

Procedure for Disputes and Mediation

1. This grievance procedure has been established to deal with disputes under the AANZ rules between –
 - (a) a member and another member
 - or**
 - (b) a member and the Association.

2. The parties to the dispute must meet and discuss the matter in dispute, and , if possible, resolve the dispute within six weeks after the dispute comes to the attention of all parties.

3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within six weeks, hold a meeting in the presence of a mediator.

4. The mediator must be –
 - (a) a person chosen by agreement between the two parties
 - or**
 - (b) in the absence of agreement –
 - (i) in the case of a dispute between a member and another member, a member appointed by the AANZ National Council :
 - or**
 - (ii) in the case of a dispute between a member and the Association, a person who is a qualified mediator and who is a member of the Arbitrators' and Mediators' Institute of New Zealand Inc (AMINZ).

5. The mediator cannot be a member who is a party to the dispute or who is known to either party in dispute.

6. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

7. The Mediator, in conducting the mediation, must –
 - (a) give the parties to the mediation process every opportunity to be heard ;
and,

- (b) allow due consideration by all parties of any written statement submitted by any party ; and
 - (c) ensure that natural justice is accorded to all parties to the dispute throughout the mediation process.
- 8. The mediator shall not determine the outcome of the dispute. A binding resolution will only be awarded by the arbiter if the dispute goes to arbitration.
- 9. If the mediation process does not result in the dispute being resolved, the parties may seek arbitration to resolve the dispute in accordance with The Arbitration Act 1996, or otherwise in law.
- 10. If it is felt in the first instance that the issue under review by members of the MASC constitutes a breach of the AANZ constitution or rules they may recommend that the matter be put before the AANZ disciplinary committee.

If you wish to discuss any aspects of a problem, or wish to submit a formal grievance, contact:

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