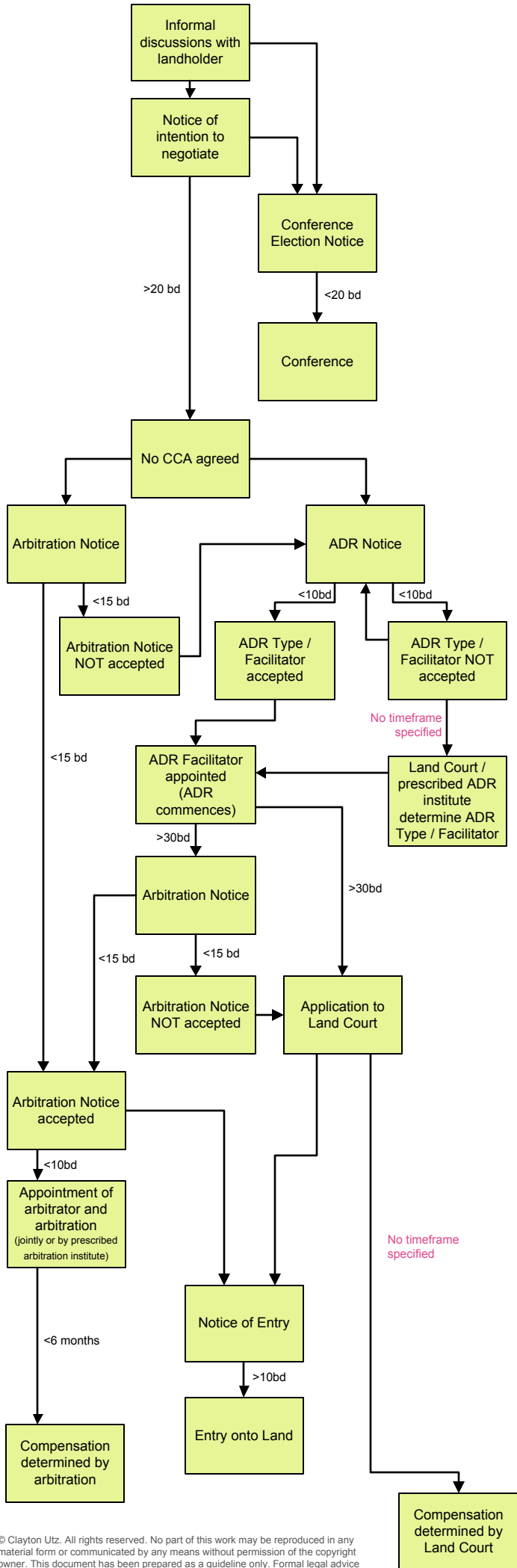


References to legislation are to the *Mineral and Energy (Common Provisions) Act 2014* (Qld)



Tenement Holder issues a notice of intention to negotiate (NIN). (Section 84)

Either party may give conference election notice if a dispute arises about a matter regarding:

- how and when the holder may enter the land;
- how activities must be carried out; or
- the compensation liability.

Cannot be given if ADR Notice or Arbitration Notice has been given about the matters. (Section 83A)

Authorised officer must take all reasonable steps to hold conference within 20bd of Conference Election Notice. If a party gives ADR Notice or Arbitration Notice about the matters in dispute, conference ends. (Section 83B)

The parties must negotiate the conduct and compensation agreement (CCA) for the minimum negotiation period of 20bd. (Section 85)

If after the minimum negotiation period (20bd) no CCA has been agreed, either party may:
Issue an ADR Notice (Section 88);
OR
Issue an Arbitration Notice (Section 91A(1)(a)).

Either party may issue an ADR Notice, including where an Arbitration Notice has not been accepted. The non-requesting party has 10bd in which to accept or refuse the type of ADR or the ADR Facilitator. (Section 88, see also section 91A(4) re refusing arbitration and section 96(1) re Land Court jurisdiction)

If the type of ADR or the ADR Facilitator is not accepted, the requesting Party may:

- make another proposal;
- obtain a decision from the Land Court about the ADR type / ADR Facilitator
- obtain a decision from a prescribed ADR Institute about the ADR type / ADR Facilitator. (Section 88(6))

If after 30bd after an ADR Facilitator is appointed the parties have not reached agreement, either party may issue an Arbitration Notice. (Section 91A(1)(b))

If after 30bd after an ADR Facilitator is appointed the parties have not reached agreement, and:

- no Arbitration Notice has been issued; or
- an Arbitration Notice has been issued but a party has not accepted arbitration,

either party may make an application to Land Court. (Section 96, see also Section 91A(4) re refusing arbitration)

Party receiving notice must accept or refuse arbitration within 15bd. (Section 91A(4))

Parties may appoint an arbitrator within 10bd of a notice of acceptance, otherwise the requesting party must require a prescribed arbitration institute to appoint one. (Section 91A(5)-(6))

Tenement Holder may enter land if a party to:

- a CCA (Section 43(1)(a));
- a Deferral Agreement (Section 43(1)(b));
- an Opt Out Agreement (Section 43(1)(c));
- arbitration (ie, a party requests arbitration) (Section 43(1)(d)(i)); or
- an application to Land Court (Section 43(1)(d)(ii)).

Arbitrator must decide the dispute within 6 months, but only to the extent the matter to be decided is not subject to a CCA. (Section 91B)

Land Court may decide the dispute, including liability or future liability but only to the extent the matter to be decided is not subject to a CCA. (Section 96)