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## 29. Dispute Resolution and Mediation

- a) If a dispute cannot be resolved directly between residents, there will first be an attempt to resolve it using the Group Decision Making Process as outlined in Schedule 2
- b) If a dispute is not resolved through Rule 28.a), parties must use the following mediation procedure before commencing legal proceedings:
  - i) The party who wishes to resolve a dispute must give a notice of dispute to the other party stating the nature of the dispute.
  - ii) The other party will either agree to proceed with the mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances. If it is decided that mediation would be helpful then the parties will agree on a mediator within Seven (7) days of the written notice being received.
  - iii) The parties must co-operate with the mediator in an effort to resolve the dispute.
  - iv) The mediator may engage an appropriately qualified expert to give an opinion on technical matters. The cost will be a mediation cost.
  - v) If the dispute is settled, the parties must sign a copy of the terms of the settlement.
  - vi) If the dispute is not resolved within Fourteen (14) days after the mediator has been appointed, or within any extended time that the parties agree to in writing, the mediation must cease.
  - vii) Each party must pay a half share of the mediator's fee and costs including travel, room hire, refreshments etc.
  - viii) The terms of settlement bind the parties, and the terms of settlement may be used as evidence in any arbitration or other legal proceedings.
  - i) To protect the confidentiality of the mediation, the parties agree that written statements given to the mediator, or to one another, and any discussions between them or between them and the mediator during the mediation are not admissible by the recipient in any legal proceedings. This clause will not apply if either party seeks urgent interlocutory relief from any court.