



## **IWM Standard Dispute Resolution Procedures**

### **For Front Lift, Rear Lift, Grease Trap and Septic Services**

**Current as at 1 September 2019**

1. A party, being either Instant Waste Management or the Customer, may deliver to the other party a written notice ("Dispute Notice") which sets out the nature of the Dispute and the relief or remedy that the party seeks.
2. During the period of 10 Business Days after delivery of the Dispute Notice, or any longer period agreed in writing by the parties ("Initial Period"), each of the parties must use undertake genuine and good faith negotiations with a view to resolving the Dispute.
3. If the parties are unable to resolve the Dispute in the Initial Period, then the Dispute must be referred to mediation in accordance with the following:
  - (a) The parties must agree on a mediator within 10 Business days after the end of the Initial Period. If they fail to do so, any party may request the Australian Dispute Centre ("ADC") to appoint a mediator.
  - (b) Any mediator agreed by the parties or appointed by ADC must be independent and impartial.
  - (c) The mediation must be commenced within 20 Business Days after the mediator has been appointed and must be concluded within 30 Business Days after the mediator has been appointed, unless otherwise agreed between the parties.
  - (d) The mediation must take place in Perth at a venue agreed by the parties.
  - (e) The parties must in good faith co-operate with the mediator and must comply with requests by the mediator including requests to submit written materials, provide evidence, attend meetings and pay the mediator's fees.
  - (f) The parties agree that the mediation will be private and confidential and they undertake not to rely on or introduce as evidence in any arbitral or judicial proceedings, whether or not such proceedings relate to the Dispute that is the subject of the mediation, any matter relating to the mediation (including the existence of the mediation), any settlement agreement, materials created for the purpose of the mediation and documents produced by another party in the mediation except:
  - (g) for the purpose of making an application to a court of competent jurisdiction to enforce the settlement agreement;
    - i) pursuant to the order of a court of competent jurisdiction; or
    - ii) if required by the law of any State which is binding on the party making the disclosure.
4. The parties must agree on a mediator within 10 Business days after the end of the Initial Period. If they fail to do so, any party may request ADC to appoint a mediator.