|  |  |
| --- | --- |
|  | Questions are followed by answer fields. Use the ‘Tab’ key to navigate through. Replace Y/N or Yes/No fields with your answer. |
| Before you fill in the form This is an approved form in accordance with regulation 37 of the Petroleum Regulations 2020.**Where required, provide any additional information via attachments to the form, noting the existence of the attachments within the form.** |
| Fields marked with asterisk (\*) are mandatory. |
| Variation |
| An approved access agreement may be varied by an alternative dispute resolution (ADR) process.The ADR processes available include non-binding processes such as conciliation, mediation, negotiation or case appraisal. It does not include arbitration. |
| Party seeking variation to access agreement  |
| Name of interest holder / designated person seeking variation:\* |  |
| A.B.N. / A.C.N.: |  |
| Petroleum interest reference (exploration permit, production licence or retention licence number):\* |  |
| Contact person:\* |  |
| Telephone:\*   |  | Email:\* |  |
| Postal address:\* |  |
| Other party  |
| Name of interest holder / designated person (as applicable):\* |  |
| A.B.N / A.C.N: |  |
| Contact person name:\* |  |
| Telephone:\*   |  | Email:\*  |  |
| Postal address\* |  |
| **Subject land**  |
| Property name (if applicable):\* |  |
| Pastoral lease number (if applicable):\* |  |
| Land reference (parcel reference e.g. NT portion number/s):\* |  |
| Request to enter into an ADR process for variation to access agreement |
| <Insert name of party seeking variation> seeks a variation to the approved access agreement and as the variation has not been agreed, <Insert name of party seeking variation> requests that <Insert the name of the other party> agrees to participate in an ADR process to resolve the issue.  |
| Proposed ADR process |
| Process:\*Enter type of proposed process, e.g. conciliation, facilitated negotiation, case appraisal or mediation process, but not arbitration. |
|  |
| Costs\* |
| <Insert name of party seeking variation> will bear the cost of the ADR process including:* reasonable legal or accounting costs necessarily incurred by <Insert the name of the other party> in connection with participating in the ADR process; and
* reasonable costs necessarily incurred by <Insert the name of the other party> in connection with engaging a suitably qualified person to provide advice or reports (e.g. land valuation, agronomy or land capability or sustainability) on any relevant matter; and
* the costs of the ADR convenor in conducting an ADR process.
 |
| Proposed ADR convenor  |
| Name of proposed ADR convenor:\* |  |
| Business / company name:\* |  |
| Telephone number:\* |  |
| Postal address:\* |  |
| Nominated period  |  |
| Deadline for interest holder / designated person to agree to participate in ADR **process** (must be at least 14 days after sending this notice ie: the earliest date for the deadline is the 15th day after sending this notice, to comply with Subsection 28(1) of the *Interpretation Act 1978*):\* |  |
| A draft of the variation or of the access agreement as varied is attached to this notice:\* | Yes/NoIf no a draft of the variation or of the access agreement as varied must be provided for the ADR process. |
| Authorised representative / delegate giving this notice |
| Signature\* |  |
| Name\* |  |
| Position held / title within company\*  |  |
| Date\* |  |
| Further information**If agreement on ADR process and ADR convenor is reached**If the designated person and the interest holder agree on the proposed type of ADR process and the ADR convenor, then the parties can participate in an ADR process, and attemptto negotiate and finalise a variation to an approved access agreement.If agreement on ADR process and/or ADR convenor is not reachedIf an agreement on the ADR process and the ADR convenor to be used has not been reached by the end of the nominated period, or the party receiving this notice has not responded to this notice by the end of the nominated period, the party proposing the variation may apply to the CEO of the Department of Mining and Energy (CEO) to appoint a member of the Mediators Panel to conduct a mediation. Applications must be made using the approved [Application to appoint a member of the Mediators Panel](https://nt.gov.au/__data/assets/word_doc/0004/972706/application-to-appoint-a-member-of-the-mediators-panel.docx)*.*Notification to CEO A party that issues this notice must give notice to the CEO w**ithin 7 days** afterthe ADR notice has been given to the other party**.** Advice to the CEO can be given by providing a copy of this notice via:Email to:LandAccess.DME@nt.gov.au Post to: Land Access TeamEnergy Development BranchDepartment of Mining and EnergyGPO Box 4550DARWIN NT 0801Deliver to:Land Access TeamEnergy Development BranchDepartment of Mining and EnergyLevel 4, Paspalis Centrepoint Building48-50 Smith Street Mall, Darwin NT 0800If you require any further information contact the Land Access Team on 08-8999-5240 or email LandAccess.DME@nt.gov.au. |
| End of form |