

## ACS Dispute Resolution Processes

### 5A. Dispute Resolution

5A.1 The dispute resolution procedure in this rule 5A applies to all disputes under these Rules and the Act between a member and:

- (a) one or more members; or
- (b) the Society.

5A.2 For the avoidance of doubt, the dispute resolution procedure in this rule 5A does not apply to personal disputes or disputes which did not arise as a result of the parties' involvement with the Society.

5A.3 A member who is the subject of a disciplinary procedure as set out in rule 6 must not initiate a dispute resolution procedure in relation to the matter which is the subject of the disciplinary procedure until the disciplinary procedure has been completed.

5A.4 Those involved in the dispute must try to resolve it between themselves within 14 days of knowing about it.

5A.5 If those involved in the dispute do not resolve it under rule 5A.4, they must within 14 days:

- (a) tell the Management Committee about the dispute in writing; and
- (b) request that a decision maker be appointed.

5A.6. The decision maker must:

- (a) be chosen by agreement of those involved in the dispute; or
- (b) where those involved do not agree, be a person chosen by the Management Committee.

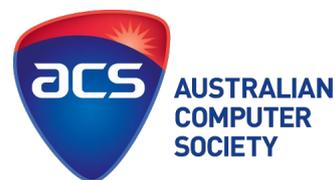
5A.7 A decision maker chosen by the Management Committee under rule 5A.6(b):

- (a) must not be a member or former member of the Society;
- (b) must not have a personal interest in the dispute; and
- (c) must not be biased towards or against anyone involved in the dispute.

5A.8 When conducting the dispute resolution, the decision maker must:

- (a) allow those involved a reasonable chance to be heard;
- (b) allow those involved to appoint any person to act on their behalf;
- (c) allow those involved a reasonable chance to review any written statements;
- (d) ensure those involved are given natural justice; and
- (e) make a decision on the dispute and notify each party to the dispute in writing about the decision and give reasons for the decision.

5A.9 The decision maker and the parties involved in the dispute must collectively ensure that the dispute is resolved as soon as practicable.



5A.10 The parties to the dispute agree to bear any costs of the decision-making process conducted under rule 5A.8 in equal parts.

5A.11 Unless a party to the dispute appeals or takes additional action in accordance with 5A.12, the decision made under rule 5A.8(e) is final and binding on the parties involved.

5A.12 If the dispute resolution process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law, including by participating in external mediation or arbitration.

5A.13 If a member initiates a dispute resolution procedure in relation to a dispute between the member and the Society, the Society must not take disciplinary action against that member, or another member whom that member appointed to act on his or her behalf in relation to that dispute pursuant to rule 5A.8(b), until the dispute resolution procedure has been completed.