

North West FM Policy - Internal Conflict

This Internal Conflict procedure applies to disputes between—

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

A member must not initiate an internal conflict procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

Appointment of mediator

If the parties to a dispute are unable to resolve the dispute between themselves within 14 days, the parties must within 10 days—

- (a) notify the Committee of the dispute; and
- (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement -
 - (i) if the dispute is between a member and another member, a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association, a person appointed or employed by the Dispute Settlement Centre of Victoria.

A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who:

- (a) has a personal interest in the dispute; or
- (b) is biased in favour of or against any party.

Mediation process

The mediator to the dispute, in conducting the mediation, must—

- (a) give each party 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 the parties throughout the mediation process.

The mediator must not determine the dispute.

Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.