

Dispute Resolution Procedure

PRO-001

Effective from 1st February 2023

Date	Revision	Description
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Dispute Resolution Procedure

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1. INTRODUCTION

- 1.1 This Procedure describes the process for disputes to be raised by Members or third parties and how the Company will manage them to reach a resolution.
- 1.2 This Procedure does not cover disputes between Members of a commercial or personal nature.

2. ACCOUNTABILITIES

- **Disputes Resolution Officer**

The person responsible for handling a dispute, including collecting, reviewing, and submitting information relevant to the dispute to the Board within the required timeframes.

- **Disputes Resolution Committee**

A selection of people who the Board assign the task of reviewing the information gathered and providing recommendations to the Board for the resolution of a dispute. This group could include members, Directors, and external parties.

- **Adjudicator**

The person responsible for reviewing the information gathered and providing recommendations for the resolution of a dispute to the Board. The Adjudicator may be required to oversee the implementation of a resolution. The Adjudicator must not be a Director of the Company or a Member.

- **Board**

The Company's Board of Directors who review the recommendations and make Director Resolutions for the resolution of a dispute.

3. DEFINITIONS

"Dispute" means a complaint in which one party or parties express/es dissatisfaction with the products, services, conduct, actions or omissions of another party or parties in connection with the operation of the Company.

"Recipient" means a person or persons about whom a Dispute is raised.

"Complainant" means a person or persons who raises a Dispute.

"Company" means Speckle Park International Ltd.

"Director Resolution" and "Member" has the same meaning as in the Company's Constitution.

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4. PROCESS

4.1 Principles for Managing Complaints

- 4.1.1 The Company shall manage all Disputes fairly, equitably, and as efficiently as practicable, applying principles of natural justice to ensure procedural fairness.
- 4.1.2 This shall include:
 - (a) Handling Disputes in a courteous and respectful manner;
 - (b) Making decisions free from bias;
 - (c) Hearing all parties to the Dispute;
 - (d) Ensuring the Recipient knows the Dispute raised against them; and
 - (e) Informing all parties to the Dispute of the decision and the reasons for that decision.
- 4.1.3 All Parties are required to attempt to resolve the Dispute, as per clause 21.3 of the Company's Constitution.
- 4.1.4 **Notwithstanding the other provisions of this clause, the Company must in respect of a Dispute:**
 - (a) Continue without delay to allow the Complainant and/or Recipient to operate as Members; and
 - (b) Continue in good faith to work with the Complainant and Recipient until such time as the actions required by this Procedure are finalised.

4.2 Raising a Dispute

- 4.2.1 A Dispute must relate to one of the following areas:
 - (a) The registration of an animal;
 - (b) Concerns about a registered animal;
 - (c) The conduct of a service provider of the Company;
 - (d) The conduct of a member in relation to the Company's Constitution, Rules and Regulations or Policies and Procedures; or
 - (e) The conduct of the Board or a Director of the Company.
- 4.2.2 The Complainant must complete the Dispute Notice (FRM-002) ensuring the following:
 - (a) Sufficient information and particulars of the Dispute are provided;
 - (b) Any supporting evidence is provided;
 - (c) A determination into which category in clause 4.2.1; and
 - (d) The Notice is sent to the Disputes Resolution Officer within 30 days of the Dispute arising.
 - (e) Should the Dispute involve the Disputes Resolution Officer, the Notice shall be sent to the Board.
- 4.2.3 The Board will be notified of all Disputes either directly or by the Disputes Resolution Officer. Note: The Board will maintain a standing agenda item for Disputes in the routine Board meetings.
- 4.2.4 The Board may refuse to accept a Notice if clause 4.2.2 is not complied with or dismiss a Dispute if it is deemed to be frivolous or vexatious.
- 4.2.5 The Complainant is only entitled to provide additional information after the Notice has been Submitted, if new information has come to light that is materially relevant to the Dispute.
- 4.2.6 A Dispute may be withdrawn by the Complainant at any time. It must be in writing and send to the Disputes Resolution Officer.
- 4.2.7 Complainants and Recipients are to assist investigations of their Dispute and have a duty to act in good faith.

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4.3 Responding to a Dispute

- 4.3.1 The Disputes Resolution Officer shall acknowledge a Dispute (in writing) to the Complainant and notify the Board within five (5) business days of receiving a Notice.
- 4.3.2 The Board shall determine which of the following categories the Dispute falls:
- (a) **Category 1:** the Board majority and above a quorum has no conflict of interest; or
 - (b) **Category 2:** The entire Board have a conflict of interest.
- 4.3.3 The Board shall endeavour to resolve all disputes within 2 months of being notified.

