

	<b>Water Trading Dispute Resolution Process</b>	<b>Standard No:</b> Author: Commercial Analyst Approved: Commercial Manager
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<b>Status:</b> Mandatory	<b>Availability:</b> internet/ intranet	<b>Target Audience:</b> general public/ SunWater staff/ water trader
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## Purpose

The purpose of this document is to provide details on the dispute resolution process that SunWater will follow in dealing with complaints regarding its compliance with the Code of Conduct.

## Background

SunWater’s Code of Conduct provides that all existing or prospective customers will have access to a binding dispute resolution process for complaints with respect to SunWater’s compliance with the Code of Conduct.

The dispute resolution process implemented as part of SunWater’s Code of Conduct should to the extent possible:

- Be simple, quick and inexpensive;
- Preserve or enhance the relationship between SunWater and the parties to the dispute;
- Place emphasis on conflict avoidance; and
- Encourage resolution of disputes without formal legal representation or reliance of legal procedure.
- The Chief Executive will keep the Audit Committee advised of any significant disputes as well as any disputes that have not been satisfactorily resolved through mediation.
- The resolution of disputes will be consistent with SunWater’s compliance policy and systems.

## The resolution process

### Step 1

Customers with a formal dispute against SunWater must provide SunWater’s Chief Executive with a written notice of the dispute. The written notice must contain the following details:

- Nature of the dispute; and
- The person that has the authority to negotiate the dispute on behalf of the customer, if the customer does not wish to negotiate directly.

### Step 2

SunWater’s Chief Executive must appoint an employee who is independent of the area that the complaint relates to, to mediate the dispute with the customer.

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The dispute party must be notified by SunWater of the employee that has been authorised to negotiate the dispute within five working days from the receipt of the written notice from the dispute party.

### Step 3

The SunWater employee must contact the dispute party or their representative within ten working days after the dispute party has received notification under step 2 and arrange a time and place to meet and discuss the dispute. SunWater must negotiate in good faith with a view to reaching an agreement with the dispute party.

### Step 4

In the event that resolution cannot be agreed between SunWater and the dispute party, an independent mediator agreed between both parties may be appointed. In addition, either party may, after twenty working days from the commencement of the negotiations in Step 3, indicate their desire to proceed to mediation.

The agreed independent mediator must be appointment within ten working days of one or both the parties determining that mediation is to proceed.

Once the mediator is appointed then the mediation process must commence within ten days after the appointment of the mediator or a later date, so long as it is mutually agreed between the parties. The costs of the mediator are to be shared between the parties equally.

The mediator must:

- Have a detailed understanding and experience of dispute resolution practice and procedures which do not involve litigation;
- Have the capacity to determine the most appropriate dispute resolution procedures in particular circumstances;
- Have an understanding of the water industry or the capacity to quickly acquire such an understanding; and
- Not be associated either directly or indirectly with either SunWater or the dispute party.

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### Step 5

Where mediation fails, or after twenty working days after mediation has commenced and either party indicates a desire to terminate the mediation process, the mediator will refer the matter to Treasury for the appointment of an arbitrator.

The apportionment of the costs of the arbitration will be determined by the arbitrator.

### Step 6

When a dispute has been settled:

- Through either negotiation or mediation, the agreement must be put into writing to confirm the agreed settlement terms. Both SunWater and the dispute party must sign this document confirming that they agree with the settlement terms.
- Through arbitration then both parties agree to be bound by the determination of the independent arbitrator