

Options for dispute resolution



Help for landholders when negotiating agreements

The Queensland Government provides a range of dispute resolution options to help landholders and resource companies reach agreement if negotiations become challenging.

These processes are designed to help protect landholder rights during negotiations. This factsheet summarises dispute resolution options for:

- land access agreements, such as **Conduct and Compensation Agreements (CCA)**
- **Make Good Agreements (MGA)**.

For more information about Queensland's land access laws, read [A guide to land access in Queensland](#), available from the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development.

Coexistence Queensland does not engage in individual negotiations between landholders and resource companies and **does not investigate complaints** about individual resource companies.

Landholders who want to ask questions or make a complaint about resource exploration or development activities in their area should contact the department's [Mining Community Infoline](#) on 13 71 07, or email at resources.info@nrmmrd.qld.gov.au.



Either party can start dispute resolution by giving written notice to the other party.

You can download the department's [Election Notice](#) template to begin the process.

Conference

A conference is a low-cost, non-binding dispute resolution option. An authorised officer from the department's Resources Engagement, Assessment and Compliance Hub (REACH) helps the parties discuss the issue and try to reach agreement. The aim is to hold the conference and reach agreement within 20 business days. Neither party can be represented by a lawyer unless:

- the other party agrees
- the authorised officer is satisfied this would not disadvantage either party.

For more information, contact the [Mining Community Infoline](tel:137107) on 13 71 07, or email at resources.info@nrmmrd.qld.gov.au.

Alternative Dispute Resolution

Alternative dispute resolution, or **ADR**, involves an independent, qualified person helping the parties work through the issue. For a CCA, if you request ADR, or accept ADR but do not attend, you are responsible for the costs of engaging the independent third party. For an **MGA**, the resource company is always responsible for covering the costs of an ADR. Types of ADR include:

1. **Mediation** – An independent person helps the parties discuss the issue. The mediator does not give advice or make a decision.
2. **Conciliation** – An independent person with subject matter expertise provides advice on the strengths and weaknesses of each side's position. The conciliator does not make a decision.
3. **Collaborative negotiation** – Both parties work through their lawyers to try to reach a negotiated agreement.
4. **Case appraisal (CCAs only)** – An convenor from the Land Court's ADR panel reviews the material provided by both parties and makes a decision. The decision is only final and binding if the parties accept it.

For more information on ADR options facilitated by the Land Court, visit the [Queensland Courts website](#).

Arbitration

Arbitration involves an independent, suitably qualified third party acting like a judge. The arbitrator hears from both parties and makes a decision that is binding on both parties. Arbitration may cost less and be resolved more quickly than a Land Court hearing.

Land Court hearing

Either party can apply to the Land Court to resolve the dispute if:

- the conference or ADR process was not completed within the required period
- only one party attended the requested conference or ADR
- the parties did not reach agreement through conference or ADR.

The Land Court's decision is binding.

For more information

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