

### Stage 1 - DMS referral notice

To activate Stage 1 of DMS serve this notice on the DMS contact for each registered participant that you think should be a party. *[Clause 8.2.4]*

### DMS Contact

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## Stage 1 - DMS referral notice *[Clause 8.2.4]*

*Note: Annotations to this document are in and italics for ease of distinguishing the commentary.*

## 1 About this document

*The stage 1 process is set out in clause 8.2.4 of the National Electricity Rules ('NER'). It is designed to empower participants to resolve their own disputes using a range of non binding dispute resolution processes which are an alternative to formal legal mechanisms ("ADR"). The main aim of this notice is to set time periods running and ensure everyone is aware that there is an issue that may need to progress through Chapter 8 of the NER.*

*A dispute resolution mechanism can be activated by serving a Stage 1 - DMS referral notice on the DMS contact of one or more registered participants, or AEMO. [Clause 8.2.4(a)]*

You can initiate the dispute resolution process by serving a Stage 1 - DMS referral notice on one or more parties to the relevant dispute and (if you are AEMO provide a copy of the notice to the Adviser.

## 2 Initiating Participant

**User Note:** *Ensure that you are an eligible person by checking clause 8.2.1(a1). In summary it means any of the following:*

- (a) AEMO;*
- (b) a Registered Participant as defined*

## 2.1 Details of Initiating Participant:

Organisation: \_\_\_\_\_

DMS contact name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mobile: \_\_\_\_\_

Category of eligible person: \_\_\_\_\_

**User note:** *as well as a dispute or interpretation of the NER this section can also be used for such matters including whether there has been a scheduling error and the payment of compensation from the participant compensation fund. For scheduling errors check the separate [‘Guidelines and application for compensation for a scheduling error’](#). [See also clause 3.16.2 of NER]*

## 3 Nature of the Dispute

It must be a relevant dispute and one that is not excluded under clause 8.2.1(h).

A dispute between Registered Participants about:

*(Circle as appropriate the type of relevant dispute as set out in clause 8.2.1(a).)*

- (1) The application or interpretation of the NER;*
- (2) The failure of any Registered Participants to reach agreement on a matter where the NER require agreement or require the Registered Participants to negotiate in good faith with a view to reaching agreement;*
- (4) The proposed access arrangements or connection agreements of an Intending Participant or a Connection Applicant;*
- (5) The payment of moneys under or concerning any obligation under the NER;*
- (6) Any other matter relating to or arising out of the NER to which a contract between two or more Registered Participants provides that the dispute resolution procedures under the NER are to apply;*
- (7) Any other matter relating to or arising out of the NER in respect of which two or more Registered Participants have agreed in writing that this rule 8.2 should apply; or*
- (8) Any other matter that the NER provide may or must be dealt with under this clause 8.2: (specify)*

\_\_\_\_\_  
*[Clause 8.2.1(a)]*

**4 Outline of dispute/compensation claim:**

A brief history of the dispute/compensation claim and the circumstances giving rise to it:

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\_\_\_\_\_ (Please continue on a separate sheet of paper if necessary.)  
Correspondence attached:      Yes / No

**5 Date of disputed decision or the occurrence of disputed conduct or when it became known:  
[clause 8.2.4(b)]**

*(For compensation claims please provide the date of the incident and whether AEMO has declared that it failed to follow the central dispatch processes set out in clause 3.8 or that a dispatch interval contains a manifestly incorrect input [clause 3.8.24(2),(3)].)*

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**User note:** A Stage 1 - DMS referral notice must be served within a period fixed by the NER except where the NER provide for another time period to apply and subject to clause 8.2.4(k) the DMS notice must be served no later than 60 business days after the date on which the making of a disputed decision or the occurrence of disputed conduct could reasonably have become known to the registered participant affected by it.

**6 Period fixed by the NER for this dispute:**

*(Include time and clause number.)*

Time: \_\_\_\_\_

Clause: \_\_\_\_\_

**7 We wish to keep the fact of this dispute confidential:**

Yes / No *(Delete as applicable.)*

**Please note:** this indicates your preference and does not guarantee confidentiality unless agreed by the other participants to this dispute.

