Election notice

***Water Act* *2000***

**Notice to seek conference or independent alternative dispute resolution**

*This notice, given under Section 426 of the Water Act 2000, allows a party that has a make good dispute to ask the chief executive to direct an authorised officer to call a conference to negotiate a resolution to the dispute; or call for the other party to agree to an alternative dispute resolution process (ADR) to negotiate a resolution of the dispute.*

# Introduction

In relation to a water bore for which a responsible tenure holder has undertaken a bore assessment, the holder must use its best endeavours to enter into a make good agreement for the bore with the bore owner by 40 business days after the bore assessment was undertaken (or a later day as agreed to by the chief executive).

Either party may seek conference or independent ADR process under section 426 of the *Water Act 2000* (Water Act) in the following circumstances:

* A resource tenure holder and bore owner cannot agree on the terms of a make good agreement for the bore, including whether or not the bore has an impaired capacity, within the prescribed period;
* A resource tenure holder and bore owner cannot agree about whether a matter stated in a make good agreement is not appropriate;
* A resource tenure holder and bore owner cannot agree about the terms of any variation of a make good agreement;
* A party to a make good agreement reasonably believes the other party has not complied with the agreement.

An authorised officer is appointed by the chief executive, pursuant to section 739 of the Water Act.

If a conference is requested, the authorised officer will:

* Endeavour to help those attending to negotiate an early and inexpensive settlement of the dispute;
* Decide how the conference is conducted; and
* Take all reasonable steps to ensure the conference is finished within 30 business days after the election notice is given (the usual period).

If an ADR is called for, the parties must use their reasonable endeavours to finish it within the usual period.

Either party may, within the usual period, ask the other party to agree to a longer period to finish the conference or ADR.

The Department of Resources (Resources) has delegation from the chief executive of the Department of Environment, Science and Innovation to facilitate statutory conferences and provide support to bore owners and resource tenure holders during the make good agreement process.

# Tenure details

Provide the following details about the tenure which is the subject of the negotiation.

|  |  |  |
| --- | --- | --- |
| Tenure type | Tenure number | Tenure holder responsible for the make good obligation. |
|   |   |   |
|   |   |   |
|   |   |   |
|   |   |   |

[ ]  The bore(s) is located off tenure.

# Requestor details

Provide the details of the person requesting the negotiation. This may be the bore owner or tenure holder.

|  |
| --- |
| Full name  |
| Organisation name (if applicable)  | ACN/ABN (if applicable)  |
| Address  |
| Phone  | Mobile  | Fax  |
| Email  |

# Water bore details

Provide the details of the bore(s) under negotiation. The registered number (RN) of a water bore is assigned by Resources. Contact Resources for queries on the registered number if unknown (contact details provided at the end of the notice).

|  |
| --- |
| Enter the RN or bore identification details for the water bore you wish to negotiate an agreement for. If more bores are to be added please include as an attachment. |
|   |   |
|   |   |
|   |   |
|   |   |
|   |   |

# Type of notice

When negotiating a resolution to a make good dispute, either party may give notice to the other party to ask for an authorised officer to call a conference. Parties do not incur costs for the facilitation of the conference by the authorised officer.

Alternatively, a party may give notice to the other party to agree to an ADR. An ADR may be a process of any kind, including, for example, conciliation or mediation. The person who facilitates the ADR must be independent of both parties and the resource tenure holder must bear the costs of the facilitator.

Select the type of notice being given.

|  |  |
| --- | --- |
|  | Tick |
| Request to call a conference to negotiate a resolution to the dispute. Proceed to Section 6 | [ ]  |
| Call upon the other party to participate in ADR.Proceed to Section 5.*Note: if this notice is being given by the resource tenure holder – the holder bears the costs of the person who will facilitate the ADR.* | [ ]  |

# ADR facilitator details

Provide the details of the independent facilitator nominated to conduct the ADR process.

*This section does not need to be completed if a conference is being requested.*

|  |
| --- |
| Full name  |
| Organisation name (if applicable)  | ACN/ABN (if applicable)  |
| Address  |
| Phone  | Mobile  | Fax  |
| Email  |

# Subject of the dispute

Provide a summary of the matters that are the subject of the dispute.

|  |
| --- |
|   |
| Are there any attachments related to the matters that are the subject of the dispute?[ ]  No[ ]  Yes → How many attachments are there?  |

# Signature of requestor

|  |
| --- |
|  Signed at this day of , 20 |
|  |  |
| Full name of requestor | Signature |

# Submission

A copy of this notice must be provided to the other party under section 426(2) of the Water Act.

If the notice is requesting the chief executive to direct an authorised officer to call a conference to negotiate a resolution of the dispute, the requesting party must provide a copy of the notice to the Resources’ Engagement and Compliance Unit at:

**Email:** resources.info@resources.qld.gov.au

**Post:** PO Box 318, Toowoomba QLD 4350

**Privacy statement**

The Department of Environment, Science and Innovation and the Department of Resources are collecting your personal information to attempt to negotiate a resolution to a make good dispute in accordance with section 426(2) of the Water Act. The information will only be accessed by authorised employees within the departments. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this notice may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email privacy@des.qld.gov.au or telephone 13 QGOV (13 74 68)