

Dispute Resolution typically involves some or all of the following:

- ✓ [Negotiation](#);
- ✓ [Mediation](#);
- ✓ [Conciliation](#);
- ✓ [Expert Appraisal](#) ;
- ✓ [Arbitration](#);
- ✓ [Litigation](#)

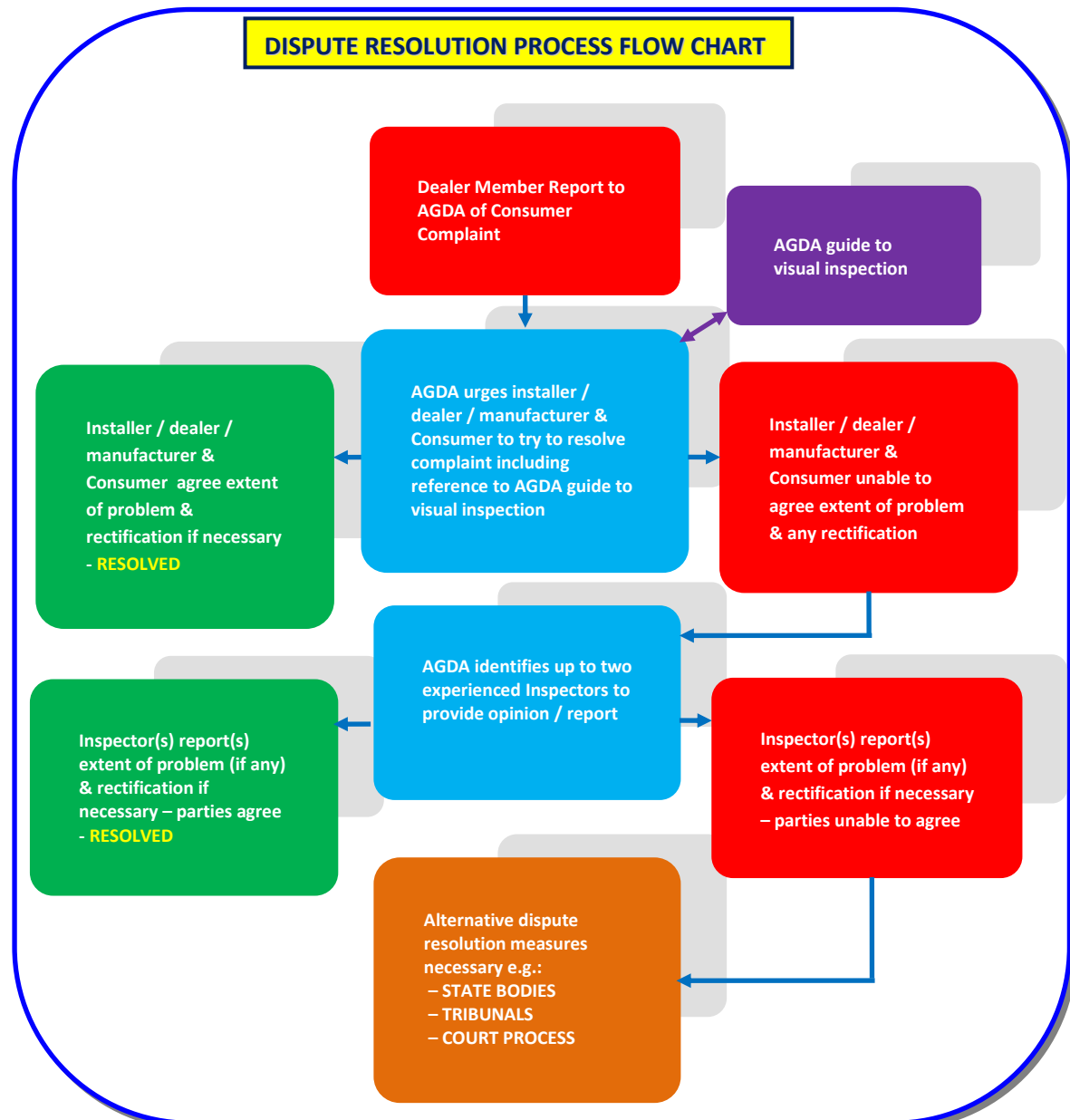
These 3 focus on effective communication with parties in dispute 'in control' and readily agreeing or able to be persuaded to agree on resolution of the dispute

These 3 focus on 'control' being handed to 3rd party for recommendation of or determination of resolution to the dispute

AGDA recommends a minimum cost approach based around the 1st three elements with option of the 4th element for a dispute resolution process based on steps which have been undertaken by AGDA in the past and listed below-

- ✓ Contact by a dealer member about a consumer complaint.
- ✓ AGDA advises discussion by installer/dealer/manufacturer with consumer to agree extent of problem & any rectification.
- ✓ Reference to AGDA Guide to visual inspection.
- ✓ AGDA identifies up to two experienced installer/dealer or acceptable technical representative of a manufacturer willing to visit site and provide opinion/report, to cover a second opinion where required.
- ✓ In the event there is no agreement or resolution of the problem more formal avenues of dispute resolution are available to consumers and tradespeople.

DISPUTE RESOLUTION PROCESS FLOW CHART



Alternative avenues of dispute resolution include-

STATE BODIES

- ❖ NSW Fair Trading
- ❖ Building Services Authority QLD
- ❖ Consumer and Business Services SA
- ❖ Consumer Affairs and Fair Trading TAS
- ❖ Consumer Affairs VIC
- ❖ Department of Commerce WA

[Note: The ACT, as do most States, has formal procedures on resolving security of payment disputes but a web search has not located current dispute resolution procedures similar to the above]

Most of these State body websites detail procedures from consumer perspective but trades people can usually utilise them as the NSW website outlines.

AGDA has available as a library resource, a summary of the various procedures each of the State bodies promotes from their websites. Alternatively direct access to each website can be made, by parties to a dispute, in the event that updates may have been made to the particular website.

TRIBUNALS for Dispute Resolution are available in most States and their decisions are enforceable at law.

COURT PROCESS would be an expensive option with smaller disputes able to be referred to the lower cost regime of District Courts in each State directly or through Alternative Dispute Resolution, involving agreed mediation with decisions enforceable at law.

Independent 3rd party specialist organisation, such as Institute of Arbitrators and Mediators Australia (IAMA), offer services for Alternative Dispute Resolution.