

# Water Trading Dispute Resolution Process

CORP PRO 23

## Creation, Review and Approval

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## 1. Purpose

This document outlines the dispute resolution process that Sunwater will follow for complaints concerning Sunwater's compliance with the Water Trading Code of Conduct.

## 2. Scope

This document applies to anyone within Sunwater involved in water trading, including:

- Water Trading Manager
- Commercial Customers team
- Commercial Advisory team
- Customer Experience team
- Project Development and Planning team
- Legal Services and Insurance team
- Chief Executive Officer (CEO).

## 3. Background

In accordance with the Code of Conduct, Sunwater ensures that all existing or prospective customers have access to a binding dispute resolution process for complaints regarding compliance with the Code of Conduct.

This dispute resolution process aims to:

- be simple, quick and cost-effective
- preserve or enhance the relationship between Sunwater and the disputing parties
- place emphasis on conflict avoidance
- encourage resolution of disputes without formal legal representation or reliance on legal procedure.

The CEO will inform the Audit and Risk Committee of any significant disputes as well as any disputes that have not been satisfactorily resolved through mediation.

## 4. The Resolution Process

### Step 1: Filing a Formal Complaint

Customers or prospective customers are encouraged to first attempt to resolve the complaint informally with the relevant Sunwater representative.

Failing satisfactory resolution by informal means, customers or prospective customers with complaints in respect to Sunwater's compliance with the Water Trading Code of Conduct (the disputing party) must provide Sunwater's CEO with written notice of the complaint. The written notice must contain the following details:

- nature and details of the complaint
- the identity of an authorised person to negotiate the dispute on the disputing party's behalf, if direct negotiation is not preferred.

### Step 2: Appointment of Mediator

Sunwater's CEO must appoint an employee who is independent of the area that the complaint relates to (the Sunwater nominee), to mediate the dispute with the disputing party.

The disputing party must be notified by Sunwater of the Sunwater nominee within 10 business days from the receipt of the written notice from the disputing party.

### Step 3: Initial Negotiation

The Sunwater nominee must contact the disputing party or their representative within ten business days after the disputing 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 disputing party.

### Step 4: Mediation

If resolution cannot be agreed between the Sunwater nominee and the disputing party, an independent mediator agreed between both parties may be appointed. In addition, either party may, after twenty business days from the commencement of the negotiations in Step 3, indicate their desire to proceed to mediation.

The agreed independent mediator must be appointed within twenty business 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 twenty business 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.

Mediator requirements:

- Experience of dispute resolution practice and procedures in non-litigation dispute resolution
- Ability to determine suitable dispute resolution procedures
- Understanding of the water industry or the capacity to quickly acquire required fundamentals
- Independent from both Sunwater and the disputing party

### Step 5: Arbitration

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 the Resolution Institute for the appointment of an arbitrator by a nominee of its Chief Executive, who will perform an arbitration in accordance with the Commercial Arbitration Act 2013 (Qld).

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

### Step 6: Resolution Documentation

When a dispute has been settled:

- For negotiated or mediated settlements: 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.
- For arbitration: Both parties must agree to be bound by the determination of the independent arbitrator.

## 5. Related legislation and documents

[Water Trading Code of Conduct](#)