

DISPUTE RESOLUTION PROCESS

1.1. Raising a Dispute

- 1.1.1. A member or an Officer of the Society may make a complaint by giving the Committee notice in writing that:
 - (a) States that the Member or Officer is raising a Dispute for resolution in accordance with the dispute resolution procedure set out in the Constitution; and
 - (b) Sets out the allegation to which the Dispute relates and (if applicable) to whom the allegation is against, which must contain sufficient details to inform the Society of all material information relating to the Dispute, and (if applicable) to enable the person to whom the Dispute relates to prepare a response.
- 1.1.2. The Society may make a complaint involving an allegation against a Member or an Officer by giving to the Member or Officer a notice in writing that:
 - (a) States that the Society is raising a Dispute for resolution in accordance with the dispute resolution procedure set out in the Constitution; and
 - (b) Sets out the allegation to which the Dispute relates, which must contain sufficient details to fairly advise the allegation and enable the Member or Officer to prepare a response.

1.2. Right to be Heard

- 1.2.1. A Member or an Officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- 1.2.2. If the Society makes a complaint, the Society will have the right to be heard before the complaint is resolved or any outcome is determined, and one or more Officers may exercise that right on behalf of the Society.
- 1.2.3. If a Member, an Officer or the Society makes a complaint, they must be given:
 - (a) An oral hearing if the decision-maker considers that an oral hearing is needed to ensure an adequate hearing;
 - (b) Reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (c) The right to have their written statement or submissions (if any) considered by the decision-maker.

- 1.2.4. If a complaint is made against a Member, an Officer or the Society, they will have the right to be heard before a complaint is resolved or any outcome is determined (one or more Officers may exercise the right on behalf of the Society).
- 1.2.5. If a Member, an Officer or the Society is involved in a complaint alleging that they have:
 - (a) Engaged in misconduct;
 - (b) Breached, or is likely to breach, a duty under this Constitution, the Regulations or the Act; or
 - (c) Damaged the rights or interests of a Member or the rights or interests of Members generally;

Then they must be given:

- i Sufficient details and time to enable them to prepare a response to the complaint;
- ii An oral hearing if the decision-maker considers that an oral hearing is needed to ensure an adequate hearing;
- iii Reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
- iv The right to have their written statement or submissions (if any) considered by the decision-maker.

When investigating and determining any Dispute, the decision-maker shall have sole discretion to decide whether an oral hearing is required. If the decision-maker decides an oral hearing is required, the decision-maker has sole discretion to determine whether to hold that meeting in person, or by use of audio or audio-visual methods, or a combination of these methods.

1.3. Investigating a Dispute

- 1.3.1. The Society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with clause 1.1, ensure that the Dispute is investigated and determined.
- 1.3.2. The Society may refer a complaint to:
 - (a) A sub-committee or external person to investigate and report to the Committee; or
 - (b) A sub-committee, arbitral tribunal, or external person to investigate and make a decision.
- 1.3.3. The decision-maker may investigate and determine a Dispute by:
 - (a) Holding an oral hearing;
 - (b) Holding meetings with the complainant and respondent (and support persons);

- (c) Requesting written submissions from the complainant and the respondent.
- 1.3.4. The decision-maker must have regard to the complainant and respondent's right to be heard as set out in clause 1.2
- 1.3.5. The decision-maker may decide not to proceed further with a complaint if:
 - (a) The complaint is trivial;
 - (b) The complaint does not appear to disclose or involve any allegation of the following kind:
 - i That a Member or an Officer has engaged in material misconduct;
 - ii That a Member, Officer, or the Society has materially breached, or is likely to breach, a duty of this Constitution, the Regulations or the Act;
 - iii That a Member's rights or interests or Members' rights or interests generally have been materially damaged;
 - (c) The complaint appears to be without foundation, or there is no apparent evidence to support it;
 - (d) The person who makes the complaint has an insignificant interest in the matter;
 - (e) The conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under this Constitution; or
 - (f) There has been an undue delay in making the complaint.
- 1.3.6. A Member may not decide on, or participate as a decision-maker for a Dispute, if two or more Committee members, or two or more members of a sub-committee dealing with a Dispute, consider that there are reasonable grounds to believe that the person may not approach the complaint impartially, or without a predetermined view.

1.4. Resolving Disputes

- 1.4.1. The decision-maker may:
 - (a) Decide not to proceed further with a complaint;
 - (b) Reprimand, suspend or expel the Member or Officer; or
 - (c) Make any decision the decision-maker considers appropriate to resolve the Dispute.
 - (d) The decision-maker's decision shall be made in the sole discretion of the decision-maker and shall be final.