

Complaints Procedure/ Dispute Resolution

Where there is a dispute, grievance or other disagreement between a Member and the Company, whether arising out of the application of the Constitution or otherwise (Dispute), then either party must, prior to the commencement of any proceedings in a Court or Tribunal or before any authority or board, notify the other in writing of the nature of the Dispute, and the following must occur:

- (a) the Member and the Company must in the period of 14 days from the service of the notice of the Dispute (Initial Period) use their best endeavours to resolve the Dispute
- (b) if the Company and the Member are unable to resolve the Dispute within the Initial Period, then the Dispute must be referred for mediation to a mediator agreed by the Member and the Company
- (c) if the disputants are unable to agree on a mediator within 7 days of the expiration of the Initial Period, the Member or the Company may request the chairperson of Governance Portfolio to nominate a mediator to whom the Dispute will be referred
- (d) the costs of the mediation must be shared equally between the Member and the Company, and
- (e) where:
 - (i) the party receiving the notice of the Dispute fails to attend the mediation required by clause 32.1(b);
 - (ii) the mediation has not occurred within 6 weeks of the date of the notice of the Dispute; or
 - (iii) the mediation fails to resolve the Dispute;

then the party serving the notice of Dispute will be entitled to commence any proceedings in a Court or Tribunal or before any authority or board in respect of the Dispute.

The procedure in clause 32.1 will not apply in respect of proceedings for urgent or interlocutory relief.