule 1 of the *Public Sector Management Act 1994*.

While the *Energy Arbitration and Review Act 1998* allows the Arbitrator to make arrangements to use the services of any public sector officer or employee and to have administrative authority over the officer, no arrangement was in place during 2021/22. The Arbitrator has an arrangement for the provision of corporate services from Energy Policy WA.

## Occupational Health and Safety

As the Arbitrator did not have administrative authority over any staff in 2021/22, no occupational health and safety issues existed.

# LEGAL REQUIREMENTS

- Overview
- Executive Summary
- Agency Performance
- Significant Issues
- Disclosures and Legal Compliance
- Other Financial Disclosures
- Legal Requirements

## Annual Estimates

In accordance with Section 40 of the *Financial Management Act 2006*, the Arbitrator prepares and submits an annual estimate of expenditure to the Minister for approval.

The following estimates were approved by the Minister for 2021/22.

Table 8: Estimates approved by the Minister for 2021/22

Expenditure estimate	2021/22
Remuneration including on-costs	\$30,604
Supplies and services	\$3,395
Audit fees	\$6,000
Total expenditure for the ongoing costs of the Arbitrator for 2021/22	\$39,999
Total annual estimate	\$55,000

## Advertising

Section 175ZE of the *Electoral Act 1907* requires public agencies to report on expenditure relating to advertising agencies, market research organisations, polling organisations, direct mail organisations and media advertising agencies.

The only costs the Arbitrator incurs relates to a market research organisation carrying out an annual survey of review board members when a review board is active. The cost of this annual survey in 2021/22 was \$314 (GST Inc.).

## Recordkeeping

The records of the Arbitrator are maintained by Energy Policy WA as part of the agreement for provision of corporate services.

Compliance with the *State Records Act 2000* is carried out by Energy Policy WA as part of that agreement.

The Arbitrator undertakes evaluations of its recordkeeping systems in concurrence with Energy Policy WA. The Arbitrator does have a separate Record Keeping Plan and Retention and Disposal schedule covering the Arbitrator's records (which includes records relating to reviews by the Review Board).

## Complaint's handling

There are three main areas that can be the source of complaints relating to the Arbitrator:

- administration
- matters relating to reviews carried out by the Review Board
- matters relating to the arbitration of disputes.

Complaints relating to the provision of corporate services provided to the Arbitrator by Energy Policy WA are dealt with under its Code of Conduct.

Complaints relating to the review of decisions and the arbitration of disputes are dealt with through the formal review and arbitration processes.

There were no complaints lodged during the reporting period.



**WESTERN AUSTRALIAN  
ENERGY DISPUTES ARBITRATOR**

PO Box 8469, Perth BC WA 6849

 (08) 6551 4600

 [info@energy.com.au](mailto:info@energy.com.au)

 [www.edawa.com.au](http://www.edawa.com.au)