4.3.4 Category 1 Dispute Resolution

- The Disputes Resolution Officer shall notify the Recipient of the Dispute and either interview the Recipient and/or request information be provided by or for the Recipient (“Response”) within ten (10) business days of such notification.
- The Recipient is only entitled to provide additional information after the Response has been submitted if new information has come to light that is materially relevant to the Dispute.
- The Disputes Resolution Officer shall present all information they have gathered relevant to the Dispute to the Board at its next scheduled meeting.
- The Board may appoint a Disputes Resolution Committee to review the Notice, and all relevant information and provide a recommendation to the Board at its next scheduled meeting.
- Members of this Committee shall not be in conflict to the subject matter and where practicable, one person shall not be a Member of the Company.
- The Company’s Secretary will notify the Recipient and Complainant in writing of the Director Resolution within five (5) business days of it being made.
- The Director Resolution is final and may not be appealed.

4.3.5 Category 2 Dispute Resolution

- For all Category 2 Disputes the Board shall appoint an Adjudicator.
- The Disputes Resolution Officer shall notify the Recipient of the Dispute and either interview the Recipient and/or request information be provided by or for the Recipient (“Response”) within ten (10) business days of such notification.
- The Recipient is only entitled to provide additional information after the Response has been submitted if new information has come to light that is materially relevant to the Dispute.
- The Disputes Resolution Officer shall present all information they have gathered relevant to the Dispute to the Adjudicator within 1 month of receiving the Notice, recognising the Disputes Resolution Officer must not be in conflict or the Board shall appoint a new Officer for the purposes of the steps outlined for this role.
- The Adjudicator shall work under the regulatory framework for dispute resolution according to the conditions set out in the *Corporations Act 2001* (Cth).
- The Adjudicator’s decision on the Dispute shall be delivered to the Company in accordance with the Corporations Act and shall accord with clause 22 of the Company’s Constitution.
- The Adjudicator will notify the Recipient and Complainant in writing of the Adjudicator’s decision within five (5) business days of it being made.
- The Adjudicator’s Decision is final and may not be appealed.

- 4.3.6 Disputes will be kept confidential as far as reasonably practicable. Exceptions to this clause include:

- (a) As required by law;
- (b) Seeking professional advice;

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- (c) Gathering witness statements to be used in resolution of the Dispute;
- (d) Use in a related disciplinary matter; or
- (e) Otherwise in observing this Procedure.

4.3.7 Any person not bound by this Procedure, including clause 4.3.6 (e.g., because they are not a Member) shall be required to sign a Confidentiality Agreement prior to receiving information pertaining to a Dispute.

4.4 Discipline of Members

This section shall be read in conjunction with clause 22 of the Company's Constitution:

4.4.1 If a Dispute is decided in favour of the Complainant, clauses 4.4.2 and 4.4.3 may apply at the Board's discretion.

4.4.2 **Category 1 Disputes** – The Board may sanction the Recipient, which may consist of one or all of the following:

- (a) A letter of caution;
- (b) A direction in writing to rectify the offending conduct, specifying the manner in which the conduct is to be remedied and by when; and/or
- (c) Suspension of Member rights for up to six (6) months.

4.4.3 **Category 2 Disputes** – The Adjudicator may sanction the Recipient, which may comprise one or all of the following:

- (a) A letter of caution;
- (b) A direction in writing to rectify the offending conduct, specifying the manner in which the conduct is to be remedied and by when; and/or
- (c) Director(s) are deemed ineligible according to clause 46 of the Company Constitution.

4.4.4 All notifications shall be done by the Company Secretary.

4.5 Limitation on Proceedings

The parties agree that, prior to commencing any court or tribunal proceeding in respect of a Dispute, the Complainant must comply fully with this Procedure.

5. RECORDS

5.1 A Dispute Resolution Register (FRM-025) and files shall be maintained and held by the Company. These records will state and include:

- (a) whether a Notice is accepted, rejected, or withdrawn;
- (b) the Dispute documentation; and
- (c) the outcome of each Dispute.

5.2 This Procedure does not apply to Disputes that arose prior to 1 December 2022. Such Disputes shall be recorded according to the requirements set out in the superseded Complaints Policy & Procedure.

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6. APPENDICES

Appendix	Details
1	blank Dispute or Complaint Notice (FRM-002)
2	blank Dispute Resolution Register (FRM-025)

7. RELATED DOCUMENTS

Doc No.	Details
	Constitution of Speckle Park International Ltd
	Rules and Regulations
	Code of Conduct (PRO-003)
	Social Media Policy (PRO-004)

APPENDIX 1

SEE FRM-002 DISPUTE OR COMPLAINT NOTICE