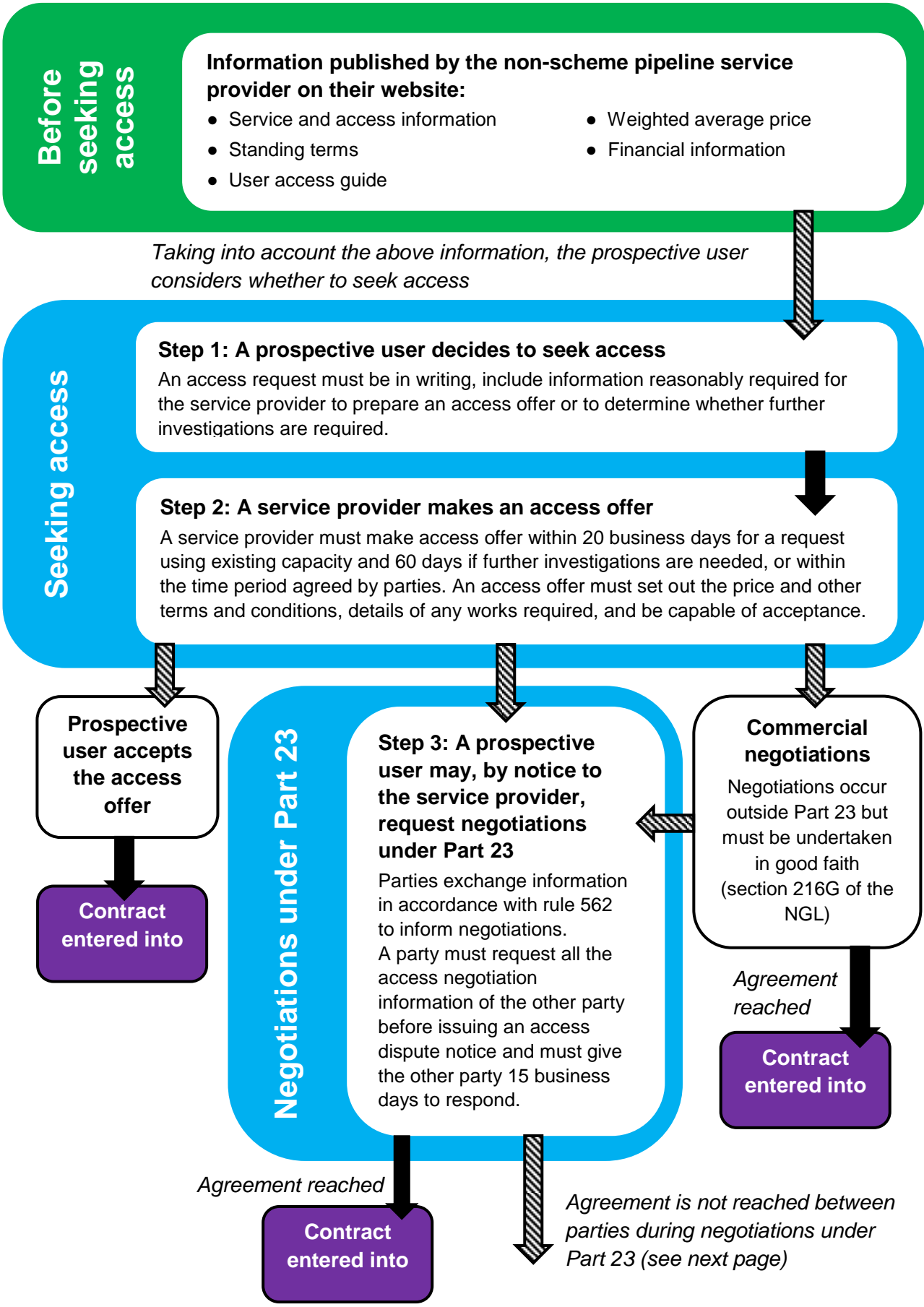


Steps associated with each stage of the information disclosure and arbitration framework



Step 4: A party submits an access dispute notice to the AER

The access dispute notice must be in writing, state the matters specified in rule 564(2) and be accompanied by the relevant fee (if any).

Step 5: An arbitrator is appointed

Parties must agree to an arbitrator and notify the AER of the agreed arbitrator within 10 business days or the AER will select an arbitrator. The AER must refer a dispute to a pool arbitrator no later than 15 business days after receipt of the access dispute notice.

Step 6: Parties provide statements

Parties to provide: within 10 days of referral, a statement listing access negotiation information provided to the other parties in negotiations and sought to be relied upon and any further information that a party seeks to rely on; and within 15 business days of referral a statement of the determination sought.

Arbitration procedures

Chapter 6, Part 6 of the NGL applies and the arbitrator has discretion to determine the other procedures to apply. An arbitrator may hold a hearing and/or appoint an independent expert.

The arbitrator must give effect to the obligation to exchange information in negotiations, in so far as doing so is consistent with the proper consideration of the dispute.

Step 7: The arbitrator makes an access determination

The arbitrator may make an interim access determination.

When making a final access determination the arbitrator must take into account:

- (a) the principle that access to pipeline services on a non-scheme pipeline must be on reasonable terms as defined in rule 546(1);
- (b) the pricing principles; and
- (c) the operational and technical requirements necessary for the safe and reliable operation of the pipeline.

The arbitrator must make a final determination in 50 business days, unless extended by agreement between the parties to up to 90 business days, and/or the arbitrator if the advice of an independent expert is sought, or a party is allowed time to prepare access negotiation information. The arbitrator must provide a statement of reasons.

A prospective user wishing to give effect to a final determination must notify the service provider and AER within 10 business days of the determination being made.

Costs of the arbitration will be shared equally between parties unless the arbitrator determines otherwise.