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## 8 Process user notes:

### **Things to think about when sending a DMS Notice:**

- Identify the people/position within the company who can authorise the sending of Stage 1 - DMS referral notice.

### **Things to think about when receiving a DMS Notice:**

- An acknowledgement of receipt should be sent together with a copy of the registered participant's DMS process and a document request form.
- The acknowledgement should include details of the DMS contact and their contact details.

### **Things to think about AEMO:**

AEMO is required to inform the Adviser if it either serves a DMS referral notice, or receives one including all matters set out in clause 8.2.4(g).

## 9 Participants to whom this notice will be sent

(Additional columns for multiple parties.)

	<b>Party 1</b>	<b>Party 2</b>	<b>Party 3</b>
<b>Organisation:</b>			
<b>DMS contact name:</b>			
<b>State:</b>			
<b>Phone:</b>			
<b>Email:</b>			
<b>Mobile:</b>			

## 10 DMS Meeting

Within 5 business days of receiving this notice each participant served must meet with the DMS contacts of any other participants served with this notice to discuss and agree on the further conduct of this matter [clause 8.2.4(d)].

*This is to ensure that participants use every endeavour possible to resolve the dispute quickly and, to the extent possible, by commercial means. The parties can call the Adviser for assistance to facilitate the meeting or arrange an external facilitator.*

### **10.1 At the meeting please discuss and agree:**

- **Logistics:** a date and time.
- **Mode:** face2face, phone, video.
- **A chair person:** none, neutral facilitator, mediator or Adviser to chair.
- **Who will pay for any chair, Adviser time and disbursements, (50/50 or other).**

### 10.2 Available dates

Our available dates are indicated. Please include yours for week of *[insert date]*.

**Initiating participant** *(Circle as appropriate.)*

Monday	Tuesday	Wednesday	Thursday	Friday
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**Other participant(s)** *(Circle as appropriate.)*

Monday	Tuesday	Wednesday	Thursday	Friday
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### 11 Request for facilitator

*(Circle as appropriate.)*

- Adviser.
- Other (list name, availability and cost and proposal for payment):

Name: \_\_\_\_\_

Availability: \_\_\_\_\_

Cost: \_\_\_\_\_

Payment: \_\_\_\_\_

- None.

### 12 Request for information

*Please list any information that you require to prepare yourself and that you think is relevant.*

Material requested	Relevance and reason sought

### 13 Meeting organiser

#### **Checklist for useful DMS meetings**

- Exchange without prejudice written summaries of the issues in dispute before the meeting to allow the parties to check that they have their facts straight. Also exchange a full copy of any correspondence.*
- If you cannot resolve the issues, then agree on a process for attempting to resolve the dispute – timeline and process.*
- Before escalating the dispute to Stage 2 consider whether some of the planning for the next phase can be done within the DMS process, which affords maximum flexibility.*

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**Suggested Agenda for DMS meeting:**

- *Process for moving forward to resolution:*
  - *Direct discussions (what level in the organisation)*
  - [Mediation](#)
  - *Other*
- *Other parties to be served with Stage 1 Notice:*
  - *Name/ details of DMS contact.*
  - *Other issues raised.*
  - *Wording of letter to be sent to them.*
  - *What level of information to send.*
  - *Confidentiality Requested/agreed.*
  - *Is the fact that the relevant dispute exists confidential?*
  - *Documents /information exchanged.*

**Please note:** A registered participant that has served a Stage 1 - DMS referral notice in relation to the dispute (or that has agreed to become a party to the dispute) may, no later than 60 business days after the day on which a DMS referral notice was last served on a registered participant, refer the matter to the Adviser under clause 8.2.5 of the NER.

#### 14 Document Control Details

Please direct comments and questions to the Adviser, Shirli Kirschner, by email:  
[shirli@resolveadvisors.com.au](mailto:shirli@resolveadvisors.com.au)

**History of Amendments:**

- Designed June 2011
- Reviewed and amended October 2013